

**ADOPTED REGULATION OF THE
DEPARTMENT OF PERSONNEL**

LCB File No. R147-01

Effective January 22, 2002

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

AUTHORITY: §§1-12, 16-21, 24, 30, 47, 49-53, 57, 60-62, 70, 71, 73, 79 and 80, NRS 284.155 and 284.175; §§13-15, 22, 23, 25-29, 31-46, 54-56, 58, 59, 63-68, 74-78, NRS 284.175; §48, NRS 284.175 and 284.335; §§69 and 72, NRS 284.155.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. *“Base rate of pay” means the dollar value of an employee’s grade and step.*

Sec. 3. *“Full-time employee” means an employee whose work schedule is 100 percent of the full-time equivalent established for the employee’s pay class designation.*

Sec. 4. *“Full-time equivalency” or “full-time equivalent” means:*

1. For a nonexempt employee, the number of hours authorized by the department of personnel for the nonexempt employee’s position, divided by the number of base hours established for the position’s pay class designation.

2. For an exempt classified employee or an exempt unclassified employee, the number of days authorized by the department of personnel for the employee’s position, divided by the number of base days established for the position’s pay class designation.

Sec. 5. *“Holiday” means a day that is designated to be a legal holiday pursuant to NRS 236.015.*

Sec. 6. *“Nonexempt employee” means an employee who is not subject to the provisions of NRS 284.148.*

Sec. 7. *“Normal rate of pay” means the dollar value of an employee’s base rate of pay plus any adjustment that has been made pursuant to the provisions of NAC 284.206.*

Sec. 8. *“Paid status” means the time that an employee is:*

- 1. Working;*
- 2. On leave with pay, except catastrophic leave; or*
- 3. On a leave of absence due to a fiscal emergency declared pursuant to NAC 284.580.*

Sec. 9. *“Part-time employee” means an employee whose work schedule is less than 100 percent of the full-time equivalent established for the employee’s pay class designation.*

Sec. 10. *“Part-time employment” means a work schedule that is less than 100 percent of the full-time equivalent established for an employee’s pay class designation.*

Sec. 11. *“Pay class designation” means the designation set by the department of personnel for a group of employees whose pay is calculated in a similar manner, including, without limitation, the maximum number of full-time equivalent hours in a biweekly or semimonthly pay period, the method of reporting hours worked and whether pay is calculated on the basis of hours worked or an annual salary.*

Sec. 12. *“Positive reporting employee” means an employee who is required to record on a timesheet all hours that he is in paid status.*

Sec. 13. *1. Except as otherwise provided in subsection 2, service in any provisional, temporary, special disabled or emergency status that is immediately followed by probationary or permanent status must be credited toward eligibility for a merit pay increase.*

2. Service in a seasonal position must be credited toward eligibility for a merit pay increase. An incumbent in such a seasonal position must complete 1 year of full-time equivalent service before he is eligible for a merit pay increase.

Sec. 14. 1. *At the direction of the appointing authority, compensatory time must be used within a reasonable time after it is accrued.*

2. Unless it would cause an undue hardship to the agency, a request for the use of compensatory time may not be unreasonably denied if the request is made at least 2 weeks in advance of the first date on which the employee wishes to use his compensatory time.

3. Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his compensatory time before he uses his available annual leave.

Sec. 15. 1. *For compensation for holiday pay pursuant to NAC 284.526 and payment for actual hours worked on a holiday pursuant to NAC 284.530, the appointing authority shall designate whether such compensation will be based on the:*

(a) Calendar day; or

(b) Entire shift of the employee.

2. If a work shift designated pursuant to paragraph (b) of subsection 1 occurs on 2 consecutive calendar days:

(a) The employee may receive compensation related to the holiday for his entire shift only if 50 percent or more of his shift occurs on the holiday;

(b) The appointing authority shall ensure that the compensable hours related to the holiday are so designated on the timesheet of the employee; and

(c) The appointing authority of an employee who has two or more scheduled shifts on a holiday shall designate only one shift on the holiday for which the employee may receive compensation related to the holiday.

3. If a holiday occurs on the day off of a full-time nonexempt employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs. If a holiday occurs on the day off of an exempt classified employee or exempt unclassified employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs or for a subsequent week.

Sec. 16. NAC 284.010 is hereby amended to read as follows:

284.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.022 to 284.112, inclusive, *and sections 2 to 12, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 17. NAC 284.0637 is hereby amended to read as follows:

284.0637 ~~["Excluded]~~ *"Exempt classified employee"* means an employee in the classified service described in subsection 2 of NRS 284.148.

Sec. 18. NAC 284.0638 is hereby amended to read as follows:

284.0638 ~~["Excluded]~~ *"Exempt unclassified employee"* means an employee in the unclassified service described in subsection 1 of NRS 284.148.

Sec. 19. NAC 284.064 is hereby amended to read as follows:

284.064 "Full-time employment" means a work schedule ~~[which is at least 40 hours per week or 80 hours biweekly.]~~ *that is 100 percent of the full-time equivalent established for the pay class designation.*

Sec. 20. NAC 284.066 is hereby amended to read as follows:

284.066 “Grade” means the ~~[designation of a salary]~~ *number assigned by the department of personnel to identify the range of pay* for a class.

Sec. 21. NAC 284.102 is hereby amended to read as follows:

284.102 “Step” means *the number assigned by the department of personnel to identify* a specific rate of pay within a grade.

Sec. 22. NAC 284.126 is hereby amended to read as follows:

284.126 1. For the purposes of this section:

(a) “Agency personnel officer” means the director of personnel within the University and Community College System of Nevada or any person holding a position in the classified service with the title of personnel officer.

(b) “Significant change” means a change in the duties and responsibilities assigned to a position in a class that:

- (1) Is outside of the scope of the class as described by the class specification;
- (2) Is not part of the scope of responsibility of the position; and
- (3) Results in the preponderance of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the department of personnel or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the department of personnel will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate. The effective date will

be the date on which form NPD-19 is received by the department of personnel or agency personnel officer unless information concerning the qualifications of the incumbent or information which substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date *on which* the form should reasonably have been submitted to the department of personnel or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months ~~from~~ *after* the date of receipt.

3. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the budget division of the department of administration or, in the case of the University and Community College System of Nevada, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the department of personnel until funding for it is approved. If the change is approved by the department of personnel, the effective date will be determined by the budget division.

4. In effecting a reclassification pursuant to subsection 2 or 3, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position. If an

employee does not meet the minimum qualifications to reclassify his position, he is not eligible for promotion, but may be eligible for a special adjustment ~~in salary~~ to his pay pursuant to NAC 284.206.

5. The establishment of a new class, or reallocation of a class or a class series based on an occupational study conducted by the department of personnel, becomes effective when the funding is provided by the legislature in the biennial operating budget for this state.

6. From the date that the department of personnel formally announces the beginning of an occupational study until the date that the occupational study is funded by the legislature:

(a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.

(b) An existing class in the occupational study must not be reallocated to a different ~~pay~~ grade.

(c) A new position may be allocated to an existing class or a new class as determined by the department of personnel.

Sec. 23. NAC 284.132 is hereby amended to read as follows:

284.132 1. An appointing authority, an employee or the department of personnel may request a temporary classification which allows the classification of a position for a temporary period of 1 year or less. Each appointment which is designated as temporary must have specific criteria established which justify the grade of the position and the projected date of expiration of the period. A position which no longer meets this criteria will revert back to the class from which it was reclassified. This method of classification is subject to the following conditions:

(a) Temporary classifications must meet the allocation standards and the criteria established for the class before this method may be used. The classification must be approved by the department of personnel before the appointment.

(b) An employee who is appointed to a temporary class must sign the payroll document. This signature acknowledges that the employee understands the conditions of the reclassification and its projected date of expiration.

2. If the employee meets the minimum qualifications for the temporary classification, he:

(a) Retains his status of appointment; and

(b) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

FLUSH An incumbent who has reverted to his previous class is entitled to the step, pay progression date and status of appointment he would have attained if he had not been appointed to the temporary class.

3. ~~[An]~~ *The pay progression date of an* employee who is promoted pursuant to this section ~~[must receive a new pay progression date if his promotion results in an increase of at least two grades.]~~ *will be determined in accordance with the provisions of NAC 284.182.* The rate of ~~[compensation]~~ *pay* for the employee will be determined in accordance with the provisions of NAC 284.170 governing ~~[compensation]~~ *an employee's pay* on promotion.

4. In case of a layoff, the temporarily assigned employee's class of layoff is his former class. The time served in the temporary class is counted for seniority purposes if it was in the same occupational class, as provided in NRS 284.171.

Sec. 24. NAC 284.134 is hereby amended to read as follows:

284.134 1. An incumbent who meets the minimum qualifications for an individual reclassification as provided in NAC 284.126 may be reclassified to a higher level. If the incumbent's position is reclassified as a result of an individual classification study, the incumbent will continue to serve in the position and he:

- (a) Must be promoted;
- (b) Retains his status of appointment; and
- (c) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. ~~[An]~~ *The pay progression date of an* employee who is reclassified pursuant to this section ~~[must receive a new pay progression date if his promotion results in an increase of at least two grades.]~~ *will be determined in accordance with the provisions of NAC 284.182.* The rate of ~~[compensation]~~ *pay* will be determined in accordance with the provisions of NAC 284.170 governing ~~[compensation]~~ *an employee's pay* on promotion.

Sec. 25. NAC 284.138 is hereby amended to read as follows:

284.138 1. Except as otherwise provided in subsections 3 and 4, if a class or a position within a class is reclassified or reallocated to a higher grade as a result of an occupational study, the incumbent will continue to serve in the position and he:

- (a) Must be promoted;
- (b) Retains his status of appointment;
- (c) Retains his pay progression date; and
- (d) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. The rate of **[compensation] pay** for employees who are promoted will be determined in accordance with the provisions of NAC 284.170 governing **[compensation] an employee's pay** on promotion.

3. The provisions of subsection 1 do not apply to an incumbent who is filling a position in a class which is at a lower grade than the authorized level of the position unless the class held by the incumbent is reclassified or reallocated to a higher grade.

4. If a position is reclassified to a higher grade in a different occupational **[class,] group**, the employee must meet the minimum qualifications of the higher level position before he is promoted. If the employee does not meet the minimum qualifications, he must not be promoted, the position will be temporarily reclassified pursuant to NAC 284.132 and the employee may be eligible for a special **[salary]** adjustment *to his pay* as provided in NAC 284.206. If the employee does not meet the minimum qualifications within 1 year after the effective date of the reclassification, the duties must be reassigned and the position must be reclassified accordingly.

Sec. 26. NAC 284.140 is hereby amended to read as follows:

284.140 1. If a class or position is reclassified to a lower grade, the incumbent's title and grade must be changed to the new class. He will retain his status of appointment and pay progression date. The rate of **[compensation] pay** will be determined by the provisions of NAC 284.290 governing **[compensation] an employee's pay** on retained rates or, if the employee does not meet these requirements, by the provisions of NAC 284.170 governing **[compensation] an employee's pay** on demotion.

2. The employee is eligible for reappointment to the same or a similar class from which he was reclassified.

3. The employee is entitled to reemployment rights to his former class and option in his department for 1 year ~~from~~ *after* the date of notification of the reclassification to the lower grade if the employee and the agency provide the necessary information regarding the employee's seniority on the prescribed form.

4. If the employee is receiving a retained rate of pay and he declines the first opening which is offered to him for his previous class in his department and location, he forfeits his reemployment rights to the former class and must be immediately reclassified to the lower grade and the provisions of this chapter governing the ~~salary~~ *pay* of an employee on demotion apply.

Sec. 27. NAC 284.158 is hereby amended to read as follows:

284.158 1. ~~Except as otherwise provided in NRS 284.160, the grade for each class, as determined by the commission, represents the salary range for~~ *A range of pay for a class must be based on* full-time employment ~~in the classified service.~~

~~2. The state's official base rates of pay are~~ *for the pay class designation.*

2. *Employees are paid on a* semimonthly or biweekly ~~rates~~ *basis* depending on the ~~pay schedule used by that agency.~~ *schedule on which the employing agency pays employees in the class.*

3. *Payment for part-time employment is based on the direct proportion of hours that a part-time employee works to the hours of full-time employment for the employee's pay class designation.*

4. *Payment of intermittent, per diem and positive reporting employees is based on the number of hours reported by each such employee.*

Sec. 28. NAC 284.170 is hereby amended to read as follows:

284.170 1. Except as otherwise provided in NAC 284.204 *regarding adjustment of steps within the same grade* and NAC 284.206 ~~[]~~ *regarding special adjustments to pay*, the following provisions govern the ~~[rate of salary]~~ *grade and the step at* which *an employee* must be paid at the time of employment:

(a) If the employment is an initial appointment, the ~~[salary]~~ *employee's base rate of pay* must be *set* at ~~[the lowest]~~ step *1* of the grade of the ~~[position.]~~ *position's class*.

(b) If the employment is a reinstatement to a position which is:

(1) At the same grade as that of the employee's former position, he ~~[may]~~ *must* be paid at or below the step which he held in his former position.

