

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eighty-second Session
May 30, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 1:55 p.m. on Tuesday, May 30, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Skip Daly, Vice Chair
Senator Heidi Seevers Gansert
Senator Lisa Krasner

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro (Excused)

STAFF MEMBERS PRESENT:

Nicolas Anthony, Policy Analyst
Jeff Koelemay, Counsel
Barbara Young, Committee Secretary

OTHERS PRESENT:

Zach Conine, State Treasurer
Erik Jimenez, Chief Policy Deputy, Office of the State Treasurer
Caitlin Gatchalian, American Heart Association
Brady Easterling, AFSCME International
Kent Ervin, Nevada Faculty Alliance
Jamelle Mance, Director, Prenatal to 3 Initiative, Children's Advocacy Alliance

CHAIR OHRENSCHALL:

Today we are hearing [Assembly Bill \(A.B\) 376](#).

ASSEMBLY BILL 376 (2nd Reprint): Establishes provisions governing paid family leave for certain state employees. (BDR 23-1053)

ZACH CONINE (State Treasurer):

Assembly Bill 376 creates a mechanism by which State employees are offered the ability to take paid family leave. This bill stemmed from several conversations on how to recruit and retain our employees. We are endeavoring to put “human” back in human resources. This means understanding the limitations provided by existing State personnel rules which provide a structure and guardrails on our flexibility. State rules limit us. The rules force us to think creatively and strategically on ways we can improve the experience for our staff as employees of a government agency and individuals and residents of our State. As public servants, we owe our constituents a certain level of care.

We recently implemented a Babies in the Workplace Policy which allows parents to bring their infants into the Treasurer’s Office up to six months of age. We recognize how important and foundational those first few months of life are. This bill furthers that charge by allowing the State to start redefining what it means to be a State employee and what benefits are included. Paid family leave is one step toward increasing opportunities for State employees.

This bill is straightforward. It models a similar law in California and creates a provision by which a State employee may take eight weeks leave at 50 percent pay to bond with a newborn or adopted child, to recover or receive treatment from a serious illness, to care for an ill family member or in the event of an immediate family member’s military deployment. State employees must use accrued sick leave and annual leave or take unpaid leave under Family Medical Leave Act (FMLA) for these circumstances. While FMLA protects an employee’s job, it does not allow the employee to collect a paycheck in the event of serious illness or while bonding with a new baby.

The paid leave allowed under A.B. 376 is only triggered if the employee has exhausted most of their sick leave. Employees are allowed to reserve up to 40 hours of sick leave. We included the reserve provision to ensure employees had some buffer with sick leave should it be needed immediately after or shortly after the eight weeks of family leave. Paid leave does not have to be taken consecutively. It is a cumulative eight weeks each year.

This bill modifies the existing allowances for sick leave to include all the allowable uses for paid family leave. State employees would use their sick time to bond with a newborn or, in the event of a military deployment, to use their accrued sick leave first.

SENATOR SEEVERS GANSERT:

Is medical leave paid at 100 percent and the additional eight weeks leave is paid at 50 percent?

TREASURER CONINE:

Yes, an employee could take all general sick leave at full pay and then switch to the FMLA type coverage that would be created by this bill at half pay. The intention is to make sure that we do not require someone to take down all the sick leave before receiving access to this.

SENATOR SEEVERS GANSERT:

State employees can accrue quite a bit of sick leave. Does it accrue at the same rate as vacation time? Is that accurate?

TREASURER CONINE:

That is my understanding.

SENATOR SEEVERS GANSERT:

Are there any constraints on how much sick leave you could have?

ERIK JIMENEZ (Chief Policy Deputy, Office of the State Treasurer):

There is. I do not know the number off the top of my head. We are happy to get that for you. It does burn off at a certain point.

SENATOR DALY:

Does the time need to be taken consecutively? Would medical treatment be different from leave for a newborn child?

TREASURER CONINE:

The time taken should be qualified each time. Where an employee has a newborn child, the time would be taken consecutively. The goal here is to model the FMLA rules from the federal government.

SENATOR DALY:

Do benefits go along with the 50 percent pay?

TREASURER CONINE:

You are still an employee at that time and would still be accruing benefits. Sick leave and vacation would accrue at half the rate. You would be receiving your health benefits.

SENATOR SEEVERS GANSERT:

With FMLA you can have up to 12 weeks off, but that is unpaid. It does not have to be paid. It can be either way. Does this come first or how does someone get 8 weeks plus another 12 weeks?

TREASURER CONINE:

They are consecutive. If you are on FMLA leave, this would effectively pay for eight weeks of that FMLA leave at 50 percent, if you choose to use it.

SENATOR OHRENSCHALL:

Would health insurance continue for the family while on these eight weeks of leave, or would it continue as still employed?

MR. JIMENEZ:

Health insurance contributions would continue at the same rate that they would be covered normally if the employee was paying into that system. The contributions would continue as if the participant was employed.

CAITLIN GATCHALIAN (American Heart Association):

I express our support for A.B. 376. The American Heart Association (AHA) supports policies that ensure State employees have access to paid family and medical leave programs that provide for sufficient personal or family life events and needs.

The AHA understands that people need sufficient time to recover from serious medical conditions without worrying about covering expenses. Paid leave policies lead to healthier babies and birthing parents. The United States has no guaranteed paid family and medical leave, and access is lowest among workers who need it most. Far too many people are forced to sacrifice savings or lose jobs altogether when time is needed to care for themselves or their families.

BRADY EASTERLING (AFSCME International):

This bill is a great step forward in addressing paid family leave and paid emergency leave for State workers. These changes will help the State attract and retain talent which will help fill critical vacancies at State agencies. We ask you to support A.B. 376.

KENT ERVIN (Nevada Faculty Alliance):

We support A.B. 376 as amended in the Assembly to include unclassified employees as well as our classified colleagues at the Nevada System of Higher Education. The various institutions have different procedures for family and medical leave, particularly for faculty members during a semester, teaching time or a usually rigid probationary timeline. This bill will provide extra flexibility.

JAMELLE MANCE (Director, Prenatal to 3 Initiative, Children's Advocacy Alliance):

I am testifying in support of A.B. 376 to establish provisions governing paid family leave for certain State employees. Paid family leave is a critical component to support families financially and emotionally during their most important life transitions. Without paid family leave, something as unexpected as a car accident could be detrimental, causing instability in other areas such as housing and food security. Research in early childhood shows providing parents with the time and financial security to stay home and bond with the new child can improve economic security and overall health and well-being of the family. While keeping parents engaged in the workforce, implementing this bill for State employees is a huge step in the right direction.

TREASURER CONINE:

The cap for sick time is 90 days, for clarification, according to *Nevada Revised Statutes* 284.355.

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CHAIR OHRENSCHALL:
We are adjourned at 2:12 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster