KENNY C. GUINN
Governor

STATE OF NEVADA

JEANNE GREENE
Director

DEPARTMENT OF PERSONNEL
209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
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MEMO PERD #34/01
October 16, 2001

TO: Nevada County Libraries
State Library and Archives

FROM: Jeanne Greene, Director
Department of Personnel

SUBJECT: REGULATION CHANGES

The regulation changes included with this memorandum are being proposed for adoption at the December 7, 2001, Personnel Commission meeting. This meeting will be held at 9:00 a.m. at the Grant Sawyer State Office Building, 555 East Washington Avenue, Suite 4412, Las Vegas, Nevada and by video conference at the Legislative Building, 401 South Carson Street, Room 2144, Carson City, Nevada.

In order to review the proposed changes in the regulations and solicit comments from interested persons, a workshop will be held at 9:00 a.m. on November 8, 2001, at the Department of Transportation, 1263 S. Stewart Street, Room 302, Carson City, Nevada and by video conference at the Department of Transportation, District I Office, 123 E. Washington Avenue, Training Room B, Las Vegas, Nevada. An informational note precedes the regulations which explains the nature and purpose of the proposed change to the regulations.

Enclosed is a copy of the *Notice of Workshop to Solicit Comments on Proposed Regulations, Notice of Hearing* and the *text of the proposed regulations*. We are asking libraries to post this information to inform the public of the workshop and hearing.

JG:cp

Enclosures

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NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
and
NOTICE OF HEARING
for
THE ADOPTION, AMENDMENT AND REPEAL
of
REGULATIONS OF THE STATE PERSONNEL DEPARTMENT

Workshop Notice: The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0119, is proposing the permanent adoption, amendment, and repeal of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

A workshop has been set for 9:00 a.m. on November 8, 2001, at the Nevada Department of Transportation, 1263 South Stewart Street, Room 302, Carson City, Nevada. A video conference link will also be available in Las Vegas at the Nevada Department of Transportation, 123 East Washington Avenue, Training Room B. The purpose of the workshop is to solicit comments from interested persons on the proposed changes to the following sections of the Nevada Administrative Code.

ACTION	NAC REGULATION
Newly proposed and amended regulations for permanent adoption	
Extended military leave for active military service	New Section
Temporary classifications	284.132
Granting or withholding of increase in salary based on merit	284.194
Transfer to classified service	284.398
Length of probationary period	284.442
Computation for payments for holidays	284.526
Catastrophic leave: Interpretation of certain statutory terms	284.575
Catastrophic leave: Use; notice; powers and duties of appointing authority	284.576
Civil leave with pay for acting as a fireman or meeting other emergency	284.587
Layoffs; Definitions	284.612
Layoffs; Procedure	284.614

ACTION	NAC REGULATION
Newly proposed and amended regulations for permanent adoption, and repealed	
"Base rate of pay" defined	New Section
"Full-time employee" defined	New Section
"Full-time employment" defined	New Section
"Normal rate of pay" defined	New Section
"Nonexempt employee" defined	New Section
"Paid status" defined	New Section
"Part-time employee" defined	New Section
"Part-time employment" defined	New Section
"Pay class" defined	New Section
"Positive reporting employee" defined	New Section
Pay progression date; service time considered	New Section
Use of compensatory time off	New Section
Compensable hours on a holiday; scheduling of hours	New Section
"Excluded classified employee" defined	284.0637
"Excluded unclassified employee" defined	284.0638
"Grade" defined	284.066
"Step" defined	284.102
Grade represents salary range; official base rates are semimonthly or biweekly	284.158
Initial rate of salary; effect of promotion, demotion, transfer, reappointment or reemployment; minimum step for continuous employee	284.170
Pay progression date; adjustment and retention of date	284.182
Date of promotion coinciding with pay progression date	284.186
Automatic advancement	284.190
Granting or withholding of increase in salary based on merit	284.194
Adjustment of steps within same pay grade	284.204
Special adjustments to salaries	284.206
Compensation for dangerous duty or duty involving physical hardship	284.208
Compensation for differentials in shifts	284.210
Compensation for being called back to work; compensation for person required to appear	284.214
Compensation for standby status	284.218
Change of time to or from daylight savings time	284.220
Authorization of overtime	284.242