(2) At a lower grade ~~[or a higher grade than that of his]~~ *than the employee's* former position, he ~~[may]~~ *must* be paid at or below the step *in the lower grade* which most closely corresponds to the ~~[grade and step]~~ *base rate of pay* of his former position. ~~[if the higher grade is a]~~

(3) *A* result of the reallocation of the entire class because of a reclassification or *a* general ~~[salary increase.]~~ *pay increase, he must be paid at or below the step in the new grade which most closely corresponds to the base rate of pay of his former grade.*

2. The following provisions govern the rate of ~~[salary]~~ *pay* which must be paid if an employee is promoted:

(a) The employee must be placed at the lowest step in the higher grade that meets one of the following requirements:

(1) If the employee moves one ~~[grade]~~ *or two grades* above his former grade, he must be placed at ~~[a]~~ *the same* step in the new grade ~~[which is equivalent to an increase of one step above his former salary.]~~ *as the step he held in his former grade.*

(2) If the employee moves ~~two~~ *three* or more grades above his former grade, the employee must be placed:

(I) At a step which is equivalent to an increase of two steps ~~;~~ *above the step he held in his former grade;* or

(II) At the lowest step of the new grade,

FLUSH whichever ~~salary~~ *pay* is higher and in accordance with the provisions of subsection 8.

(b) ~~An adjustment in salary~~ *A special adjustment to an employee's pay for performing supervisory duties which is* granted in accordance with paragraph (c) of subsection 1 of NAC 284.206 is the present level of ~~salary~~ *pay* for the purpose of calculating ~~an~~ *a promotional* increase authorized by ~~this subsection~~ *paragraph (a)* only if the employee ~~;~~

~~—(1) Has held~~ *has received* the *special* adjustment *to his pay* for ~~the equivalent of~~ *more than* 6 months ~~or more~~ of *continuous* full-time service . ~~;~~ *and*

~~—(2) Is not underfilling a higher class.]~~

(c) If an employee has been demoted, he may not receive a promotional increase in ~~salary~~ *pay* that is greater than ~~that~~ *the increase* which he would have otherwise been entitled to receive had he not been demoted.

(d) This subsection does not apply when an employee is reemployed or reappointed to his former grade within 1 year after holding that grade.

3. Except as otherwise provided in this subsection and *paragraph (b) of subsection 1 of* NAC 284.618, an employee who is demoted must be paid at a step within the grade of the ~~lower~~ *class to which he was demoted* as follows:

(a) If the employee has attained permanent status in the class from which he was demoted and the demotion is instituted at the employee's request or is ~~subject to his choice of acceptance~~

~~or rejection,]~~ *acceptable to the employee*, the appointing authority shall pay him at a step *in the grade of the class to which he was demoted* which is:

(1) Equal to his present ~~[salary;]~~ *base rate of pay*; or

(2) Equivalent to a decrease of not more than one step ~~[;]~~ *from his base rate of pay in the position from which he was demoted*. Except as otherwise provided in paragraph (b), ~~[of this subsection,]~~ if the ~~[salary]~~ *base rate of pay in the position from which he was demoted* does not fall within the grade of the ~~[lower class,]~~ *class to which he was demoted*, the employee must be paid at a step in the ~~[lower]~~ *grade of the class to which he was demoted* which is equal to:

(I) The step he would have received ~~[, based on satisfactory performance,]~~ if he had not been promoted ~~[;]~~ *to the position from which he was demoted*; or

(II) The step he would have received ~~[, based on satisfactory performance,]~~ if he had been employed in that class from the inception of his employment with the State of Nevada.

(b) An exception to subparagraph (2) of paragraph (a) may be granted by the appointing authority to pay an employee at a rate that does not fall within the ~~[lower]~~ *grade of the class to which he is demoted* if the appointing authority determines that the demotion is in the best interest of the employee and the State of Nevada. If such an exception is granted ~~[, the]~~ :

(1) *The* employee's *base* rate of pay will be limited to three grade levels above the grade of the class to which he is demoted or his ~~[current salary,]~~ *base rate of pay in the position from which he was demoted*, whichever is less.

(2) The employee's ~~[current salary]~~ *base rate of pay in the position to which he was demoted* will be frozen until it falls within the ~~[range]~~ *grade* of the ~~[lower grade]~~ *class to which he was demoted* or for a maximum of 2 years after the date he was demoted, making the employee ineligible for any ~~[future salary adjustment,]~~ *merit pay increases*, cost of living

adjustments or ~~[wage and salary adjustments.]~~ *adjustments for a class of employees that has been approved by the legislature.*

(3) If the employee's frozen ~~[salary]~~ *base rate of pay* does not fall within the ~~[range of the lower]~~ grade *of the class to which he was demoted* within the 2-year period, his ~~[salary]~~ *base rate of pay* will be adjusted to the highest step within the ~~[lower grade.]~~ *grade of the class to which he was demoted.*

(c) If an employee accepts a promotion and is demoted before attaining permanent status in the class, he must be paid at ~~[-~~

~~—(1) The first step in the grade of the class to which he was demoted; or~~

~~—(2) A] a~~ step in the grade of the class to which he was demoted which is equivalent to the ~~[salary]~~ *base rate of pay* to which he would have been entitled had he not been promoted . ~~[-~~ ~~whichever is greater.]~~

(d) If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by paragraph ~~[(e);]~~ *(b)*, the appointing authority shall determine the step in the ~~[lower]~~ grade *of the class to which the employee was demoted* at which the employee will be paid.

(e) ~~[Except as otherwise provided in this paragraph, if the demotion occurs during the initial]~~ *If an employee is demoted during his* probationary period in state service, the ~~[employee must be placed at the first step in the class to which he is demoted. If such a demotion occurs because of a displacement due to a layoff or the restoration of an employee pursuant to NRS 284.300,~~ ~~the]~~ appointing authority may pay the demoted employee at any step in the ~~[lower]~~ grade *of the class to which the employee was demoted* that is not greater than his ~~[present salary.~~

~~—4.— If]~~ *base rate of pay before the demotion.*

4. *Except as otherwise provided in NAC 284.204, if* an employee ~~[is transferred]~~ *transfers* to a position in the same or a related class, he must be placed at the corresponding step in the same grade that he held before the transfer. Any exception to this subsection must be ~~[approved]~~ :

(a) *Based on the provisions of NAC 284.204; or*

(b) *Approved* by the department of personnel based upon a written request and justification for the exception submitted by the appointing authority.

5. If an employee is reappointed to a position ~~[:~~

~~—(a) Which]~~ *which* is in ~~[the]~~ :

(a) *The* grade which he currently holds, he retains his step.

(b) ~~[Which is in a]~~ *A* higher grade and the appointment occurs within 1 year after the date on which he last held the grade, he must be placed at the step which he last held in that grade.

(c) ~~[Which is in a]~~ *A* higher grade and the reappointment occurs more than 1 year after he held that grade, his ~~[salary]~~ *pay* must be calculated pursuant to *the provisions relating to promotion in* subsection 2.

FLUSH Any exception to this subsection must be approved by the department of personnel based upon a written request and justification for the exception submitted by the appointing authority.

6. Except as otherwise provided in subsection 7, if a person is reemployed at:

(a) The same grade, ~~[there must be no change in step.]~~ *he must be placed at the step which he last held in that grade.*

(b) A lower grade, he must be placed at a step which most closely corresponds to the ~~[grade and step]~~ *base rate of pay* which he held at the time of his layoff or separation.

(c) A higher grade and the appointment occurs within 1 year after the date on which he last held the grade, he must be placed at the step which he last held in that grade.

FLUSH An exception to this ~~requirement~~ *subsection* may be made if the conditions in NAC 284.204 ~~or 284.206~~ exist, or if money is not available as certified by the chief of the budget division of the department of administration or, in the case of an agency that is not funded from the state general fund or the University and Community College System of Nevada, as certified by the administrator of that agency or system. If an exception is made pursuant to this subsection ~~§~~ *because the agency does not have sufficient money available*, the employee retains his right of reemployment.

7. If a person who is eligible for military reemployment is reemployed, the period of his military service must be included in calculating the step at which he will be placed.

8. An employee who has been continuously employed without a break in service may not have his ~~salary~~ *step* set below:

(a) Step 4 of any grade if his date of hire is before April 26, 1973; or

(b) Step 3 of any grade if his date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.

9. ~~When~~ *Except as otherwise provided in this subsection, if* a nonclassified or unclassified employee or an employee included in the personnel system pursuant to the provisions of NRS 284.022 is appointed without a break in service to the classified service, he may, at the discretion of the appointing authority:

(a) Be paid at a step which corresponds to or is below his ~~current~~ rate of pay *as a nonclassified or unclassified employee* if it is within the grade of the class to which he is appointed;

(b) Be paid at the first step in the new grade to which he is appointed; or

(c) Receive a special adjustment to his ~~salary~~ pay pursuant to subsection 1 of NAC 284.204 or NAC 284.206.

FLUSH *An exception to this subsection may be made if a nonclassified or unclassified employee who was an employee of the legislative branch of state government employed at the conclusion of a regular session of the legislature pursuant to NRS 284.3775 transfers to state service.*

10. An employee who was previously employed in the classified service and is appointed pursuant to the provisions of subsection 9 may not be paid at a step and grade which is greater than he received at the time he left the classified service, unless he has held the unclassified or nonclassified position for more than 1 year.

11. As used in this section, “present level of ~~salary~~ shall be deemed to be pay” means a rate of pay that is equal to the amount that ~~coincides with~~ is assigned to the step within the grade which is closest to, but does not exceed, the employee’s ~~salary after the~~ pay after a special adjustment ~~to~~ pay pursuant to the provisions of NAC 284.206.

Sec. 29. NAC 284.182 is hereby amended to read as follows:

284.182 1. An employee ~~who~~ receives a ~~promotion or an individual reclassification that results in an increase of at least two grades must receive a~~ new pay progression date ~~to~~.

~~2. If an employee is in a position that is reclassified upward as a result of an occupational study,] if he is:~~

(a) Promoted to a position that results in an increase of two grades or more; or

(b) Reinstated.

2. An employee retains his pay progression date ~~to~~.

~~3. An employee who is reinstated must receive a new pay progression date.~~

~~4. An employee who is demoted retains his pay progression date.] if he is:~~

(a) Promoted to a position that results in an increase of one grade;

(b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;

(c) Transferred to a position without receiving an increase in grade;

(d) Reappointed to a position at a grade that he formerly held;

(e) Reemployed and has remained continuously employed; or

(f) Demoted.

3. If a person who is eligible for military reemployment is reemployed, he retains the pay progression date held when he separated from this state for his service in the military.

4. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored.

~~5. [If an employee transfers to a position without receiving an increase in grade or is reappointed to a position at a grade he formerly held, he retains his pay progression date.~~

~~6. An]~~ *Except as otherwise provided in this subsection, an* employee's pay progression date must be adjusted ~~[for the amount of time]~~ :

(a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or

(b) On a day-for-day basis for the amount of time that he was unemployed if the employee:

(1) Is reemployed following a separation from state service within 1 year after the date on which he was laid off or received a seasonal separation;

(2) *Is a person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013; or*

(3) *Is:*

(I) *A nonexempt employee who is on leave without pay or on catastrophic leave in excess of 240 hours ; or ~~[, in the case of an excluded classified employee,]~~*

(II) *An exempt classified employee on leave without pay or on catastrophic leave in excess of 30 working days, ~~[that he spends on leave without pay and on catastrophic leave, combined,]~~*

FLUSH in a year, except for leave without pay *for a work-related injury or illness* pursuant to NRS 281.390 or ~~[284.365]~~ *on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to* NAC 284.580. An employee whose ~~[regular work schedule is]~~ *base hours are* more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the ~~[number of hours that his regular work schedule exceeds 80 hours biweekly. For the purpose of this subsection, the year begins on the employee's most recent date of appointment except when there is a retained pay progression date. In that instance, the year begins 1 year before the retained pay progression date. Each subsequent year begins on the date the employee attains his pay progression date.~~

~~—7.—A person who is rehired within 1 calendar year after having been laid off or received a seasonal separation will have his pay progression date adjusted on a day for day basis for the time during which he was not employed.~~

~~—8.—A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he~~

~~sustained the permanent disability as determined pursuant to NAC 284.6013 will have his pay progression date adjusted on a day-for-day basis for the time during which he was not employed.~~

~~—9.— If a person is reemployed and has remained continuously employed, he retains his pay progression date.~~

~~—10.— If a person eligible for military reemployment is reemployed, he retains the pay progression date held when he separated from this state for his service in the military.~~

~~—11.— An employee who changes from working full time to part time or from part time to full time must have his pay progression date adjusted to equal 1 year of service equivalent to full-time service.~~

~~—12.— Service in:~~

~~—(a) Provisional, temporary, special disabled and emergency status must be credited toward eligibility for an increase in salary based on merit if it is immediately followed by a probationary or permanent status.~~

~~—(b) A seasonal position which is probationary or permanent must be credited toward eligibility for an increase in salary based on merit. If an incumbent's status of appointment is other than probationary or permanent, the provisions in paragraph (a) apply. An incumbent in a seasonal position must complete 1 year of employment equivalent to full-time service with this state before he is eligible for the increase.] *base hours for his pay class designation.*~~

Sec. 30. NAC 284.186 is hereby amended to read as follows:

284.186 If the date of an eligible employee's promotion coincides with his pay progression date, ~~[an increase in salary based on]~~ *the* merit *pay increase* must be granted first and the promotional increase must be applied to the higher rate.

Sec. 31. NAC 284.190 is hereby amended to read as follows:

284.190 1. For the purposes of this section, “automatic advancement” *or* “*automatically advanced*” means the progression of an employee to the authorized grade of the position, but not exceeding the journey level. Automatic advancement occurs without recruitment and may occur without examination. It is based upon the employee’s:

- (a) Meeting ~~[of the]~~ minimum qualifications;
- (b) Satisfactory performance; and
- (c) Endorsement by his appointing authority.

2. In determining the status of an employee who has been ~~[promoted by an automatic advancement:]~~ *automatically advanced*:

- (a) The provisions in subsection 2 of NAC 284.170, governing ~~[compensation]~~ *an employee’s pay* on promotion, apply.
- (b) If the employee had attained permanent status in the class from which he was ~~[promoted,]~~ *automatically advanced*, he retains that status in the new ~~[level to which he was promoted. A subsequent promotion other than by automatic advancement places him in probationary status in that]~~ class.
- (c) If the employee had not attained permanent status in the class from which he was ~~[promoted,]~~ *automatically advanced*, he must remain in probationary status in the new ~~[level]~~ *class* until he has worked in that ~~[level]~~ *class* for a period equal to the remaining portion of the probationary period that is required for the new ~~[level.]~~ *class*.

Sec. 32. NAC 284.194 is hereby amended to read as follows:

284.194 1. An employee whose last rating of performance was standard or better and who has not attained the top step of his grade must receive ~~[an increase in his salary based on]~~ *a merit pay increase* of one step on his pay progression date . ~~[and]~~ *Unless the employee receives a*

subsequent rating of performance that is substandard, an employee will receive a merit pay increase of one step for each additional year ~~thereafter~~ of employment equivalent to full-time service until he reaches the top step of the grade . ~~[unless he receives a subsequent rating of performance which is substandard.]~~

2. An employee whose last rating of performance was substandard is not eligible for ~~an increase in his salary based upon merit. Such an employee is only entitled to receive an increase in salary based on merit on the date designated and recorded on a subsequent report on performance as the date on which~~ *a merit pay increase until* his overall performance ~~[improved] improves~~ to standard or better. If a subsequent report on performance is not filed with the director within ~~[30 days after the date]~~ *the 90-day period* required by subsection 4 of NRS 284.340, the employee's performance will be deemed standard and he will be entitled to the *merit pay* increase effective on the date *on which* the *subsequent* report on performance was due. The date *on which* a report *on performance* is received by the director or an employee of the department of personnel is the date ~~it~~ *on which the report* is filed.

3. If ~~an increase in salary based on~~ *a merit pay increase* is withheld as provided in subsection 2 ~~it~~ *because a rating of performance was substandard*, the employee's pay progression date must not be affected.

4. ~~[Except as otherwise provided in NAC 284.202, no retroactive payment of an increase in salary based on merit may be given.]~~ *If a merit pay increase is delayed solely because of an administrative or clerical error, the increase must be made effective on the date on which the increase was properly due.*

Sec. 33. NAC 284.204 is hereby amended to read as follows:

284.204 1. The department of personnel may approve an adjustment of steps within the same ~~[pay]~~ grade to:

(a) *Allow an appointing authority the flexibility to adjust the rate of pay for a position that will be filled by a person from a pool of eligible persons who are applying for the position on an open competitive basis in order to:*

(1) Meet a difficult recruiting problem ~~[if]~~ *in which* an effort to recruit a person for a position or class has failed to produce ~~[applications from]~~ at least five eligible persons who are available to work, or the recruitment for the position or class has been deemed historically difficult. Such an adjustment of steps may be approved by the department of personnel for a class for a period of 1 year.

~~[(b)]~~ (2) Employ a person ~~[who possesses qualifications which are]~~ *whose education or experience is* superior to those of another eligible person ~~[if he possesses experience or education, or both, which exceed:~~

~~—(1) The]~~ *and who exceeds the* minimum qualifications of the class . ~~]; and~~

~~—(2) The experience and education of any other eligible person who is available.]~~

Any experience or education ~~[, or both,]~~ which is considered by the appointing authority pursuant to this ~~[subsection]~~ *subparagraph* must be given a greater weight for those areas which are directly related to the position than ~~[those areas of]~~ general education and experience. ~~[The rate of salary is negotiable within the grade of the class of the position.~~

~~—(c)]~~ (b) Maintain an equitable relationship in the status of steps among the employees of the appointing authority if a disparity exists . ~~[and it is not a condition created solely by differences in seniority. The status of the steps may not be considered for employees:~~

~~—(1) In another agency; or~~

~~—(2) When the difference is the result of an~~ *An adjustment will not be granted pursuant to this section if the disparity in steps is:*

(1) Among employees of different agencies; or

(2) A result of:

(I) The length of service of employees;

(II) An adjustment in [salary] pay which was attained in a former class []; or

(III) An adjustment in pay for an employee who resides in a particular geographical area.

2. Before granting an adjustment of steps pursuant to this section, the appointing authority must submit a request ~~[in writing]~~ *on a form prescribed by the department of personnel* to the department of personnel which ~~[justifies the need for the adjustment. The request must indicate]~~ :

(a) Specifies the qualifying conditions and justification for the request; and

(b) Certifies that the appointing authority has []:

~~—(a)] , where applicable:~~

(1) Considered the requirements for the [salary and] pay required to meet the need described in subparagraph (1) of paragraph (a) of subsection 1;

(2) Considered the qualifications of any other eligible person who is available for work []:
~~—(b)] for the purposes of subparagraph (2) of paragraph (a) of subsection 1;~~

(3) Ensured that the adjustment is feasible on the basis of its fiscal effects;

~~[(e)]~~ *(4) Ensured that the adjustment will not cause inequity [in the status of the steps of] between current employees which would require adjustments in the [salaries] steps of those employees which are not feasible on the basis of the fiscal effects of [any] such adjustments; and*

~~[(d)]~~ (5) Prepared and maintained an accurate record of the consideration of the factors listed in this ~~[subsection and of the justification of the appointing authority for the adjustment as specified in this section, as appropriate.]~~

~~[3.— An adjustment of steps which is made pursuant to this section does not constitute a promotion.~~

~~—4.— The] section.~~

3. *If an adjustment of steps pursuant to this section is approved by the department of personnel, the effective date of such an adjustment [of steps which is approved by the department of personnel] is the date on which a request that complies with subsection 2 is received by the department of personnel or the personnel office of the agency at which the employee who is receiving the adjustment is employed. If a request for an adjustment of steps is delayed because an administrative or clerical error prevented the delivery of [a request to the department of personnel,] the request, the effective date must be determined by the appointing authority and must be based on the date on which the request should reasonably have been submitted . [to the department of personnel.] A retroactive adjustment must not exceed 6 months from the date on which the department of personnel receives the request.*

~~[5.]~~ 4. An adjustment of steps which is made pursuant to *subparagraph (1) of* paragraph (a) of subsection 1 ~~[must] may~~ be revoked when:

(a) The recruiting problem which caused the adjustment was due to the geographical location of the position; and

(b) The employee transfers to an area where a recruiting problem does not exist.

FLUSH The employee must be placed at the step he would have received if he had not received the adjustment.

Sec. 34. NAC 284.206 is hereby amended to read as follows:

284.206 1. The department of personnel may approve a special adjustment to ~~salary~~ *pay* equivalent to 5 percent of the employee's ~~regular hourly~~ *base* rate *of pay* to recognize conditionally:

(a) An employee who works out of his class on a continuing basis and who performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase, the employee must:

(1) Be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification; and

(2) Carry out the duties *and responsibilities* for at least 16 consecutive workdays before the increase becomes effective.

FLUSH The adjustment ~~in salary~~ *to pay pursuant to this paragraph is effective retroactively, commencing on the date on which the employee assumed the additional duties and responsibilities. The adjustment to pay* must not continue for more than 6 months in any 12-month period unless the person is underfilling a position pursuant to NAC 284.437 and recruitment has failed to produce a sufficient number of applicants on the appropriate list. *If the employee will be required to carry out the assigned duties and responsibilities of the higher grade for 1 year or less, the appointing authority may request a temporary reclassification pursuant to NAC 284.132.*

(b) An employee required to use bilingual skills or sign language for the deaf at least 10 percent of his work time.

(c) An employee supervising other employees of the same or a higher grade if the supervision ~~is~~:

(1) *Is not part of the supervision or management responsibilities for* a program ~~for function which is] that is~~ provided for in the *class* specification ~~[of the class.] ; and~~

(2) *Includes, without limitation, selection, work assignment, training, work review, performance evaluation and discipline of employees.*

(d) An employee ~~[of]~~ :

(1) *Who is required regularly to perform custodial work and clean up human bodily waste in a medical, clinical or inpatient facility.*

(2) *Of* the division of mental health and developmental services of the department of human resources or the division of child and family services of the department of human resources ~~[or of the department of corrections which] :~~

(I) *Who* provides mental health services to inpatients ~~[-, who is required regularly to perform custodial work and clean up human bodily wastes, or, if his] ;~~

(II) *Whose* principal place of work is *designated by the administrator of that division to be* located in an assaultive environment ~~[as determined by the administrator,] ; and~~

(III) *Who is required* to provide medical treatment, maintain buildings, instruct academic courses or provide therapy.

FLUSH The adjustment *to pay pursuant to this paragraph* will be ~~[-~~

~~—(1) Granted] granted~~ only when such duties are not required of the class as a whole ~~[-; and~~

~~—(2) Granted] and will be granted~~ only once , although the employee performs more than one duty described in this paragraph. Except as otherwise provided in this paragraph, such an employee who is assigned to ~~[the] work in a~~ unit *that is designated by the administrator of that division to be* located in an assaultive environment for 1 *hour* or more ~~[hours but who is not assigned there permanently] per shift~~ must also receive the adjustment for each hour and portion

thereof *that* he works in the unit. An ~~excluded~~ *exempt* classified employee who is assigned to ~~the~~ *work in a* unit *that is designated by the administrator to be* located in an assaultive environment for any portion of a workday ~~but who is not assigned there permanently~~ must receive the adjustment for all ~~of~~ his regularly scheduled hours of employment on that workday.

(e) Except as otherwise provided in this paragraph, an employee who conducts a formal ~~program of~~ training *program* for employees . ~~in an occupational class series.~~ The training *program* must:

- (1) Be conducted weekly;
- (2) Consist of training on the job and in the classroom or training only in the classroom;
- (3) Include a test to determine the ~~employee's~~ *employees'* progress in the program; and
- (4) Result in the award of a certificate of completion or advancement in a ~~training~~ class series to the journey level.

FLUSH If *an adjustment to pay is* granted ~~it~~ *pursuant to this paragraph*, the adjustment begins when the employee starts conducting the ~~program of~~ training *program* and ends when the *training* program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees ~~in a class series~~ will not be considered for this special adjustment.

(f) A law enforcement officer who is assigned to motorcycle duty.

(g) An employee of the department of corrections who ~~regularly supervises, or~~ is responsible for the supervision of ~~a~~ a group of inmates assigned to a work area of ~~a prison~~ *an institution* and who is responsible for implementing security procedures, including, without limitation ~~securing~~ :

(1) *Securing* the work area from inmates who are not authorized to enter ~~[-accounting]~~
the work area;

(2) *Accounting* for all inmates who have been assigned to the work area ; and
~~[-accounting]~~

(3) *Accounting* for all materials, tools and equipment in the work area.

FLUSH ~~[-This]~~ *The* adjustment *to pay pursuant to this paragraph* will be granted only if such duties are not provided for in the class specification.

(h) An employee who is authorized by the legislature to receive such an adjustment to his
~~[-salary.]~~ *pay.*

2. The department of personnel may approve a special adjustment to the ~~[-salary]~~ *pay* of an employee who occupies a position in which the duties have been recognized ~~[-pursuant to a position questionnaire]~~ *through the classification process* as being at a higher level, but who does not meet the minimum qualifications for ~~[-promotion to the new grade.]~~ *the class.* The special adjustment *to the employee's pay* must be equivalent to 2.5 percent of the employee's ~~[-regular hourly]~~ *base rate of pay* if the employee performs duties classified one grade higher than his current position, or 5 percent of the employee's ~~[-regular hourly]~~ *base rate of pay* if the employee performs duties classified two or more grades higher than his current position. A special adjustment *to an employee's pay* made pursuant to this subsection may continue in effect from the date *on which* the ~~[-position is reclassified or the]~~ position questionnaire is received:

(a) Until the employee meets the minimum qualifications and is promoted;

(b) For 1 year after the effective date of the special ~~[-salary adjustment;]~~ *adjustment to pay;* or

(c) Until the date the higher level duties are removed,

FLUSH whichever occurs first.

3. A request for a special adjustment to ~~{a salary}~~ *pay* made pursuant to this section may be initiated by an employee, the appointing authority or the department of personnel.

4. A special adjustment *to pay* authorized by this section does not constitute a promotion.

5. Any special adjustment *to pay* made pursuant to subsection 1 must be revoked when the conditions justifying it cease to exist.

6. Except as otherwise provided in this section, the effective date of a special adjustment to ~~{a salary}~~ *pay* is the date *on which* the ~~{appropriate document}~~ *written request* is received by the department of personnel or the personnel office of the agency at which the employee who is receiving the special adjustment *to pay* is employed. If ~~{a}~~ *the request for the* special adjustment to ~~{a salary}~~ *pay* is delayed because an administrative or clerical error prevented ~~{the delivery of a prepared document to the department of personnel,}~~ *its delivery*, the effective date *of the special adjustment to pay* must be determined by the appointing authority and must be based on the date *on which* the ~~{document}~~ *request* should reasonably have been submitted . ~~{to the department of personnel.}~~ A retroactive adjustment *to pay* must not exceed 6 months from the date *on which* the department of personnel receives the ~~{document.}~~ *written request*.

