

ASSEMBLY BILL NO. 3—ASSEMBLYWOMAN GIBBONS

PREFILED JANUARY 27, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides for paid leave of absence of certain duration for certain public officers and employees who donate bone marrow or certain organs. (BDR 23-147)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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

AN ACT relating to public employees; establishing a program of paid leave of absence of certain duration for state officers and employees who donate bone marrow or certain organs; authorizing the establishment of such a program by political subdivisions of the State; authorizing such political subdivisions to create a separate pool of leave for use by their public officers and employees who donate bone marrow or certain organs; authorizing the use of catastrophic leave by state officers and employees who donate bone marrow or certain organs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 281 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *Except as otherwise provided in this section, a public*  
4     *officer or employee of the State or an agency of the State must be*  
5     *relieved from his duties to donate:*  
6     (a) *Part of his bone marrow; or*  
7     (b) *All or part of one of his organs.*  
8     2. *Except as otherwise provided in this subsection, a political*  
9     *subdivision of the State or an agency of a political subdivision of*



\* A B 3 R 1 \*

1 *the State may, at its discretion, establish a program to grant to its*  
2 *public officers and employees the leave described in subsection 1.*  
3 *If a political subdivision of the State or an agency of a political*  
4 *subdivision of the State establishes such a program, the program*  
5 *must provide that the leave described in subsection 1 is available*  
6 *to all the public officers and employees of the political subdivision*  
7 *or agency who otherwise comply with the provisions of this*  
8 *section.*

9 3. *Any leave that is required to be granted pursuant to*  
10 *subsection 1 or is granted pursuant to a program established in*  
11 *accordance with subsection 2 must be granted to a public officer*  
12 *or employee without loss of his regular compensation for such a*  
13 *period as is requested by the public officer or employee but in no*  
14 *case to exceed:*

15 (a) *With respect to a donation of bone marrow, 7 working days*  
16 *in any 1 calendar year; and*

17 (b) *With respect to the donation of all or part of an organ, 30*  
18 *working days in any 1 calendar year.*

19 4. *Except as otherwise provided in subsection 6, the paid*  
20 *leave described in subsection 3 must not be counted against any*  
21 *annual vacation time, compensatory time or sick leave time that a*  
22 *public officer or employee has accrued.*

23 5. *To be eligible for the paid leave described in subsection 3,*  
24 *a public officer or employee must provide to his employer a*  
25 *written, signed statement from a physician or from the*  
26 *administrator of a hospital, attesting to the fact that the public*  
27 *officer or employee has donated bone marrow or all or part of one*  
28 *of his organs, or is scheduled to make such a donation.*

29 6. *If a public officer or employee obtains paid leave pursuant*  
30 *to this section but does not ultimately make the donation for which*  
31 *the leave was granted, the employer of the public officer or*  
32 *employee may require the public officer or employee to reimburse*  
33 *the employer accordingly, either through the payment of money or*  
34 *the exchange of another type of paid leave that the public officer*  
35 *or employee has accrued.*

36 7. *A political subdivision of the State or an agency of a*  
37 *political subdivision of the State that has established a program*  
38 *pursuant to subsection 2 may create a pool of leave to be used by*  
39 *its public officers and employees who donate bone marrow or all*  
40 *or part of one of their organs and have exhausted the paid leave*  
41 *described in subsection 3. Such a pool of leave may include the*  
42 *following types of time that are transferred to the pool by other*  
43 *public officers and employees of the political subdivision or*  
44 *agency of the political subdivision:*

45 (a) *Annual vacation time;*



- 1       (b) *Compensatory time; and*
- 2       (c) *Sick leave time.*
- 3       8. *No part of this section prohibits an employer, after a public*
- 4 *officer or employee has exhausted the paid leave described in*
- 5 *subsection 3, from allowing the public officer or employee to:*
- 6       (a) *Take unpaid leave;*
- 7       (b) *Use annual vacation time, compensatory time or sick leave*
- 8 *time;*
- 9       (c) *If the public officer or employee is employed by a political*
- 10 *subdivision of the State or an agency of a political subdivision of*
- 11 *the State, use leave from a pool of leave that has been created*
- 12 *pursuant to subsection 7;*
- 13       (d) *If the public officer or employee is employed by the State or*
- 14 *an agency of the State, use catastrophic leave as authorized*
- 15 *pursuant to NRS 284.362 to 284.3629, inclusive, and sections 3 to*
- 16 *6, inclusive, of this act; or*
- 17       (e) *As applicable, take or use any of the types of leave or time*
- 18 *that are described in paragraphs (a) to (d), inclusive,*
- 19 *if the employer reasonably believes that the public officer or*
- 20 *employee requires an additional period of relief from his duties to*
- 21 *recuperate from the donation of bone marrow or all or part of one*
- 22 *of his organs.*
- 23       9. *No period in which a public officer or employee is absent*
- 24 *from work to donate bone marrow or all or part of one of his*
- 25 *organs, or to recuperate from such a donation, whether the period*
- 26 *of absence is paid or unpaid, may be used as the basis for:*
- 27       (a) *Reducing the officer's or employee's benefits or seniority;*
- 28 *or*
- 29       (b) *Terminating the officer's or employee's position.*
- 30       10. *As used in this section:*
- 31       (a) *"Bone marrow" means the soft material that fills human*
- 32 *bone cavities.*
- 33       (b) *"Organ" means a vascularized human organ, all or part of*
- 34 *which is capable of being transplanted from a living human donor*
- 35 *to a living human recipient, including, without limitation:*
- 36           (1) *An organ such as a kidney, all of one of which is*
- 37 *capable of being transplanted from a living human donor to a*
- 38 *living human recipient; and*
- 39           (2) *An organ such as a liver, lung or pancreas, only part of*
- 40 *which is capable of being transplanted from a living human donor*
- 41 *to a living human recipient.*
- 42       (c) *"Vascularized human organ" means a human organ that*
- 43 *requires the continuous circulation of blood to remain useful for*
- 44 *purposes of transplantation.*