ACTION	NAC REGULATION
Overtime: Employee who works in two positions; exceptions	284.248
Compensation for overtime	284.250
Compensatory time Payment for excessive accumulation; use not to be unreasonably denied	284.252
Compensatory time: Amount of payment	284.253
Compensatory time: Firemen	284.2535
Compensation for overtime upon transfer	284.254
Compensation for time spent traveling	284.258
Applicability of plan to encourage continuity of service	284.262
Longevity pay: Employee's ratings	284.270
Longevity pay: Dates for payment and eligibility	284.274
Longevity pay: applicable formulas	284.278
Longevity pay: Eligibility under particular circumstances	284.282
Longevity pay: Return to state service	284.284
Retained rates of pay	284.290
Reimbursement for furnishing own tools	284.294
Computation of payments for holidays	284.526
Compensation for working on holiday	284.530
Annual leave: Payment upon separation from service	284.5395
Notification of improper employment or payment	284.706
Repealed	284.162
Repealed	284.166
Repealed	284.202
Repealed	284.534

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

Hearing Notice: The Personnel Commission will hold a public hearing at 9:00 a.m. on December 7, 2001, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Suite 4412, Las Vegas, Nevada, and video conferenced to the Legislative Building, 401 South Carson Street, Room 2144, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations. If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations should not result in any increased cost.

- To our knowledge, these regulations do not overlap or duplicate the regulations of other state or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and purpose of the proposed regulations precedes the text of the regulations included in the attached document.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Phil Hauck, Department of Personnel, 209 East Musser Street, Room 300, Carson City, Nevada 89701-4204. **Written submissions must be received by the Department of Personnel on or before November 17, 2001.**

A copy of this notice and the regulations to be adopted, amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended and repealed will be available at the Department of Personnel, 209 East Musser, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted on the Department of Personnel's website (www.state.nv.us/personnel) and at the following locations:

CARSON CITY
Blasdel Building, 209 East Musser Street
Nevada State Library, 100 Stewart Street
Capitol Building
State Legislature, 401 S. Carson Street

LAS VEGAS
Grant Sawyer State Office Building
555 East Washington Avenue

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: ***We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Irene Davis at 684-0119, no later than five working days prior to the meeting.***

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Proposed Regulation Changes:

Due to statutory changes, requests by interested parties and proposals by the Department of Personnel

Explanation of Change: Due to the recent terrorist act on the World Trade Center and the Pentagon and subsequent homeland defense and military action, some State employees who are members of the National Guard or Reserve are being called to active military service. State employees whose State pay is greater than their military pay will experience an economic hardship due to being called to active service. This proposed regulation allows employees to receive the difference between their State pay and their military pay so they will not suffer a financial loss during service to our country.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

Extended Military Leave For Active Military Service

An employee who performs active military service in the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Army Reserve, the Navel Reserve, the Marine Corps Reserve, the Coast Guard Reserve, the Air Force Reserve, the National Guard, Commissioned Corps of the Public Health Service, and any other category of persons designated by the President or the Governor of the State of Nevada in time of war or emergency is entitled to be paid the difference between the gross wages he would have received as a State employee and the gross wages of an active service member. If his gross wages for active service exceed his gross wages as a State employee, he is not entitled to any additional wages beyond those provided due to active military service.

Explanation of Change: This amendment is necessitated by Assembly Bill 386 of the 2001 Legislative session. Nevada Revised Statute 284.171 was amended to clarify classes are allocated to occupational "groups".

Sec. 2. NAC 284.132 is hereby amended to read as follows:

NAC 284.132 Temporary classifications. (NRS 284.155)

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.

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 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. The rate of compensation for the employee will be determined in accordance with the provisions of NAC 284.170 governing compensation 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]~~ ***group***, as provided in NRS 284.171.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 10-27-97; R043-99 & R098-99, 9-27-99)

Explanation of Change: This amendment is necessitated by Assembly Bill 95 of the 2001 Legislative session. Nevada Revised Statute 284.340 was amended to remove the 30-day grace period for filing a subsequent report on performance with the Director of Personnel when the employee has received a substandard evaluation. Now, an employee's performance is assumed to be standard if a subsequent report on performance is not received on or before the date it is due.

Sec. 3. NAC 284.194 is hereby amended to read as follows:

NAC 284.194 Granting or withholding of increase in salary based on merit. (NRS 284.155, 284.335)

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 merit of one step on his pay progression date and each year thereafter of employment equivalent to full-time service until he reaches the top 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 his overall performance improved to standard or better. If a subsequent report on performance is not filed with the director ~~[within 30 days after]~~ ***on or before*** the date required by subsection 4 of NRS 284.340, the employee's performance will be deemed standard and he will be entitled to the increase effective on the date the report on performance was due. The date a report is received by the director or an employee of the department of personnel is the date it is filed.