Sec. 35. NAC 284.208 is hereby amended to read as follows:

284.208 1. ~~{As used in this section:~~

~~—(a) “Dangerous duty” means work performed under such dangerous circumstances that an accident would probably result in serious injury or death.~~

~~—(b) “Duty involving physical hardship” entails extreme physical discomfort which is not adequately alleviated by protective or mechanical devices.~~

~~—2.— Except as otherwise provided in this subsection, additional compensation equal to 10 percent of an employee’s basic rate of pay must be paid for each hour in which he performs any~~

~~dangerous duty or duty involving physical hardship. An excluded classified employee who performs any dangerous duty or duty involving physical hardship for any portion of a workday must receive the additional compensation for all of his regularly scheduled hours of employment on that workday.~~

~~—3.— The compensation applies only to employees who are subjected to unusual physical hardship or dangerous duties which are not an inherent part of the job and not regularly part of the job. These duties may appear in the class specification, but must not be performed with sufficient regularity to constitute an element in fixing the grade of the position.~~

—4.] Only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:

(a) Employees engaged in scuba or skin diving.

(b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.

(c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.

(d) Employees required to handle or use explosives.

2. Except as otherwise provided in this subsection, an employee who performs any dangerous duty must receive additional pay equal to 10 percent of his normal rate of pay for each hour in which he performs any dangerous duty. An exempt classified employee who performs any dangerous duty for any portion of a workday must receive the additional pay for all his regularly scheduled hours of employment on that workday.

Sec. 36. NAC 284.210 is hereby amended to read as follows:

284.210 1. *As used in this section, “qualifying shift” means a period of work of at least 8 hours, of which 4 hours must fall between the hours of 6 p.m. and 7 a.m.*

2. Except as otherwise provided in this section, *an employee must receive* compensation equivalent to ~~[an adjustment of]~~ 5 percent of ~~[the employee’s regular hourly rate must be authorized for an employee]~~ *his normal rate of pay* for all hours worked within a ~~[work]~~ shift if the employee ~~[is assigned to]~~ *works* a qualifying shift. ~~[An excluded]~~ *If an exempt* classified employee ~~[who is assigned to]~~ *works* a qualifying shift for any portion of a workday, *he* must receive such compensation for all ~~[of]~~ his regularly scheduled hours of employment on that workday.

~~[2.— One shift qualifies an employee to receive the compensation.~~

~~—3.— The compensation applies during the time when]~~

3. *If* an employee is *assigned to a qualifying shift when he is* on ~~[sick and annual leave, holidays and other leave with pay if the employee is still assigned to that shift when the leave is taken.]~~ *leave or a holiday occurs, he must receive the differential rate of pay for that shift.*

4. Any hours exceeding the qualifying 8-hour shift are eligible for overtime at the differential rate of pay for that shift if ~~[they]~~ *the hours* are worked by an employee other than an ~~[excluded]~~ *exempt* classified employee, in conjunction with, immediately before or following the shift.

5. A qualifying shift, including, *without limitation,* the times at which the shift started and ended, must be clearly designated on the employee’s time sheet and approved by the employee’s supervisor.

~~[6.— As used in this section, “qualifying shift” means a period of work of at least 8 hours, of which 4 hours must fall within the hours from 6 p.m. to 7 a.m.]~~

Sec. 37. NAC 284.214 is hereby amended to read as follows:

284.214 1. Except as otherwise provided in subsection ~~[3.]~~ 2, an employee must be ~~[credited with]~~ paid 2 hours of call back pay at the rate of time and one-half *of his normal rate of pay* if his employer calls him back to work ~~[on an unscheduled basis]~~ *during his scheduled time off* without having notified him before the completion of his last normal working day . ~~[~~ ~~and overtime for]~~ *For each additional hour that such an employee works after the 2 hours for which he is paid call back pay, the employee must be paid overtime at the rate of time and one-half of his normal rate of pay* if he is eligible ~~[therefor]~~ pursuant to NRS 284.180.

2. ~~[An employee who is required to appear as a witness in court or at an administrative hearing:~~

~~—(a) During his regularly scheduled time off; and~~

~~—(b) Concerning a matter which relates directly to his job;~~

~~must be credited with 2 hours of call back pay at the rate of time and one-half, and overtime for each additional hour if he is eligible therefor pursuant to NRS 284.180. If he receives a witness fee as well as this compensation, he shall relinquish the witness fee to the agency by which he is employed.~~

~~—3.]~~ Subsection 1 does not apply to any:

(a) Employee who is called into work while on standby status.

(b) ~~[Excluded]~~ *Exempt* classified employee or ~~[excluded]~~ *exempt* unclassified employee.

(c) Employee who works part time or intermittently unless he has worked 8 hours in 1 calendar day.

(d) Employee who performs duties pursuant to an understanding with the agency whereby the employee is given discretion as to performance of the duties and the duties are initiated by the

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action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties.

(e) Employee who is not required to leave the premises where he is residing or located at the time of notification in order to respond to a call.

(f) Employee who is called back to work if:

(1) The work begins 1 hour or less before or after his scheduled work shift;

(2) The time for beginning the work is set at the employee's request; or

(3) The work begins during the same 2-hour period previously ~~credited~~ paid for call back pay.

3. An employee who is required to appear as a witness in court or at an administrative hearing:

(a) During his regularly scheduled time off; and

(b) Concerning a matter which relates directly to his job,

FLUSH *must be paid 2 hours of call back pay at the rate of time and one-half of his normal rate of pay. For each additional hour after the 2 hours for which he is paid call back pay, the employee must be paid overtime at the rate of time and one-half of his normal rate of pay if he is eligible pursuant to NRS 284.180. If he receives a witness fee as well as this compensation, he shall remit the witness fee to the agency by which he is employed.*

Sec. 38. NAC 284.218 is hereby amended to read as follows:

284.218 1. *A nonexempt employee in the classified service of the state is on standby status when he is:*

(a) Directed to remain available for notification to work during specified hours;

(b) Prepared to work if the need arises;

(c) *Able to report to work within a reasonable time;*

(d) *Directed by his supervisor to carry a paging device, provide a telephone number where he may be notified, or provide any other acceptable means for notification; and*

(e) *Allowed to use the time during which he is waiting for notification to work for his personal pursuits.*

2. *When a nonexempt employee in the classified service of the state who is on standby status begins the performance of his regular duties after receiving notice to work, he ceases to be on standby status and qualifies for straight time or overtime pay, whichever is applicable, for the actual time worked. Upon completion of the work, he returns to standby status for the remainder of the time he has been directed to be available to work.*

3. A nonexempt ~~[classified]~~ employee *in the classified service of the state* is entitled to receive additional pay, or equivalent compensatory time off, at the rate of 5 percent of his ~~[regular hourly]~~ *normal* rate *of pay* for every hour he is ~~[in]~~ *on* standby status.

~~[2.]~~ 4. Cash payment is the preferred method of compensation ~~[.]~~ *pursuant to this section*, but compensatory time off, *not to exceed the maximum allowed pursuant to subsection 3 of NAC 284.250*, must be granted in lieu of cash payment if the employee requests compensatory time and the agency approves the request.

~~[3.—An employee is in standby status when he is:~~

~~—(a) Directed to remain available for notification to work during specified hours;~~

~~—(b) Prepared to work if the need arises, although the need for him to work might not arise;~~

~~—(c) Able to report to work within a reasonable time;~~

~~—(d) Directed by his supervisor to carry a paging device, provide a telephone number where he may be notified, or provide any other acceptable means for notification; and~~

~~—(e) Allowed to use the time he is waiting for notification to work for his personal pursuits.~~

~~—4. When an employee begins the performance of his regular duties after receiving notice to work, he ceases to be on standby status and qualifies for straight time or overtime pay, whichever is applicable, for the actual time worked. Upon completion of the work, he returns to standby status for the remainder of the time he has been directed to be available to work.]~~

5. Any class designated ~~[in the statutes]~~ *by statute* as a 24-hour class does not automatically qualify for this additional pay.

~~[6. This section does not apply to an excluded classified employee.]~~

Sec. 39. NAC 284.220 is hereby amended to read as follows:

284.220 1. An employee, other than an ~~[excluded]~~ *exempt* classified employee or ~~[excluded]~~ *exempt* unclassified employee, who loses an hour of work during his scheduled shift because of a change of time to daylight savings time may, with the approval of the appointing authority, elect to take an hour of annual leave, compensatory time or leave without pay or ~~[, if required by the agency,]~~ must be scheduled to work an additional hour.

2. An employee, other than an ~~[excluded]~~ *exempt* classified employee or ~~[excluded]~~ *exempt* unclassified employee, who is required to work an additional hour during his scheduled shift because of a change of time to standard daylight time is entitled to receive overtime ~~[for]~~ pay or compensatory time as approved by the agency.

Sec. 40. NAC 284.242 is hereby amended to read as follows:

284.242 1. ~~[Overtime]~~ *If a nonexempt employee is required to work overtime, the overtime* must be ~~[kept to an absolute minimum consistent with the basic functions and purposes of the operating agency.]~~

~~—2. If overtime is the result of a predictable or extended increase in the workload, the prior approval of the budget division of the department of administration is necessary.~~

~~—3. If overtime is necessary, it must be~~ authorized pursuant to subsection ~~[9]~~ 10 of NRS 284.180 and communicated to the employee at least 4 hours in advance by the responsible supervisor before being worked, unless an unpredictable emergency prevents prior approval and communication.

2. If a nonexempt employee requests to work overtime, the overtime must be authorized in advance pursuant to subsection 10 of NRS 284.180.

Sec. 41. NAC 284.248 is hereby amended to read as follows:

284.248 1. Except as otherwise provided in subsection 2, ~~[an]~~ *a nonexempt* employee who ~~[is otherwise eligible to receive compensation for overtime and who]~~ works in two positions in one department or different departments must work or be in ~~[paid leave]~~ *paid* status in excess of 8 hours per day or 40 hours per week in combined work time in both positions to receive compensation for overtime. An appointing authority shall consider an employee's employment with another department when considering his agency's liability for compensation for overtime.

2. The hours worked voluntarily by an employee on an occasional or sporadic basis in a different capacity from his regular employment must not be combined with the hours worked by the employee in his regular employment for the purposes of determining the appointing authority's liability for compensation for overtime. As used in this ~~[section,]~~ *subsection*, "occasional or sporadic basis" means infrequently, irregularly or occurring in scattered instances.

3. An employee who qualifies for overtime compensation pursuant to subsection 1 must be paid:

(a) At the highest rate *of pay* of the two positions; or

(b) If the employee and the appointing authority have agreed in writing before the performance of the work requiring overtime, at the rate of pay of the position for which the work is performed.

Sec. 42. NAC 284.250 is hereby amended to read as follows:

284.250 1. ~~{The principal}~~ *Except as otherwise provided in subsection 2, the* method of compensating an employee for overtime is cash payment which is computed at the rate ~~{established in}~~ *of time and one-half of the employee's normal rate of pay as required pursuant to* NRS 284.180 . ~~{and in the classification and compensation plan.~~

~~—2.— Compensatory time off which is computed at the rate specified in NRS 284.180 and in the classification and compensation plan may be granted if the}~~

2. *The* employee and the appointing authority ~~{have entered}~~ *may enter* into an agreement which complies with the provisions of 29 C.F.R. § 553.23 ~~[-Compensatory time off must be taken within a reasonable time after accrual at the direction of the appointing authority.]~~ *for compensating a nonexempt employee for overtime with compensatory time in lieu of cash payment.*

3. Compensatory time may not be accrued in excess of 120 hours unless an agreement entered into pursuant to subsection 2 provides for the accrual of additional hours of compensatory time, not to exceed 240 hours. Overtime liability incurred in excess of these limits must be paid in cash. The appointing authority may pay in cash ~~{overtime}~~ *for compensatory time* accrued below these limits.

~~{4.— If an employee accrues overtime in excess of 60 hours, or in excess of 120 hours in the case of an employee subject to an agreement which provides for the accrual of up to 240 hours of compensatory time, the head of the department shall review the workload problem.~~

~~—5.— If, after October 15, an employee determines he may lose annual leave at the end of the calendar year, he may elect to use annual leave instead of compensatory time for approved leave.~~

~~—6.— An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may use his accrued compensatory time pursuant to NAC 284.5775.]~~

Sec. 43. NAC 284.252 is hereby amended to read as follows:

284.252 1. Except as otherwise provided in subsection 2, ~~[any]~~ *an* employee who has ~~[accumulated]~~ *accrued* more than 60 hours of compensatory time may request *, in writing,* payment in cash for the amount ~~[over 60 hours if the request is made in writing at least 7 working days before a regular payday. Except as otherwise provided in subsection 3 of NAC 284.250, the requested payment must be made unless money is not available as certified by the chief of the budget division or, in the case of an agency not supported from the state general fund, as certified by the administrator of that agency.~~

~~—2.— In the case]~~ of *compensatory time that exceeds 60 hours.*

2. Except as otherwise provided in this subsection, an employee *who is* subject to an agreement which provides for the accrual of up to 240 hours of compensatory time ~~[, a request for]~~ *may request, in writing,* payment in cash ~~[is limited to]~~ *for* any compensatory time accrued in excess of 120 hours . ~~[, except that payment for]~~ *An exception to this subsection may be made for payment of* all compensatory time accrued in excess of 60 hours ~~[may be made]~~ to:

(a) A fire fighter who submits a request for payment on or before April 1, if payment is made during the month of April.

(b) A district brand inspector who submits a request for payment on or before September 1, if payment is made during the month of September.

(c) A 24-hour duty officer of the division of emergency management of the department of public safety who has accumulated more than 60 hours of compensatory time during any 12 consecutive months.