1     **Sec. 2.** Chapter 284 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 3 to 6, inclusive, of this  
3 act.

4     **Sec. 3.** *“Bone marrow” has the meaning ascribed to it in*  
5 *section 1 of this act.*

6     **Sec. 4.** *“Catastrophe” means:*

7         1. *The employee is unable to perform the duties of his*  
8 *position because of a serious illness or accident which is life*  
9 *threatening or which will require a lengthy convalescence;*

10        2. *There is a serious illness or accident which is life*  
11 *threatening or which will require a lengthy convalescence in the*  
12 *employee’s immediate family;*

13        3. *There is a death in the employee’s immediate family;*

14        4. *The employee is unable to perform the duties of his*  
15 *position because he is:*

16           (a) *Donating part of his bone marrow or all or part of one of*  
17 *his organs; or*

18           (b) *Recuperating from the donation described in paragraph*  
19 *(a); or*

20        5. *Any other serious calamity defined to be a catastrophe by*  
21 *regulation of the Commission.*

22     **Sec. 5.** *“Committee” means the Committee on Catastrophic*  
23 *Leave created pursuant to NRS 284.3627.*

24     **Sec. 6.** *“Organ” has the meaning ascribed to it in section 1*  
25 *of this act.*

26     **Sec. 7.** NRS 284.362 is hereby amended to read as follows:  
27 284.362 ~~[ ]~~ As used in NRS 284.362 to 284.3629, inclusive

28 ~~[ ]~~  
29 ~~—(a) “Catastrophe” means:~~

30 ~~—(1) The employee is unable to perform the duties of his~~  
31 ~~position because of a serious illness or accident which is life~~  
32 ~~threatening or which will require a lengthy convalescence;~~

33 ~~—(2) There is a serious illness or accident which is life~~  
34 ~~threatening or which will require a lengthy convalescence in the~~  
35 ~~employee’s immediate family; or~~

36 ~~—(3) There is a death in the employee’s immediate family.~~

37 ~~—(b) “Committee” means the Committee on Catastrophic Leave~~  
38 ~~created pursuant to NRS 284.3627.~~

39 ~~—2. The Commission shall adopt regulations further defining~~  
40 ~~“catastrophe” to ensure that the term is limited to serious~~  
41 ~~calamities.] , and sections 3 to 6, inclusive, of this act, unless the~~  
42 ~~context otherwise requires, the words and terms defined in~~  
43 ~~sections 3 to 6, inclusive, of this act have the meanings ascribed to~~  
44 ~~them in those sections.~~



1       **Sec. 8.** NRS 284.3621 is hereby amended to read as follows:  
2       284.3621 1. Each appointing authority may establish an  
3       account for catastrophic leave.  
4       2. An employee of an appointing authority may request, in  
5       writing, that a specified number of hours of his accrued annual or  
6       sick leave be transferred from his account to the account for  
7       catastrophic leave. *In addition to such hours, an employee of an*  
8       *appointing authority may request, in writing, that a specified*  
9       *number of hours of his accrued annual, sick or compensatory*  
10       *leave be transferred from his account to the account for*  
11       *catastrophic leave for the specific use of persons who donate bone*  
12       *marrow or all or part of one of their organs.*  
13       3. An employee may not transfer to the account for  
14       catastrophic leave any hours of sick leave if the balance in his  
15       account after the transfer is less than 240 hours.  
16       4. The maximum number of hours which may be transferred by  
17       an employee in any 1 calendar year is 120. The minimum number of  
18       hours which may be transferred in any 1 calendar year is 8.  
19       5. An employee may transfer hours to any such account for  
20       catastrophic leave for use by a particular employee in any branch of  
21       State Government who is eligible to receive them. A record of the  
22       source and number of hours of leave transferred among different  
23       appointing authorities for this purpose and the date of the transfer  
24       must be maintained by each appointing authority. Leave transferred  
25       in excess of the amount approved for use by a particular employee  
26       must be returned to the employee's account from which it  
27       originated. The Commission shall, by regulation, determine the  
28       procedure to return excess leave.  
29       6. Any hours of annual , ~~for~~ sick *or compensatory* leave  
30       which are transferred from any employee's account to the account  
31       for catastrophic leave and not designated for use by a particular  
32       employee may not be returned or restored to the originating  
33       employee. This subsection does not prevent the employee from  
34       receiving leave pursuant to NRS 284.3622.