3. If an increase in salary based on merit is withheld as provided in subsection 2, 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.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95; R031-98, 4-17-98; R043-99, 9-27-99)

Explanation of Change: This amendment is necessitated by Senate Bill 570 of the 2001 Legislative session. Nevada Revised Statute 284.3775 was amended to allow additional time to an employee of the Nevada Legislative branch of government to transfer to the classified service at the conclusion of the regular session.

Sec. 4. NAC 284.398 is hereby amended to read as follows:

NAC 284.398 Transfer to classified service.

1. An unclassified employee who has less than 4 months of service and whose appointment was immediately preceded by an appointment in the classified service in which the person was a permanent employee may transfer back into the classified service under the same conditions and with the same benefits as classified employees, except that the duties and compensation of the position to which the person is transferred must be similar, as determined by the department of personnel, to either the unclassified position or to a previously held classified position.

2. Employees of any governmental agency which is acquired for administration by the state pursuant to NRS 284.022 may transfer into the classified service or unclassified service with the rights and benefits authorized by the legislature.

3. An employee who transfers into the classified service:

(a) Must complete an application and meet the minimum requirements for qualification to the class of the position to which he is transferring;

(b) Must have his date of transfer and appointment to the classified position effective immediately following the last day of employment in the unclassified or nonclassified position ***unless he was a legislative employee employed at the conclusion of a regular session as provided in NRS 284.3775***; and

(c) May retain the credits which he has earned for annual and sick leave and longevity.

4. A transfer of an employee to a similar class requires the approval of the department of personnel.

[Personnel Div., Rule VI § D subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 1-22-90; 8-1-91; 3-23-94)

Explanation of Change: This amendment, proposed by the Department of Personnel, requires employees at a grade 20 or above to serve a one year probationary period. This change will allow an appropriate amount of time for a supervisor to evaluate the performance of an employee and simplify the record keeping procedures for most positions. An employee who was hired prior to the effective date of this regulation would not be subject to a longer probationary period than was required on his date of appointment.

Sec. 5. NAC 284.442 is hereby amended to read as follows:

NAC 284.442 Length of probationary period. All classes at grade [~~23~~] ***20*** or higher must be assigned a 1-year (full-time equivalent) probationary period. All classes lower than grade [~~23~~] ***20*** will be assigned a 6-month (full-time equivalent) probationary period.

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84)

Explanation of Change: This amendment, proposed by the State of Nevada Employees Association, allows for an employee's holiday pay to equal his normally scheduled shift when he has the day off because of the holiday.

For example: An employee who normally works forty hours per week and whose regularly scheduled shift is:

8 hours would receive 8 hours of holiday pay
10 hours would receive 10 hours of holiday pay

Please note: The Department of Personnel has recommended revisions to this section as part of a comprehensive review of the Compensation Section.

Sec. 6. NAC 284.526 is hereby amended to read as follows:

NAC 284.526 Computation of payments for holidays. (NRS 284.155, 284.345)

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~~] ***this section***, 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~~] ***the same number of*** hours of holiday pay ***as the number of hours in his normally scheduled shift.***

4. Except as otherwise provided in [~~subsections 11 and 12~~] ***this section***, 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 ***such*** 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~~] ***this section***, an employee who [~~works any portion of a legal holiday~~] ***is scheduled to work on a holiday and who works any portion of his scheduled shift*** 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 his established workday, under the innovative work week agreement,~~] ***in addition to the normally scheduled shift of an employee*** 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]~~ ***this section***, 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.]~~ ***7.*** 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.~~] ***8.*** 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

(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.]~~ ***9.*** 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.]~~ ***10.*** 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.]*~~ **11.** 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.]~~***12.*** 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,~~] ***8.***

13. The provisions of this section 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.

[Personnel Div., Rule VII § B subsec. 2, eff. 8-11-73; A 7-3-76]--(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; R098-99, 9-27-99)

Explanation of Change: This amendment, proposed by the Committee on Catastrophic Leave, clarifies that serious calamities requiring a "lengthy convalescence" would require an employee to be unable to perform the duties of his position for at least 10 consecutive weeks. Unless an employee's condition was life threatening, absences requiring less time do not reflect the intent of the statute granting catastrophic leave.