3. ~~[An employee must not be unreasonably denied the opportunity to take compensatory time off, if the request is made 2 weeks in advance.]~~ *A request for payment in cash for compensatory time pursuant to this section may not be unreasonably denied. Such a request may be denied if:*

(a) The chief of the budget division of the department of administration certifies that there is insufficient money available in the state general fund; or

(b) In the case of an agency that is not supported from the state general fund, the administrator of the agency certifies that the agency has insufficient money available.

Sec. 44. NAC 284.253 is hereby amended to read as follows:

284.253 ~~[Payment for compensatory time:~~

~~—1.— For an]~~

*1. Except as otherwise provided in subsection 2, an employee who terminates his employment ~~[,]~~ must be paid *for compensatory time* at ~~[the average regular]~~ a rate *that is an average of the normal rate* of pay received by the employee during the last 3 years of the employee's employment, or the final ~~[regular]~~ *normal* rate of pay received by the employee, whichever is higher.*

2. ~~[For all other employees,]~~ Any other employee must be ~~[based on the grade and step of an employee when the]~~ *paid for* compensatory time ~~[is paid.]~~ *at his normal rate of pay.*

Sec. 45. NAC 284.2535 is hereby amended to read as follows:

284.2535 1. A fireman who works a 24-hour shift and who elects to receive compensatory time off for the overtime he works is entitled to accrue 2.1 hours of compensatory time for each hour of overtime that he works.

2. ~~Accrued compensatory time will be converted for cash payment pursuant to the following formula:~~

~~—1.5 (accrued compensatory time)~~

~~————— = X hours for cash payment~~

~~—2.1] If a fireman receives a cash payment for his accrued compensatory time, the payment must be calculated at his normal rate of pay.~~

3. When a fireman is appointed to a job classification with a *work* schedule of ~~working~~ 40 hours per week, the compensatory time of the fireman must be converted to the amount of compensatory time that would have been accrued if the fireman worked 40 hours per week.

4. When an employee with a *work* schedule of ~~working~~ 40 hours per week is appointed to a job as a fireman with an average work schedule of 56 hours per week, the compensatory time of the employee must be converted to the amount of compensatory time that would have been accrued if the person worked 56 hours per week.

Sec. 46. NAC 284.254 is hereby amended to read as follows:

284.254 1. Except as otherwise provided in subsection 2, if ~~an~~ *a nonexempt* employee who has ~~accumulated overtime~~ *accrued compensatory time* transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority, the ~~accumulated overtime which the employee has not used or for which he has not been paid~~ *accrued compensatory time* must be ~~compensated for~~ *paid* by the agency he is

leaving, unless the receiving agency agrees in writing to assume the liability for the ~~[overtime]~~ *compensatory time* and the employee concurs.

2. ~~[A receiving agency shall not assume the liability for the accumulated overtime of an employee if the employee is transferring to an excluded position. The accumulated overtime]~~ *The accrued compensatory time* of an employee transferring to an ~~[excluded]~~ *exempt* position must be ~~[compensated for]~~ *paid* by the agency the employee is leaving.

3. As used in this section, ~~[“excluded”]~~ *“exempt position”* means a position in the classified or unclassified service that is subject to the provisions of NRS 284.148.

Sec. 47. NAC 284.258 is hereby amended to read as follows:

284.258 1. ~~[Time spent outside normal working hours while an employee is traveling must be compensated at the overtime rate, if the]~~ *An* employee *who* is otherwise entitled to *pay for* overtime ~~[compensation.~~

~~2.—An]~~ *may earn overtime for traveling if:*

(a) His actual work time and his travel time exceeds his normal workday of at least 8 hours; or

(b) The travel occurs on his regularly scheduled day off.

2. *Such an* employee begins traveling when he leaves his work station, or home if so authorized, and continues until he reaches his geographical location for his work assignment.

~~[Additional travel time may only be earned if the employee’s actual work time plus his travel time exceeds his normal workday of at least 8 hours.]~~

3. In determining the amount of travel time granted, ~~[time]~~ *the overtime* claimed for additional reimbursement must be justified against the “normal” travel time as determined by the ~~[agency’s]~~ previous travel experience ~~[.~~

~~—3.] of the agency. If the additional travel time was [due to] caused by the employee’s choice of transportation, [it will not be allowed. This includes an employee’s attendance at a training session, seminar or conference which is paid by the state but which is not mandatory and is attended at the employee’s request and for his benefit.~~

~~—4.] overtime compensation will not be paid for the portion of the travel time that exceeds the “normal” travel time. Unless the appointing authority determines that the additional travel time is justified, an employee who has travel layovers or delays in his transportation is limited to 4 hours of overtime, if applicable, plus per diem expenses.~~ An employee may not be compensated for the time spent traveling during the normal time he spends commuting to and from work. ~~[Normal time for commuting must be subtracted from travel time claimed. This subsection applies to travel before 8 a.m. or after 5 p.m. or, in the case of employees who work a nonstandard work week, before or after a normal work shift of at least 8 hours.~~

~~—5.— For employees who work a standard work week, travel on Saturdays, Sundays and holidays is also covered. For employees who work a nonstandard work week, travel under normal days off or on holidays is covered. Only travel before or after the normal work shift of at least 8 hours will be counted if an employee who works a nonstandard work week is traveling on a holiday which is his scheduled workday.~~

~~—6.— Employees]~~

4. An employee who must travel and stay over to continue work on ~~[their] his~~ next regularly scheduled workday ~~[are] is~~ not considered to be working on ~~[their] his~~ regularly scheduled ~~[days] day~~ off and ~~[are allowed only] is not eligible for overtime pay. Such an employee is allowed to claim~~ the standard per diem expenses. ~~[Employees who have travel layovers or delays in their transportation are limited to 4 hours overtime plus per diem expenses.]~~

5. *Any travel by an employee on a holiday will be compensated pursuant to the provisions of section 15 of this regulation and NAC 284.526 and 284.530.*

Sec. 48. NAC 284.262 is hereby amended to read as follows:

284.262 ~~[The plan to encourage continuity of service established pursuant to NRS 284.177 applies to classified]~~ *Classified* and unclassified employees ~~[of the state.]~~ *are eligible for longevity pay pursuant to NRS 284.177.*

Sec. 49. NAC 284.270 is hereby amended to read as follows:

284.270 1. ~~[An employee's performance must be rated standard or better on the last performance report if the report was filed within the last 12 months, for him]~~ *For an employee* to be eligible for ~~[additional]~~ *longevity* pay pursuant to NRS 284.177 ~~[~~
~~—2.— If an]~~, *he must receive a rating of performance of standard or better on his most recent report on performance.*

2. *An employee's performance* ~~[was:~~
~~—(a) Not]~~ *will be deemed to be standard on the date on which the report on performance was due if:*

(a) The employee's performance was not rated during the previous 12 months ~~[, his performance is assumed to be standard.~~

~~—(b) Rated as substandard, the effective date of a subsequent rating of standard or better is the date recorded by the appointing authority on a subsequent performance report filed with the director pursuant to subsection 4 of NRS 284.340.~~

~~—(c) Rated as substandard but the performance report is not filed within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance is assumed to be standard on the date the performance report was due.] ; or~~

(b) A subsequent report on performance was not filed after the employee received a substandard rating of performance pursuant to the provisions of subsection 4 of NRS 284.340.

Sec. 50. NAC 284.274 is hereby amended to read as follows:

284.274 1. ~~Payments for longevity will be made every July and December.~~

~~2. The dates upon which employees become eligible for the~~ *After 8 years of continuous service, an employee is eligible for longevity pay in* semiannual payments ~~are~~ *on* December 31 and June 30.

~~3.~~ 2. Except as otherwise provided in NAC 284.282, *such* employees who are eligible and have not been separated from state service as of these dates will receive longevity pay.

~~4.~~ 3. An agency is responsible for the payment of longevity pay due an employee if that employee is employed by the agency on the date *on which* the employee becomes eligible for the semiannual payment.

Sec. 51. NAC 284.278 is hereby amended to read as follows:

284.278 1. Except as otherwise provided in subsection 2, longevity pay for ~~classified employees and unclassified~~ *nonexempt* employees must be calculated based on the following formula:

$$\frac{\text{The number of hours worked during the 6-month qualifying period}}{\text{Total full-time equivalent hours for the pay class } \textit{designation}} \times \text{longevity increment} = \text{longevity payment for the 6-month period}$$

during the 6-month
qualifying period

2. Longevity pay for ~~excluded~~ *exempt classified employees and exempt* unclassified employees must be calculated based on the following formula:

The number of 8-hour days
worked during *the* 6-month
qualifying period

$$\frac{\text{Total full-time equivalent 8-hour days for the pay class } \textit{designation} \text{ during the 6-month qualifying period}}{\text{Total full-time equivalent 8-hour days for the pay class } \textit{designation} \text{ during the 6-month qualifying period}} \times \text{longevity increment} = \text{longevity payment for 6 months}$$

Total full-time equivalent
8-hour days for the pay class *designation* during
the 6-month qualifying period

3. ~~For the purpose of this section, the department of personnel will designate pay classes and full-time equivalent base hours or full-time equivalent base days for each pay class.~~

—4.] As used in this section, “hours worked” ~~include~~ *includes* only the base hours ~~designated by the department of personnel~~ for the pay class ~~]~~ *designation*.

Sec. 52. NAC 284.282 is hereby amended to read as follows:

284.282 1. Except as otherwise provided in NAC 284.580 ~~]~~ *for a leave of absence without pay during a fiscal emergency*, an employee who is on leave without pay or catastrophic leave, or *any combination of* both, for the entire 6-month period of qualification is not entitled to ~~pay for~~ longevity *pay* for that period. ~~For the purpose of computing the longevity payment in~~

~~the 6-month period, leave without pay or catastrophic leave, or any combination thereof, for 240 hours or less in a calendar year may be counted as time worked for an employee other than an excluded classified employee or excluded unclassified employee. Any combination of leave without pay and catastrophic leave for 30 working days or less in a calendar year may be counted as time worked for an excluded classified employee or excluded unclassified employee.~~

~~—2.— Except as otherwise provided in NAC 284.580, the formulas provided in NAC 284.278 must be used in calculating the payment for longevity for:~~

~~—(a) Employees, other than excluded classified employees and excluded unclassified employees, who take any combination of leave without pay and catastrophic leave in excess of 240 hours in any 1 calendar year; and~~

~~—(b) Excluded classified employees and excluded unclassified employees who take any combination of leave without pay and catastrophic leave in excess of 30 working days in any 1 calendar year.~~

~~—3.— For the purposes of subsections 1 and 2, an employee whose regular work schedule is more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his regular work schedule exceeds 80 hours biweekly. For the purposes of this subsection, a fireman who is assigned to a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year.~~

~~—4.— For the purposes of subsections 1 and 2, the leave without pay and catastrophic leave of an employee whose regular work schedule is less than 40 hours per week must be adjusted in proportion to the number of hours that the regular work schedule of the employee is less than 40 hours per week.~~

~~—5.—~~ 2. *The payment for longevity pay for a full-time employee will not be prorated pursuant to NAC 284.278 if:*

(a) He is an exempt classified employee or exempt unclassified employee and he uses an amount of leave without pay or catastrophic leave, or any combination of both, that equals 30 days or less in a calendar year; or

(b) He is a nonexempt employee, the base hours established for his pay class designation are 40 hours per week or 80 hours biweekly and he uses 240 hours or less of leave without pay or catastrophic leave, or any combination of both, in a calendar year.

3. If the base hours established for a pay class designation exceed 40 hours per week or 80 hours biweekly, an employee in that pay class designation must be allotted leave without pay and catastrophic leave in proportion to his base hours and full-time equivalency. The longevity pay of such an employee will not be prorated unless his use of leave without pay and catastrophic leave proportionally exceeds the limits set forth in subsections 2 and 4.

4. A part-time employee must be allotted leave without pay and catastrophic leave in proportion to his base hours and the full-time equivalency for his pay class designation. The longevity pay of such an employee will not be prorated unless his use of leave without pay and catastrophic leave proportionally exceeds the limit set for a full-time employee in his pay class designation pursuant to subsection 2.

5. An employee who retires ~~[and applies for retirement]~~ pursuant to the provisions of chapter 286 of NRS or who dies during the 6-month qualifying period is eligible for longevity pay according to the applicable formula in NAC 284.278.

6. An employee who is laid off and is rehired within 1 year after the date of layoff is eligible for ~~[pay for]~~ the longevity *pay* he would have earned if he had not been laid off. The ~~[employee]~~

longevity pay must be ~~[/del] *calculated* as if ~~[/del] *the employee* had been on leave without pay pursuant to ~~[/del] *subsection 2*.~~~~~~

7. A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is eligible for ~~[/del] *pay* ~~for~~ the longevity *pay* he would have earned if he had not been separated from state service. The *longevity pay of such an* employee must be ~~[/del] *calculated* as if ~~[/del] *the employee* had been on leave without pay pursuant to ~~[/del] *subsection 2*.~~~~~~~~

8. ~~[/del] *An employee is eligible to earn service credit for the calculation of longevity pay when he* is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS and ~~[/del] *makes the election provided in:*~~~~

~~—(a) Subsection 1 or 3 of NRS 281.390 is entitled to accrue service credit for longevity during the period he is receiving benefits and is being paid an amount of sick leave equal~~ *he uses accrued sick leave, accrued annual leave or accrued compensatory time to meet* the difference between his normal ~~[/del] *pay* and the benefits ~~[/del] *received.*~~~~

~~—(b) Subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.~~

~~—9.—An employee who does not have enough sick leave to make up the difference between his normal salary and benefits for temporary total disability must be placed on leave of absence without pay for the period he is receiving such benefits and the balance of time not covered by~~

~~sick leave or other paid leave. Such an employee accrues service credit only for the time he is covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.~~

~~—10.] he receives. Such an employee ceases to earn service credit for the calculation of longevity pay when he is placed on a leave of absence without pay or catastrophic leave.~~

9. Service in a seasonal position must be credited ~~[towards payments for]~~ *toward the calculation of* longevity *pay* if the employee is employed on December 31 and June 30 and if the requirements for *eligibility for* longevity ~~[service]~~ *pay* have been met. If an employee in a seasonal position is not on the payroll on those two dates and he is reemployed ~~[without a 12-month break in service,]~~ *within 12 months*, the employee is entitled to receive ~~[a prorated payment for longevity based on the]~~ *prorated longevity pay for his* service during the ~~[last]~~ *previous* longevity period.

~~[11.]~~ 10. If a person is on leave of absence without pay for military service pursuant to NRS ~~[284.365]~~ 284.359 or is reemployed within 90 days after the military service, the time during which he was not in paid status because of his military service will be counted ~~[when determining the rate for pay for longevity.]~~ *as service credit for the calculation of longevity pay.*

The person is eligible for ~~[payment for]~~ longevity *pay* for the time he is in paid status in accordance with the provisions of ~~[subsections 1 and 2.~~

~~—12.]~~ *subsection 2.*

11. If a nonclassified employee or an employee covered by NRS 284.022 is appointed without a break in service to the classified or unclassified service, the previous time served is counted for *the purpose of calculating* longevity ~~[purposes,]~~ *pay*, but *the employee is* not *eligible* for any retroactive ~~[payment.]~~ *longevity pay.*

Sec. 53. NAC 284.284 is hereby amended to read as follows:

284.284 1. An employee who was ~~[vested in the plan for payment]~~ *eligible* for longevity *pay* and who separated from state service before July 1, 1981, and returns to state service ~~[is vested in the plan.~~

~~—2. The]~~ *retains his eligibility for longevity pay.*

2. *For the purposes of this section, the* employee will receive the same semiannual rate of payment ~~[he did]~~ *that he received* at the time of his separation from service. However, the employee may not receive any semiannual increases until he has again served the same number of *full-time equivalent* years *without a break in service that* he had served at the time of his separation from service plus 1 year.

~~[3. The years which an employee served before the beginning of the payment of semiannual increases must be in a single continuous period which is equivalent to full-time employment.]~~

Sec. 54. NAC 284.290 is hereby amended to read as follows:

284.290 1. An employee who is reclassified downward ~~[through no fault of his own]~~ is entitled to a retained rate of pay if : ~~[the following conditions are found to exist by the department of personnel:]~~

(a) The employee has been in the same class for the equivalent of 6 months or more of full-time employment immediately preceding the downward reclassification; and

(b) The reclassification is the result of a reorganization or other legitimate reason over which the employee has no control.

2. If an employee is entitled to a retained rate of pay ~~[, the following procedures apply:~~

~~—(a) The employee's pay status]~~ *pursuant to this section, the employee's base rate of pay*

remains unaffected for 2 years after the *effective* date of the downward reclassification. At the

end of the 2-year period, the employee's ~~[specific current]~~ *base* rate of pay will be frozen until it falls within the range of the ~~[lower]~~ grade *to which he was reclassified* or for a maximum of 2 years, making the employee ineligible for any ~~[future salary adjustments,]~~ *merit pay increases*, cost of living adjustments ~~[, or wage and salary adjustments.]~~ *or adjustments for a class of employees that have been approved by the legislature*. If the employee's frozen ~~[salary]~~ *base rate of pay* does not fall within the range of the ~~[lower]~~ grade *to which he was reclassified* within the 2-year period, his ~~[salary]~~ *base rate of pay* will be adjusted to the highest step within the lower ~~[grade-~~

~~—(b)]~~ *grade to which he was reclassified*.

3. If the employee voluntarily accepts another position within the time period ~~[]~~ *prescribed in subsection 2*, he may no longer retain his ~~[salary-~~

~~—(e)]~~ *base rate of pay*.

4. The employee is entitled to reemployment rights *to his former class and option in his department for 1 year after the date of notification of the reclassification as* provided in NAC 284.140.

~~[3.]~~ 5. This section does not apply to an employee who is occupying a position which is *temporarily* reclassified to a higher class and is later restored to the former class pursuant to NAC 284.132.

Sec. 55. NAC 284.294 is hereby amended to read as follows:

284.294 1. An employee who is required to furnish his own tools may elect to be reimbursed for the use, loss, theft and breakage of the tools at ~~[a monthly]~~ *the* rate of \$35 *per month* if the monetary value of the tools is more than \$300 and less than \$1,000, or at ~~[a~~

~~monthly~~ *the* rate of \$50 *per month* if the monetary value exceeds \$1,000. This monthly allowance must not be considered part of the employee's ~~salary~~ *base rate of pay*.

2. The payment of reimbursement pursuant to subsection 1 absolves the agency of any responsibility for the employee's tools if the loss per occurrence is \$1,000 or less. If the loss is more than \$1,000 and is covered under the terms and conditions of the policy of property insurance or program of self-insurance maintained by the state, the loss must be paid by the insurer or the state, as appropriate.

3. If *the employee does not elect to be paid a monthly* reimbursement ~~is not paid~~ *for furnishing his own tools pursuant to subsection 1* and a loss occurs which is covered by the policy of property insurance or program of self-insurance ~~is~~ *maintained by the state* the first \$1,000 of the loss must be paid *to the employee* by the agency and the balance by the insurer or the state, as appropriate.

~~3~~ 4. Agencies must approve and maintain a listing of those tools which are required.

~~4~~ 5. As used in this section, "tools" does not include weapons or other protective equipment.

Sec. 56. NAC 284.334 is hereby amended to read as follows:

284.334 1. Notice of each recruitment will be given. Dissemination of the notice may be limited to the appropriate agencies and employees when the recruitment is strictly promotional.

2. Notice will include the title, ~~salary~~ *pay* or grade, filing period ~~is~~ and location. It may also include, or on promotional recruitments must include, information relating to:

- (a) The special conditions of employment , if applicable;
- (b) The duties and responsibilities of the class or position;
- (c) The minimum qualifications; and

(d) The type of examination, relative weights assigned to the parts thereof, and the subjects to be covered,

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and other related matters.

Sec. 57. NAC 284.414 is hereby amended to read as follows:

284.414 1. A temporary appointment must not exceed 6 months in any 12-month period unless the appointment is authorized as a replacement for an employee who is receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS. The appointing authority shall indicate the probable duration of employment on ~~his~~ *its* request for certification. Upon receipt of this request, the department will certify the names of eligible persons from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.

2. Service under a temporary appointment immediately preceding appointment to a permanent position must be credited towards annual leave and merit ~~salary~~ *pay* increases. Sick leave may be earned for each month of service pursuant to NRS 284.355.

3. A special temporary appointment to a position within the University and Community College System of Nevada may not be used to fill regularly budgeted positions. Such appointments may be made without regard to the rules on certification or appointment and may be made on forms and under procedures prescribed by the University and *Community College System of Nevada and* approved by the department. Time served under a special temporary appointment *pursuant to this subsection* may be credited towards annual leave, sick leave or merit ~~salary~~ *pay* increases if the temporary appointment is immediately followed by a probationary or a permanent appointment.

Sec. 58. NAC 284.448 is hereby amended to read as follows:

284.448 The following types of leave or temporary status do not count toward the completion of any probationary period:

1. Authorized military leave for active service.
2. Authorized military leave for training beyond the 15 paid working days in any 1 calendar year.
3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an ~~excluded~~ *exempt* classified *such* employee, 30 working days, which began during the year following the date of appointment of an employee if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his regular work schedule exceeds 80 hours biweekly.
4. Time which is served in a temporary position pursuant to NAC 284.414.
5. Any hours worked which exceed 40 in a week.

Sec. 59. NAC 284.470 is hereby amended to read as follows:

284.470 1. A person shall not complete a report on performance unless he has completed the training provided or approved by the director concerning the preparation of a report on performance.

2. A report on performance must be prepared on the form prescribed by the department of personnel.

3. When a report on performance is given which reports the rating of performance of an employee as substandard, it must contain a written notice that such reports affect both

~~[adjustments in salary based on]~~ merit *pay increases* and the employee's eligibility for longevity pay. More frequent reports may be made in the supervisor's discretion.

4. Except as otherwise provided in subsection 5, the preparation of each report on performance must include a discussion between the employee and his immediate supervisor. Within 10 working days after the discussion takes place:

(a) If the employee agrees with the report on performance, he must complete and sign the appropriate section on the report on performance and return the report to his supervisor for forwarding to the appointing authority; or

(b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing and identify the specific points of disagreement, if such specificity is provided. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor or other person designated by the agency to receive such requests receives the request.

5. If an employee is unavailable for a discussion of the report on performance pursuant to subsection 4 because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. If the employee agrees with the report on performance, he must complete and sign the appropriate section on the report and mail the report to his supervisor for forwarding to the appointing authority within 10 working days after the date on which the employee received the report. If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing and identify any specific point of disagreement, if the report provides such specificity. The employee must mail his response to his supervisor within 10 working days after the date on which the employee received the report. The reviewing officer shall respond to the employee in writing within 10

working days after the supervisor or other person designated by the agency to receive such a request receives the request for review from the employee. For the purposes of this subsection, a report on performance or request for review is deemed to have been received on the third day after the date on which the report or request is postmarked.

6. A copy of each report on performance must be filed with the department of personnel.

7. An employee and his appointing authority may agree in writing to extend one or more of the periods prescribed in subsection 4 or 5.

8. If a reviewing officer fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.695, inclusive.

Sec. 60. NAC 284.514 is hereby amended to read as follows:

284.514 1. A stipend for an educational leave of up to three-fourths of ~~the~~ *an* employee's base ~~salary~~ *rate of pay* may be paid if money is available for that purpose and the course of study meets the requirements set forth in NAC 284.485.

2. An employee's request for such a stipend must be endorsed by his appointing authority and be accompanied by a copy of the employee's agreement to return to work for the state. The request will be reviewed, and a recommendation made, by the department of personnel. Before the employee is given the stipend to engage in the proposed college program, his request must be approved by the state board of examiners.

3. An agency may not have more than 2 percent of its full-time work force receiving such a stipend at any one time except that an agency with less than 50 full-time employees may have one employee receiving such a stipend.

Sec. 61. NAC 284.5255 is hereby amended to read as follows:

284.5255 1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, including, without limitation, the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period, as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.

2. An ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.

3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.

4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee.

5. The supervisor or payroll representative of an employee may change an entry on an employee's time sheet in accordance with the policy for the correction of errors on time sheets of the payroll center that administers the payroll of the agency that employs the employee. If an employee's supervisor or payroll representative changes an entry on the employee's time sheet, including, without limitation, the number of hours that the employee worked, the type of pay requested by the employee or the type of leave that the employee used, the employee must be notified of the change. If the employee contests a change to an entry on his time sheet, the employee is entitled only to his base pay for the work week in question. The contested entry must be resolved as soon as practicable and any adjustment must be made during the next pay period following the resolution of the contested entry.

6. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

7. As used in this section, "payroll representative" means a person who is responsible for coordinating the payroll of the agency that employs the employee with the payroll center that administers that payroll.

Sec. 62. NAC 284.526 is hereby amended to read as follows:

284.526 1. For the purpose of this section, ~~["paid status" means the time an employee is working, is on leave approved pursuant to NAC 284.580 or is on leave with pay, excluding overtime hours or catastrophic leave.~~

~~—2.— A full time employee working other than a standard work week is entitled to the same number of paid holidays as a full time employee working the equivalent standard work week.~~

~~—3.— Except as otherwise provided in subsections 11 and 12, a full time employee who works 40 hours per week, does not work on a holiday and is in paid status during any portion of his scheduled shift immediately before the holiday is entitled to receive 8 hours of holiday pay.~~

~~—4.— Except as otherwise provided in subsections 11 and 12, a full time employee who works more than 40 hours per week or 80 hours biweekly, is not scheduled to work on a holiday and is in paid status during any portion of his scheduled shift before the holiday is entitled to receive an amount of holiday pay equal to the pay received for his average workday. The average workday of an employee is determined by dividing the total scheduled hours of work per year by 2,088 and multiplying the quotient by 8. For the purposes of this subsection, a fireman assigned to a 24 hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.~~

~~—5.— Except as otherwise provided in subsections 11 and 12, an employee who works any portion of a legal holiday is eligible to receive holiday pay in the amount provided in subsection~~

~~3 or 4. An employee who has an established innovative work week agreement is entitled to earn additional holiday pay on an hour for hour basis for any hours worked in addition to the period represented by the holiday pay up to the number of hours of his established workday. Any hours worked by the employee that exceed the number of hours of his established workday as set forth in his innovative work week agreement do not qualify for additional holiday pay.~~

~~—6.— An employee who works on a holiday must be in paid status on that holiday for the amount of time which is the difference between the time represented by his holiday pay and his normal work schedule for that holiday. If the employee has not worked enough hours to be in paid status, he must use sick leave, annual leave or compensatory time to make up the difference.~~

~~—7.— Except as otherwise provided in subsection 11, an employee who is scheduled to work on a holiday, but does not work, is eligible for holiday pay in the manner provided in subsection 3 or 4.~~

