

**REVISED PROPOSED REGULATION OF
THE STATE CONTROLLER**

LCB File No. R120-03

December 5, 2003

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

AUTHORITY: §§1 and 2, NRS 281.129.

Section 1. NAC 281.250 is hereby amended to read as follows:

281.250 1. In addition to any other withholdings provided by law, the State Controller ~~will~~ *may* withhold money from the salary or wages of an officer or employee of the Executive Department whose payroll is processed by the State Controller ~~;~~ for payment to:

- (a) Any charitable organization approved by the Controller.
- (b) Employee credit unions.
- (c) ~~[One health and accident insurer for each officer or employee.]~~ *Except as otherwise provided in subsection 2, insurers.*
- (d) The United States for the purchase of ~~[a savings bond]~~ *savings bonds* or similar ~~[obligation.]~~ *obligations of the United States.*
- (e) An employee organization or labor organization *whose primary mission is the advancement and support of its members within the employment positions and professions of the members,* if:
 - (1) At least 20 percent of the officers or employees of the State request withholdings from their wages or salaries for payment to the organization; or

(2) At least 51 percent of the officers or employees of the State who are eligible to be members of a homogeneous unit request withholdings from their wages or salaries for payment to the organization. For the purposes of this subparagraph, a “homogeneous unit” means a group of state employees or officers having a sufficient community of interest to make it appropriate for them to be represented by a particular employee organization.

2. *The State Controller will, upon receipt of information from the Public Employees’ Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.*

3. An officer or employee of the Executive Department is not entitled to continue the withholding provided by paragraph (e) of subsection 1 if the number of officers or employees who request the withholding falls below ~~an average for a calendar year of:~~

~~—(a) Ten percent of the officers and employees of the State, if the withholding is made pursuant to the provisions of subparagraph (1) of paragraph (e) of subsection 1.~~

~~—(b) Twenty six percent of the officers and employees who are members of the organization, if the withholding is made pursuant to the provisions of subparagraph (2) of paragraph (e) of subsection 1.~~

~~—3.]~~ *the percentage required by paragraph (e) of subsection 1.*

4. *Not earlier than January 1 of each year and not later than July 1 of that year, an employee organization or labor organization that receives money pursuant to paragraph (e) of subsection 1 shall submit to the State Controller a detailed report of the membership of the organization. The State Controller will review the report to determine whether the percentage required by paragraph (e) of subsection 1 is met.*

5. The State Controller will send written notice to an employee organization or labor organization if the number of officers and employees who request that money be withheld for payment to the organization falls below the percentage required by paragraph (e) of subsection 1. The members of the organization may continue to have the money withheld from their salaries or wages and paid to the organization for not more than 1 year after the date of the notice given by the State Controller. If the percentage required by paragraph (e) of subsection 1 is not met in that year, the withholding will be discontinued.

~~{4-}~~ 6. The percentages required by paragraph (e) of subsection 1 do not apply to an officer or employee of the Executive Department whose withholding for payment to an employee organization or labor organization began before January 2, 1990.

~~{5-}~~ 7. All disputes regarding withholdings, including refunds and missed withholdings, must be resolved by the employee and the organization receiving the withholding.

Sec. 2. NAC 281.260 is hereby amended to read as follows:

281.260 An officer or employee of the Executive Department may:

1. Request in writing on a form approved by the State Controller that money be withheld from his salary or wages.

2. ~~{Cancel}~~ *Except as otherwise provided in subsection 3, cancel* a withholding by giving written notice to the State Controller and the appropriate organization. The cancellation is effective on a date determined by the Controller, but not later than 30 days after the day the Controller receives the notice.

3. *Cancel a withholding for an employee organization or labor organization that receives money pursuant to paragraph (e) of subsection 1 of NAC 281.250 by giving written notice:*

(a) In the manner set forth in subsection 2, if the officer or employee is transferred to another position in which membership in the employee organization or labor organization is no longer available; or

(b) To the State Controller and the appropriate organization during the annual period for cancellation. The annual period for cancellation is the 2 weeks preceding each anniversary date of the commencement of the membership of the officer or employee in the organization. The cancellation is effective on a date determined by the Controller, but not later than 30 days after the day the Controller receives the notice.