Sec. 7. NAC 284.575 is hereby amended to read as follows:

NAC 284.575 Catastrophic leave: Interpretation of certain statutory terms. As used in NRS 284.362:

1. "Lengthy convalescence" means a period of disability which an attending physician expects to exceed 10 ***consecutive*** weeks.

2. "Life threatening" means a condition which is diagnosed by a physician as creating a substantial risk of death.

(Added to NAC by Dep't of Personnel, eff. 8-14-90)

Explanation of Change: An amendment to subsection 4 is necessitated by the amendment to Chapter 284 by Assembly Bill 285 of the 2001 Legislative Session which provides for an appeals committee for Catastrophic Leave. The amendment to subsection 2 is proposed by the Committee on Catastrophic Leave to require an employee to submit documentation from his physician to substantiate his need for leave time.

Sec. 8. NAC 284.576 is hereby amended to read as follows:

NAC 284.576 Catastrophic leave: Use; notice; powers and duties of appointing authority.

1. An account for catastrophic leave may be established for an employee when he or a member of his immediate family experiences a catastrophe and the employee has used all of his accrued leave.

2. An employee who is affected by a catastrophe and has used or is about to use all of his leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his personal use after the balance of all of his leave has been used. ***This request must be accompanied by a physician's statement, on the appropriate form, which substantiates the need for the leave.***

3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.

4. The ~~[approval or denial of the request is at the discretion of the~~] appointing authority ***may approve or deny the request for catastrophic leave***~~[, who shall take]~~ ***taking*** into consideration the nature of the catastrophe and the expected duration of the leave. ***This decision can be appealed to the committee on catastrophic leave as provided in NRS 284 as amended by Assembly Bill 285.***

5. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his appointing authority on the appropriate form of his intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the

donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.

6. A donor and his appointing authority must be notified on the appropriate form when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave.

7. The appointing authority shall provide the following information on a calendar year basis or as requested by the director:

(a) Each employee under its authority, identified by a number assigned in accordance with subsection 8, donating or using catastrophic leave, his grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 6, or used by the employee;

(b) The period and nature of the disability for each employee using catastrophic leave; and

(c) A comparison of the average dollar value of the accounts for catastrophic leave based on the average rate of pay of the donors and the average dollar value of the leave taken by the recipients.

8. The appointing authority shall assign numbers to employees for the purposes of subsection 7 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

9. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.

10. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94)

Explanation of Change: This amendment is necessitated by Assembly Bill 386 of the 2001 Legislative session. Chapter 281 of Nevada Revised Statute was amended to allow an emergency communication technician to be relieved from his duties to assist the Emergency Management Division or a local organization for emergency management during certain disasters or emergencies as described in NRS 414.0335 and NRS 414.0345.

Sec. 9. NAC 284.587 is hereby amended to read as follows:

NAC 284.587 Civil leave with pay for acting as a fireman or meeting other emergency. Civil leave with pay must be granted to an employee who meets the requirements of NRS 284.357 and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a ~~[public]~~ ***disaster or*** emergency.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

Explanation of Change: This amendment is necessitated by Assembly Bill 386 of the 2001 Legislative session. Nevada Revised Statute 284.171 was amended to clarify a class is allocated to an occupational "group".

Sec. 10. NAC 284.612 is hereby amended to read as follows:

NAC 284.612 Layoffs: Definitions. For the purposes of NAC 284.612 to 284.630, inclusive:

1. "Geographical location" means:

(a) Clark, Lincoln, Nye, and Esmeralda counties;

(b) Carson City, Lyon, Churchill, Storey, Douglas, Mineral, and Washoe counties;

(c) Pershing, Humboldt, Elko, Lander, Eureka, and White Pine counties; or

(d) Any city located outside of this state.

2. "Option" means a clearly identified subclassification mentioned in the class specification approved by the commission.

3. "Seniority" is computed from the total time spent during currently continuous state service by doubling the time spent in the present occupational ~~[class]~~ ***group***, as defined in NRS 284.171, and adding it to the time spent in all former occupational classes. If seniority is otherwise equal, a choice must be based first, on total time within the occupational class; second, on total time within the department; and third, by lot. For reemployment, ties are broken by lot.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 7-21-89; 11-16-95)

Explanation of Change: This amendment is necessitated by Assembly Bill 95 of the 2001 Legislative session. Nevada Revised Statute 284.340 was amended to remove the 30-day grace period for filing a subsequent report on performance with the Director of Personnel when the employee had received a substandard evaluation. Now, an employee's performance is assumed to be standard if a subsequent report on performance is not received on or before the date it is due.