~~—8.— A full time employee whose employment begins on a holiday is entitled to receive holiday pay in accordance with subsection 3 or 4 if he is in paid status during his scheduled shift.~~

~~—9.— A full time employee whose regular schedule of work is more than 8 hours, but who has the day off because of a holiday, may use annual leave, use compensatory time or have his schedule adjusted for the amount of time in excess of the holiday pay to which he would be entitled pursuant to subsection 3 or 4. An employee who does not elect to use annual leave or compensatory time and whose schedule is not adjusted may, with the approval of the appointing authority, be placed on a leave of absence without pay.~~

~~—10.— An employee working a part time standard, nonstandard or innovative work week must be paid holiday pay if:~~

~~—(a) The holiday falls on a scheduled workday; and~~

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~~—(b) He is in paid status during his scheduled shift immediately before the holiday or on the holiday if his employment begins on that day.~~

~~The amount of holiday pay must not exceed 8 hours but must otherwise equal what he would have been paid if there had not been a holiday.~~

~~—11.— An employee scheduled to work on a holiday who fails to report his absence to his supervisor or a designated representative as required by NAC 284.590 is not entitled to receive compensation for the holiday.~~

~~—12.— An employee whose employment is terminated:~~

~~—(a) The day before the holiday is not entitled to receive compensation for the holiday.~~

~~—(b) On a holiday on which he is working must be paid an amount for the holiday in proportion to the time he actually worked on the holiday. When an employee gives notice to terminate on a holiday and is not scheduled to work on the holiday, the last day worked or in paid leave status is his date of termination.~~

~~—13.— An employee who transfers the day before a holiday becomes an employee of record in the new agency on the holiday and is entitled to receive compensation for the holiday from the new agency. An employee who transfers from an agency at the end of a shift on a holiday is entitled to receive compensation for the holiday from the previous agency.~~

~~—14.— An employee whose employment is not full-time employment is entitled to be paid holiday pay as provided in subsection 10.~~

~~—15.— Subsections 1 to 14, inclusive, do not apply to an excluded classified employee or excluded unclassified employee. The salary of an excluded classified employee or excluded unclassified employee must not be reduced solely because a holiday occurs on a scheduled workday of that employee.] ***“holiday pay” means payment for a holiday at a nonexempt***~~

employee's normal rate of pay plus the differential rate of pay for the shift, when applicable, or compensatory time at a straight-time rate.

2. Except as otherwise provided in paragraph (c) of subsection 3 and subsections 5 and 7, a full-time nonexempt employee whose base hours are 40 hours per week or 80 hours biweekly is entitled to receive 8 hours of holiday pay for any holiday that he is in paid status during any portion of his shift immediately preceding the holiday.

3. Except as otherwise provided in subsections 5 and 7:

(a) A full-time nonexempt employee whose base hours exceed 40 hours per week or 80 hours biweekly and who is in paid status during any portion of his shift immediately preceding a holiday is entitled to receive holiday pay equal to the pay he receives for his average workday. For the purposes of this paragraph:

(1) The average workday of a nonexempt employee is determined by dividing the total base hours of work per year by 2,088 and multiplying the quotient by 8.

(2) A fireman assigned to a 24-hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.

(b) A part-time nonexempt employee is entitled to receive holiday pay for any portion of that holiday when he is in paid status during any portion of his shift immediately preceding the holiday if a holiday occurs on a scheduled workday. If such an employee is not required to work his normally scheduled workday on the holiday, the amount of holiday pay must equal the amount that he would have been paid if there had not been a holiday.

(c) A:

(1) Full-time nonexempt employee with an innovative work week agreement may earn additional holiday pay on an hour-for-hour basis for any hours he works in excess of the

holiday pay provided in paragraph (a) and in subsection 2, not to exceed the number of hours in his established workday as set forth in his innovative work week agreement.

(2) Part-time nonexempt employee may earn additional holiday pay on an hour-for-hour basis for any hours he works on a holiday, not to exceed 8 hours.

4. If a holiday occurs on the regularly scheduled workday of a nonexempt employee and his normal schedule of work is more than 8 hours, he must be in paid status or be placed on leave without pay for any difference between his holiday pay and his normal work schedule. An appointing authority may adjust the work schedule of such an employee for the week during which the holiday occurs in lieu of placing the employee on paid leave or leave without pay.

5. A nonexempt employee who is scheduled to work on a holiday, who does not work on that holiday and who fails to report his absence to his supervisor or a designated representative as required by NAC 284.590 is not eligible to receive holiday pay.

6. A nonexempt employee whose employment begins on a holiday is eligible to receive holiday pay pursuant to subsections 2 and 3, if he is in paid status during his scheduled shift.

7. A nonexempt employee whose employment is terminated:

(a) The day immediately preceding a holiday is not entitled to receive holiday pay for that holiday.

(b) On a holiday on which he is working must be paid holiday pay for the actual hours he works on the holiday. If a nonexempt employee gives notice that he is terminating his employment on a holiday and he is not scheduled to work on the holiday, the last day on which he works or is in paid status is his date of termination.

8. *The agency that lists a nonexempt employee as an “employee of record” on a holiday is responsible for the payment of holiday pay for that holiday to that employee. For the purposes of this subsection, an “employee of record” is a person employed by the state agency that is required to claim the person as an employee of the agency.*

9. *The salary of an exempt classified or exempt unclassified employee is not affected by a holiday.*

Sec. 63. NAC 284.530 is hereby amended to read as follows:

284.530 1. ~~[An employee, other than an excluded classified employee or excluded unclassified employee, who works on a legal holiday must receive either time and one-half cash payment or time and one-half compensatory time for the hours worked on the legal holiday, in addition to any holiday pay pursuant to NAC 284.526.~~

~~—2.— If an employee works on a legal holiday, the employee is entitled to holiday premium pay or overtime, but not both.~~

~~—3.— For compensation related to a legal holiday, including holiday pay pursuant to NAC 284.526 and holiday premium pay pursuant to this section, an appointing authority shall designate that the compensation will be based on either:~~

~~—(a) The calendar day on which the legal holiday falls; or~~

~~—(b) The entire shift of the employee. If the shift of the employee crosses 2 consecutive calendar days:~~

~~——(1) The employee may receive holiday premium pay for his entire shift only if he has worked the majority of the shift on the legal holiday;~~

~~——(2) Only one shift on the holiday may be designated as hours worked on that holiday; and~~

~~—(3) The appointing authority shall ensure that the hours to be compensated by holiday premium pay are so designated on the applicable timesheet of the employee.~~

~~—4. An employee entitled to a cash payment pursuant to subsection 1 who works on a holiday may elect to receive compensatory time off for the holiday in lieu of any cash payment pursuant to NAC 284.526 if such an election does not exceed the limits on compensatory time imposed by NAC 284.250. All hours in excess of those limits must be paid in cash. The provisions of this subsection do not apply to a fireman who works a 24-hour shift.~~

~~—5.]~~ As used in this section, “holiday premium pay” means ~~[compensation]~~ *pay or compensatory time* at the rate of ~~[one] time~~ and one-half ~~[times]~~ *of* an employee’s normal rate of pay for hours designated as worked on a holiday, except those hours that are considered overtime pursuant to NRS 284.180.

2. A nonexempt employee who works on a holiday is entitled to receive holiday premium pay, overtime pay or compensatory time for the hours he works on the holiday, in addition to any holiday pay that he is entitled to be paid pursuant to NAC 284.526. A nonexempt employee who elects to receive compensatory time for the hours he works on a holiday must not exceed the limits on the accrual of compensatory time set forth in NAC 284.250.

Sec. 64. NAC 284.5385 is hereby amended to read as follows:

284.5385 1. Except as otherwise provided in NAC 284.580, an employee does not accrue annual leave during the time he is on leave without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and makes the election provided in:

(a) Subsection 1 or 3 of NRS 281.390, is entitled to accrue annual leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal ~~salary~~ *pay* and the benefits received.

(b) Subsection 5 of NRS 281.390, must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.

3. An employee who does not have enough sick leave to make up the difference between his normal ~~salary~~ *pay* and the benefits for a temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. Such an employee accrues annual leave only for the time he is covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.

4. Except as otherwise provided in *this subsection and* NAC 284.5415 , ~~and this subsection,~~ to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he must be considered to work not more than 40 hours each week in each position.

5. A part-time employee is entitled to receive prorated annual leave on the basis of his rate of accrual for the equivalent of 1 month of full-time service.

6. An employee who holds two or more part-time positions in state service may combine the time from all positions to compute the credit toward annual leave.

7. The basis for the computation of the amount of annual leave to which an ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this state for his position.

Sec. 65. NAC 284.5395 is hereby amended to read as follows:

284.5395 ~~Upon separation from state service after~~ *An employee who has completed 6* months of continuous service ~~an employee~~ *and who has separated from state service* must be paid a lump-sum payment for any unused annual leave which he has earned through the ~~last day worked. If this date is earlier than the last day of the month, the annual leave must be prorated.~~ *date of separation.*

Sec. 66. NAC 284.544 is hereby amended to read as follows:

284.544 1. Except as otherwise provided in NAC 284.580, an employee does not accrue sick leave during the time he is on leave without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and:

(a) Makes the election provided in subsection 1 or 3 of NRS 281.390, is entitled to accrue sick leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal ~~salary~~ *pay* and the benefits received.

(b) Makes the election provided in subsection 5 of NRS 281.390, must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his

position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.

3. An employee who does not have enough sick leave to make up the difference between his normal ~~[salary]~~ *pay* and the benefits for temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. Such an employee accrues sick leave only for the time he is covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.

4. To compute the amount of sick leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he must be considered to work not more than 40 hours each week in each position.

5. The basis for the computation of the amount of sick leave to which an ~~[excluded]~~ *exempt* classified employee or ~~[excluded]~~ *exempt* unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this state for his position.

Sec. 67. NAC 284.580 is hereby amended to read as follows:

284.580 1. Except as otherwise provided in subsection 5, upon the request of an employee, an appointing authority may grant a leave of absence without pay for a fiscal emergency of the state during any period for which the governor has declared that the state will experience a shortfall in revenue or for any other reason is in a state of fiscal emergency.

2. The appointing authority shall reduce the pay of an employee to whom a leave of absence is granted pursuant to subsection 1 by an amount equal to the ~~[compensation otherwise payable]~~ *pay that the employee would otherwise receive* for the hours for which the leave is approved.

3. The hours for which payment is withheld pursuant to subsection 2:

(a) Must be treated as hours in paid status for the purposes of NAC 284.182, 284.282, 284.448, 284.526, 284.538, 284.5385, 284.544, and 284.614.

(b) Must not be considered as time worked in calculating overtime.

4. After notifying the employee in writing and allowing a reasonable period for the employee to return to work, an appointing authority:

(a) Shall revoke any leave approved pursuant to subsection 1 upon a declaration by the governor that the fiscal emergency no longer exists.

(b) May revoke any leave approved pursuant to subsection 1 for any other bona fide reason.

5. An appointing authority shall not approve leave pursuant to subsection 1 that consists of any partial working days for an ~~excluded~~ exempt classified employee or ~~excluded~~ exempt unclassified employee.

6. As used in subsection 5, “partial working day” means any portion of a day that is less than the full regular working day of the employee to whom this subsection is being applied.

Sec. 68. NAC 284.582 is hereby amended to read as follows:

284.582 1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his normal hours of work, to serve:

(a) On a jury; or

(b) As a witness in a court or at an administrative hearing unless he is a party to the action which is not related to his job.

FLUSH The period of the leave must not be deducted from the balance of his annual leave. An employee who is granted the leave must ~~be paid~~ receive his regular ~~salary~~ pay while on the leave, and he may retain any fee paid to him for his service as a juror or witness.

2. If an employee, in his official capacity as a state employee and as part of his required duties, serves as a witness during his regular working hours, he shall accept any witness fee offered to him and relinquish it to the agency by which he is employed.

3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he performs service as a witness, he may retain that payment only if the state has not provided him payment for the same purpose. If the state has provided him such a payment, he shall relinquish it to the agency by which he is employed.

4. As far as practical, agencies shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror. The agency may also consider options such as hiring relief help or rescheduling volunteer work.

Sec. 69. NAC 284.5895 is hereby amended to read as follows:

284.5895 1. For the purposes of accounting for the use of leave appropriate to an absence, an absence of an ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.

2. Except when an absence for part of a workday is authorized for family and medical leave, an ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee must only account for an absence of one or more full workdays by the use of leave appropriate to the absence, and is not required to account for any absence for part of a workday by the use of leave appropriate to the absence.

3. An ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee must not account for an absence for a full workday by the use of a combination of accrued sick leave and accrued annual leave unless:

(a) He is on family and medical leave; or

(b) He has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.

4. If an ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he is approved to use catastrophic leave.

Sec. 70. NAC 284.594 is hereby amended to read as follows:

284.594 1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.

2. A deduction of pay may be made for a reported but unauthorized absence when the appointing authority declines to authorize the leave for reasons which are substantial and just.

3. Such absences may be made the grounds for disciplinary action.

4. A deduction from the pay of an ~~excluded~~ *exempt* classified employee or ~~excluded~~ *exempt* unclassified employee must be made in increments of a full workday.

Sec. 71. NAC 284.6008 is hereby amended to read as follows:

284.6008 1. A temporary assignment offered to an employee pursuant to NAC 284.6004 must be located less than 25 miles from the location of his regular position, unless the employee accepts a temporary assignment in a different geographical location.