Sec. 11. NAC 284.614 is hereby amended to read as follows:

NAC 284.614 Layoffs: Procedure. (NRS 284.155, 284.335)

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 "below standard" or "unacceptable" made during the last 4 years 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" by a report of substandard performance runs from the date the report was filed with the director until 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]~~ ***on or before*** the date required by subsection 4 of NRS 284.340, the employee's performance shall be deemed standard effective on the date the 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 classified employee, 30 working days, in a year, calculated pursuant to subsection 6 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.

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99)

Proposed Regulation Changes:

As a result of a comprehensive review of the Compensation Section

Explanation of Change: The following sections are proposed for adoption, amendment or repeal as a result of a comprehensive review of the "Compensation Section" of the Rules and Regulations for Personnel Administration. The proposed revisions are meant to make our regulations easier to read and more understandable. In some instances, the intent of a regulation has been changed to the degree that it may affect personnel practices. An individual explanation of change has been provided for these changes.

In addition, where noted, sections have been moved between major sections of the Rules and Regulations for Personnel Administration for additional ease of use and/or clarity.

New Definitions - General Provisions Section

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Base rate of pay" defined. The dollar value of the employee's grade and step before any adjustments.

Sec. 2. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Full-time employee" defined. An employee whose work schedule is equal to 100% of the full-time equivalency (FTE) established for the pay class.

Sec. 3. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Full-time employment" defined. A work schedule which is equal to 100% of the full-time equivalency (FTE) established for the pay class.

Sec. 4. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Normal rate of pay" defined. The dollar value of the employee's base rate of pay plus any special adjustment to pay granted in accordance with NAC 284.206.

Sec. 5. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Nonexempt employee" defined. An employee who is eligible to receive payment for overtime.

Sec. 6. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Paid status" defined. "Paid status" means the time an employee is:

(a) Working;
(b) On leave with pay, except for catastrophic leave; or
(c) On a leave of absence due to a fiscal emergency as provided in NAC 284.580.

Sec. 7. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Part-time employee" defined. An employee whose work schedule is less than 100% full-time equivalency (FTE) established for the pay class.

Sec. 8. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Part-time employment" defined. A work schedule which is less than 100% full-time equivalency (FTE) established for the pay class.

Sec. 9. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Pay Class" defined. A designation used to define the maximum number of full-time equivalent hours in a biweekly or semimonthly pay period, the method of reporting, exception or positive, and the basis for which pay is calculated, an hourly rate or annual salary, for a group of employees whose pay is calculated in a similar manner.

Sec. 10. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

"Positive reporting employee" defined. An employee who is required to record all hours he is in paid status on his time sheet.

New Section - Compensation

Sec. 11. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

Pay progression date; service time considered. Service in:

1. Provisional, temporary, special disabled and emergency status must be credited toward eligibility for a merit pay increase if it is immediately followed by a probationary or permanent status.

2. A seasonal position which is probationary or permanent must be credited toward eligibility for a merit pay increase. If an incumbent's status of appointment is other than probationary or permanent, the provisions in subsection 1 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.

New Section - Compensation

Sec. 12. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

Use of compensatory time off.

1. Compensatory time off must be taken within a reasonable time after accrual at the direction of the appointing authority.

2. An employee must not be unreasonably denied the opportunity to take compensatory time off, if the request is made 2 weeks in advance unless it would cause an undue hardship on the agency.

3. Except when an employee is at risk of losing annual leave as provided for in NRS 284.350, compensatory time must, as far as practicable, be exhausted before annual leave is used.

New Section - Compensation

Compensable hours on a holiday; scheduling of hours.

1. For compensation related to the holiday including holiday pay pursuant to NAC 284.526 and payment of actual hours worked pursuant to NAC 284.530, the appointing authority shall designate that the compensation will be based on either:

(a) The calendar day; or

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

I. The employee may receive compensation related to the holiday for his entire shift only if he has worked the majority of the shift on the legal holiday;

II. Only one shift for the legal holiday may be designated as hours worked on that holiday; and

III. The appointing authority shall ensure that the compensable hours related to the holiday are so designated on the applicable timesheet of the employee.

2. If a legal holiday occurs on a non-except full-time employee's day off, the appointing authority may adjust the employee's work schedule for the week during which the holiday occurs. If a holiday occurs on an exempt classified employee's or exempt unclassified employee's day off, the appointing authority may adjust the employee's work schedule for the week during which the holiday occurs or for a subsequent week.

Sec. 13. NAC 284.0637 is hereby amended to read as follows:

NAC 284.0637 "[~~Excluded~~] *Exempt* classified employee" defined. [~~"Excluded classified employee" means an~~] *An* employee in the classified service *who is exempt from receiving payment for overtime as* described in subsection 2 of NRS 284.148.

(Added to NAC by Dep't of Personnel, eff. 3-23-94)

Sec. 14. NAC 284.0638 is hereby amended to read as follows:

NAC 284.0638 "[~~Excluded~~] *Exempt* unclassified employee" defined. [~~"Excluded unclassified employee" means an~~] *An* employee in the unclassified service *who is exempt from receiving payment for overtime as* described in subsection 1 of NRS 284.148.

(Added to NAC by Dep't of Personnel, eff. 3-23-94)

Sec. 15. NAC 284.066 is hereby amended to read as follows:

NAC 284.066 "Grade" defined. [~~"Grade" means the designation of a salary range for a class.~~] *A number used to identify a pay range assigned to a class.*

[Personnel Div., Rule I § D subsec. 15, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

Sec. 16. NAC 284.102 is hereby amended to read as follows:

NAC 284.102 "Step" defined. [~~"Step" means a specific rate of pay within a grade.~~] *The number assigned to each rate of pay within a grade.*

[Personnel Div., Rule I § D subsec. 25, eff. 8-11-73; renumbered as subsec. 27, 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84; R197-99, 1-26-2000)

Sec. 17. NAC 284.158 is hereby amended to read as follows:

NAC 284.158 ~~[Grade represents salary range;]~~ **Official base rates are semimonthly or biweekly.**

1. ~~[Except as otherwise provided in NRS 284.160, the grade for each class, as determined by the commission, represents the salary range for full-time employment in the classified service.~~

~~2. The state's official base rates of pay are semimonthly or biweekly rates depending on the pay schedule used by that agency.~~] ***Employees are paid either semimonthly or biweekly depending on the schedule of pay elected by the agency. Ranges of pay are based on full-time employment. Part-time employees are paid in direct proportion to the full-time range depending on the number of hours worked***

2. Intermittent, per diem, and positive reporting employees are paid for actual hours reported.

[Personnel Div., Rule III § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92)

Sec. 18. NAC 284.170 is hereby amended to read as follows:

NAC 284.170 Initial rate of ~~[salary]~~ ***pay*****; effect of promotion, demotion, transfer, reappointment or reemployment; minimum step for continuous employee. (NRS 284.155, 284.175)**

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

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

(b) If [~~the employment~~] ***it*** is a reinstatement to a position [~~which is~~]:

(1) ~~[At]~~ ***Which is at*** the same grade as that of the employee's former position, he may 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 former position, he may be paid at or below the step which most closely corresponds to the grade and step of his former position if the higher grade is a result of the reallocation of the entire class because of a reclassification or general salary increase.~~] ***Which is at a lower grade than the employee's former position, he must be paid at or below the grade and step which most closely corresponds to his former base rate of pay.***

(3) That has been reallocated because of reclassification of the entire class or a general pay increase, the employee may be paid at or below the grade and step which most closely corresponds to his former base rate of pay.

2. The following provisions govern ~~[the rate of salary which must be paid if an employee is promoted]~~ ***an employee's rate of pay if he 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 ***or two*** ~~[grade]~~ ***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.]~~

(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; or

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

whichever ~~[salary]~~ is higher and in accordance with the provisions of subsection 8.

(b) [~~An~~] ***A special*** adjustment in [~~salary~~] ***pay for supervision*** 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~~] only if the employee[~~:~~

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

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

As used in this section, "present level of pay" shall be deemed to equal the amount that coincides with the step within the grade which is closest to, but does not exceed, the employee's pay after the special adjustment to pay.