2. A temporary assignment offered to an employee must be under the jurisdiction of the employee's appointing authority if such an assignment is available. If it is not so available, the appointing authority shall contact the department of personnel and determine if a temporary assignment that is modified according to the limitations or restrictions imposed on the employee's ability to work is available under the jurisdiction of another appointing authority.

3. If the employee is offered a temporary assignment under the jurisdiction of another appointing authority:

(a) The temporary assignment does not constitute a transfer to the position under the jurisdiction of the other appointing authority.

(b) The employee shall be deemed to remain in his regular position.

(c) The employee's original appointing authority is responsible for the payment of ~~his salary.~~ *the employee's pay.*

Sec. 72. NAC 284.614 is hereby amended to read as follows:

284.614 1. Except as otherwise provided in NAC 284.438, if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:

(a) The administrator of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the department of human resources and the University and Community College System of Nevada, the administrator of a division, with the approval of the director of the department, shall determine in what geographical location, class series, class and option the reduction of staff will have the least detrimental effect on operations and shall specify the layoffs accordingly.

(b) Within the department, and within the geographical location, class series, class and option selected, all employees of the department who are not permanent must be laid off before any permanent employees in the following order:

- (1) Emergency employees.
- (2) Temporary employees.
- (3) Provisional employees.
- (4) Probationary employees.

(c) If additional reductions are necessary, permanent employees must be laid off on the basis of performance and seniority. In computing seniority, the time covered by a report on performance *which rated an employee* “below standard” or “unacceptable” ~~made~~ during the ~~last~~ 4 years *immediately preceding the notification of layoff* must not be included, except that no report may be considered for the time covered within 75 calendar days before the notification of layoff was issued. Except as otherwise provided in this paragraph, the time ~~“covered”~~ *covered* by a report of substandard performance ~~runs from~~ *commences on* the date *on which* the report was filed with the director ~~until~~ *and ends on* the date recorded on the employee’s subsequent report on performance as the date on which his performance improved to standard or better. If the subsequent report on performance is not filed within ~~30 days after the date~~ *the 90-day period* required by subsection 4 of NRS 284.340, the employee’s performance shall be deemed standard effective on the date *on which* the *subsequent* report on performance was due.

(d) In the department and within the geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off.

(e) For the purposes of this subsection, an appointing authority may consider whether positions are full time or part time and limit layoffs to full-time or part-time employees. Similar

considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.378.

2. When determining seniority for order of layoff:

(a) Seniority must be projected and counted up to the established date of layoff.

(b) Seniority for part-time employment must be prorated to its full-time equivalent.

(c) If a classified employee enters unclassified service and subsequently reenters classified service, his previous and current classified service is counted.

(d) Except as otherwise provided in NAC 284.580, any combination of authorized leave without pay and catastrophic leave for more than 240 hours or, in the case of an ~~excluded~~ *exempt* classified employee, 30 working days, in a year, calculated pursuant to subsection ~~6~~ 5 of NAC 284.182, is not counted.

(e) When an employee was separated from service with this state for any of the reasons that do not result in a break in continuous service as provided in NAC 284.598, the time during the separation is not counted.

Sec. 73. NAC 284.642 is hereby amended to read as follows:

284.642 1. If a written reprimand is not effective, or if the seriousness of the offense or condition warrants, an employee may be suspended without pay by the appointing authority for a period not to exceed 30 calendar days for any cause or causes listed in NAC 284.650. The rights and procedures contained in NAC 284.656 apply to a suspension ordered pursuant to this section.

2. An ~~excluded~~ *exempt* classified employee may only be suspended without pay in increments of one or more full work weeks.

Sec. 74. NAC 284.702 is hereby amended to read as follows:

284.702 1. Each appointing authority shall report promptly to the department of personnel such information as required in connection with each appointment, separation from service, other change in position or ~~[salary]~~ *pay* or other matters affecting the status of positions or the performance of duties of employees in the state service.

2. All reports must be prepared in the manner and on the forms prescribed by the department.

3. The department will establish procedures for sending copies of reports and notices to the state controller without delay of any new positions, new employees and of its approval or disapproval of these actions.

Sec. 75. NAC 284.706 is hereby amended to read as follows:

284.706 If the department of personnel determines that ~~[a person is employed or proposed to be employed or paid as]~~ an employee in the classified or unclassified service *has been paid* in a manner which is contrary to the applicable laws and regulations ~~[-, it will so]~~ *and the agency has been unsuccessful in collecting the overpayment, the department of personnel will* notify the state controller after it has reviewed the ~~[employment or proposed employment]~~ *circumstances* with the agency concerned.

Sec. 76. NAC 284.710 is hereby amended to read as follows:

284.710 Any personnel documents effecting changes in an employee's ~~[salary]~~ *pay* and having the identical effective date will be processed in the following order:

1. ~~[Increases in salary based on merit.]~~ *Merit pay increases.*
2. Reclassifications or overall adjustments to the compensation plan.
3. Promotions or demotions.

Sec. 77. NAC 284.714 is hereby amended to read as follows:

284.714 1. The official roster of employees in the public service maintained by the department of personnel is a public record and will be open to inspection under reasonable conditions during business hours in the department's offices or the offices where the records are kept.

2. Except as *otherwise* provided in subsection 3, the roster must contain, for each employee:

- (a) His name;
- (b) The class title of the position he holds;
- (c) His ~~salary or~~ *rate of* pay;
- (d) Any change in his class title, pay ~~or~~ or status; and
- (e) Other pertinent data as determined by the director.

3. For public inspection purposes, the roster may exclude the actual names of employees who are in sensitive law enforcement positions where public access to the employees' identities could jeopardize their personal safety or job performance, in which case the employee will be shown on the roster as an unidentified employee.

Sec. 78. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of *subparagraph 2 of* paragraph ~~(b)~~ *(a)* of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 3, access to an employee's file of employment containing any of the items listed in paragraphs (f) to (i), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his employment file.
- (c) The appointing authority or a designated representative of the agency by which the employee is employed.
- (d) The director of the department of personnel or his designated representative.
- (e) An appointing authority, or his designated representative, who is considering the employee for employment in his agency.
- (f) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (g) The state board of examiners if the board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

3. Information concerning the health, medical condition or disability of an employee or a member of his immediate family must be kept separate from the employee's file in a locked cabinet. Access to such information is limited to the employee, his current supervisor, and the appointing authority or his designated representative.

4. Except as otherwise provided by specific statute, records maintained by the employee assistance program must not be released without written permission signed by the employee to whom the records pertain.

5. Upon request, the department of personnel will provide the personal mailing address of any employee on file with the department to the state controller's office and the Internal Revenue Service.

6. The director or the appointing authority, or his designated representative, shall authorize the release of any confidential records under his control which are requested by the committee, a hearings officer, the commission, the Nevada equal rights commission or a court. If the director or his designated representative determines that the release of any confidential record is not necessary for those purposes, the decision may be appealed.

Sec. 79. NAC 284.770 is hereby amended to read as follows:

284.770 Employees may vote as they choose and express their political opinions on all subjects without recourse, except that no employee may:

1. Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary, or nonmonetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor.

2. Engage in political activity during the hours of his state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer or ~~salary advancement.~~ *increase in pay.*

Sec. 80. NAC 284.162, 284.166, 284.202 and 284.534 are hereby repealed.

TEXT OF REPEALED SECTIONS

284.162 Application of rates.

1. Except as otherwise provided in subsection 2, each classified employee's base rate of pay must be set at one of the established steps in the grade for the appropriate class.
2. If a position is reclassified to a class with a lower grade, the department of personnel may authorize the retention by the affected employee of the salary in the specific grade and step which the employee held before reclassification pursuant to NAC 284.140 and 284.290.

284.166 Payment for part-time or intermittent employment.

1. Except as otherwise provided in this section, an employee who works a portion of the established work week must be paid in direct proportion to the full-time rate.
2. Intermittent employees must be paid for actual hours worked at the appropriate grade and step.
3. An excluded classified employee or excluded unclassified employee who works a portion of the established work week must not be paid for hours worked in excess of the number of hours authorized in the biennial operating budget of this state for his position.

284.202 Increase in salary based on merit: Delay because of administrative or clerical error.

If an increase in salary based on merit is delayed solely because of an administrative or clerical error, the increase must be made effective as of the date it was properly due.

284.534 Compensation for holiday on employee's day off.

1. Except as otherwise provided in subsection 2, if a holiday occurs on a full-time employee's day off, the appointing authority may:

- (a) Adjust the employee's schedule of work for the week during which the holiday occurs;
- (b) Credit the employee with compensatory time; or
- (c) Pay the employee for the holiday, if he is in paid status during his scheduled shift before the holiday.

2. Subsection 1 does not apply to an excluded classified employee or excluded unclassified employee. If a holiday occurs on an excluded classified employee's or excluded unclassified employee's day off, the appointing authority may adjust the employee's schedule of work for the week during which the holiday occurs or for a subsequent week.

**Informational Statement Concerning Adopted Regulation
LCB File No. R147-01**

On December 7, 2001, the Personnel Commission approved the adoption of the attached amendments to Chapter 284 of NAC. The following is the informational statement concerning these actions as required in 233B.066:

1. On October 16, 2001, copies of the "Notice of Workshop" to solicit comments on proposed regulations and "Notice of Hearing" for the adoption, amendment and repeal of regulations were posted conspicuously in public buildings. On the same day, copies of the notices and the text of the proposed regulations were filed with the Legislative Counsel Bureau and the Nevada State Library. Also on October 16, 2001, all State agencies were notified by memorandum of the proposed actions. Copies of the notices with the text of the proposed regulations were included with the memorandum for dissemination among State employees. Copies of the notices and text of the proposed regulations were also sent to the State of Nevada Employees Association, the main public library in each county, all requesting parties, and members of the Personnel Commission.

2. The workshop was held at the Department of Transportation in Carson City on November 8, 2001. Twenty people attended the workshop on the proposed regulations. The proposed regulations were presented in two parts. Part I consisted of proposed regulation changes due to statutory changes, requests by interested parties and proposals by the Department of Personnel.

Part II contained proposed regulations changes as a result of a comprehensive review of the Compensation Section of the Rules for Personnel Administration. Carol Thomas explained that the Legislative Counsel Bureau would be adding sections to effect changes in the definitions, for example, from "excluded" to "exempt".

The explanation of change was read for each of the sections. Discussion was heard on the following sections: 284.526, 284.576, and 284.170. Agency personnel liaisons expressed their opposition to the State of Nevada Employee's Association proposed amendment to 284.526 and reservation regarding Public Safety's proposed amendment to 284.170. A summary of the public workshop is available upon request from the Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204.

On Friday, December 7, 2001, a Personnel Commission hearing was held at the Grant Sawyer Office Building in Las Vegas, and all the proposed regulations were adopted except for section 7 of agenda item VI-A and subsections 1(b)5 and 1(c) of section 33 of agenda item VI-B. Sections 3 and 4 of agenda item VI-A and section 27 of agenda item VI-B were withdrawn from consideration prior to the hearing. Forty-eight people were in attendance in Las Vegas, and 23 were in attendance in Carson City via video conference.

During the hearing, Gary Wolff, from the Nevada Highway Patrol Association and Teamsters Local 14, and members of those organizations requested that section 1 of agenda item VI-A, Extended Military Leave for Active Military Service, be rewritten to compare the employee's

base rate of pay in State service to their base rate of pay in the military. Testimony was heard which verified that the intent of the regulation was to make the employee whole in terms of pay while on active military service. Additional testimony indicated that the differential pay was a new benefit and that calculating the pay differential in a different manner may result in a higher cost impact which went beyond the intent of the regulation.

Comments were also received on section 6 of agenda item VI-A, Length of Probationary Period. Scott McKenzie, Executive Director, from the State of Nevada Employee's Association (SNEA) and a representative of their membership from the Department of Motor Vehicles provided testimony objecting to the lengthening of the probationary period for grades 20, 21, and 22. Jeanne Greene, Director, Department of Personnel responded that the current proposal was a result of an agreement made with SNEA during the last legislative session. Personnel Officers from Department of Human Resources, Department of Employment, Training and Rehabilitation, University of Nevada, Las Vegas and Business Center North testified that a longer probationary period was necessary to appropriately evaluate employees.

A lengthy discussion was held regarding section 7 of agenda item VI-A, Computation of Payments for Holidays. The SNEA provided testimony regarding their proposal to allow payment for holiday pay to equal an employee's regular hours of work (e.g., an employee who normally works 10 hours but has the day off due to the holiday would receive 10 hours of holiday pay). Gary Wolff provided supporting testimony for the amendments. The Department of Personnel and agency personnel liaisons from a variety of departments provided testimony in opposition to the proposed amendments.

The last comments received were regarding the proposed amendments to 284.204. Following the workshop, language had been inserted into 284.204 to allow an appointing authority to request an adjustment of steps for a supervisor whose base rate of pay was the same as or less than one of his subordinate staff members. The Department of Public Safety requested, during the hearing, that the amendment be modified to allow more discretion on the part on the appointing authority including making equity adjustments for other employees when one of their peers received pay differential adjustment. The Personnel Officer from Department of Corrections and Interim Director of Cultural Affairs asked for more time to consider the proposal and asked that the matter be tabled. Subsections 1(b)5 and 1(c) were tabled and the remainder of the amendments to 284.204 were approved.

A summary of the hearing is available upon request from the Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204.

3. The regulations do not affect businesses; therefore, their comments were not solicited
4. These regulations do not have a direct economic effect on any business or the public
5. Enforcement of these regulations should not result in any increased cost to the Department of Personnel.
6. These regulations do not duplicate or overlap with other State or government regulations.