(c) [~~If an employee has been demoted, he may not receive a promotional increase in salary that is greater than that which he would have otherwise been entitled to receive had he not been demoted.~~] ***An employee may not receive a promotional increase in pay following a demotion that is greater than an increase he would have 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~~] NAC 284.618, an employee who is demoted must be paid at a step within the grade of the lower class 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~~] ***voluntary or acceptable to the employee***, the appointing authority shall pay him at a step which is:

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

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

(I) The step he would have received[~~, based on satisfactory performance,~~] if he had not been promoted; 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)***(2) above*** may be granted by the appointing authority to pay an employee at a rate that does not fall within the lower grade 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~~] ***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***, whichever is less. The employee's [~~current salary~~] ***adjusted base rate of pay*** will be frozen until it falls within the range of the lower grade 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 [~~or wage and salary~~] adjustments ***or legislatively approved adjustments for a class of employees***. If the employee's frozen [~~salary~~] ***base rate of pay*** does not fall within the range of the lower grade within the 2-year period, his [~~salary~~] ***base rate of pay*** will be adjusted to the highest step within the lower grade.

(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 to which~~] ***pay*** 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 ~~[(c)]~~ ***(b)***, the appointing authority shall determine the step in the lower grade at which the employee will be paid.

(e) ~~[Except as otherwise provided in this paragraph, if the demotion occurs during the initial 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 that is not greater than his present salary.]~~ ***If a probationary employee is demoted, the appointing authority may pay the employee at any step in the lower grade that is not greater than his base rate of pay before the demotion.***

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

5. If an employee is reappointed to a position ***which is in***:

(a) ~~[Which is in the]~~ ***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 subsection 2~~[.]~~ ***relating to promotion.*** ~~[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.]~~ ***The appointing authority must request written approval from the department of personnel for any exception to this subsection.***

6. 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.

[~~6. Except as otherwise provided in subsection 7, if~~] ***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 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.

An exception ~~[to this requirement]~~ 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~~] ***agencies that are*** 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]~~ ***due to a lack of money***, 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 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 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]~~***Receives an*** adjustment to his ~~[salary]~~ ***pay*** pursuant to subsection 1 of NAC 284.204 or 284.206.

An exception to this subsection shall be granted when a nonclassified or unclassified employee was a legislative employee employed at the conclusion of a regular session as provided in NRS 284.3775.

10. ~~[An employee who was previously employed in the classified service and]~~ ***A former classified employee who*** 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 equal the amount that coincides with the step within the grade which is closest to, but does not exceed, the employee's salary after the special adjustment.]~~

[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000)

Explanation of Change: In addition to the language simplification changes made to this section, the Department of Personnel is proposing that an employee would retain his pay progression date when his position is reclassified upward as a result of an individual classification study. This change makes the impact of a upward classification decision the same for both individual and occupational studies.

Sec. 19. NAC 284.182 is hereby amended to read as follows:

NAC 284.182 Pay progression date; adjustment and retention of date. (NRS 284.155)

~~[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.~~

~~2. An employee is in a position that is reclassified upward as a result of an occupational study, he retains his pay progression date.~~

~~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 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 employee's pay progression date must be adjusted for the amount of time in excess of 240 hours or, in the case of an excluded classified employee, 30 working days, that he spends on leave without pay and on catastrophic leave, combined, in a year, except for leave without pay pursuant to NRS 281.390 or 284.365 or NAC 284.580. 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 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.~~]

1. An employee receives a new pay progression date when:

a. He receives a promotion that results in an increase of at least two grades; or

b. He is reinstated.

2. An employee retains his pay progression date when:

a. He receives a promotion that results in an increase of one grade;

b. His position is reclassified upward as a result of an individual or occupational study;

c. He is demoted. 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;

d. He transfers to a position without receiving an increase in grade;

e. He is reappointed to a position at a grade he formerly held;

f. He is reemployed and has remained continuously employed; or

g. He is eligible for military reemployment and is reemployed. He retains the pay progression date held when separated from state service for his service in the military.

3. An employee's pay progression date is adjusted when:

a. He is reemployed following a separation from state service within 1 year after the date he was laid off, received a seasonal separation, or received notification of a work-related permanent disability as determined pursuant to NAC 284.6013. His pay progression date is adjusted on a day-for-day basis for the time he was not employed.

b. He changes from working full-time to part-time or from part-time to full- time. His pay progression date must be adjusted to equal 1 year of full-time equivalent service.

c. He is on leave without pay and/or on catastrophic leave in excess of 240 hours in a year for a nonexempt employee or in excess of 30 working days in a year for an exempt employee. An employee whose base hours for his pay class are more than 80 hours biweekly is entitled to additional leave without pay and catastrophic leave in proportion to the base hours for his pay class. An adjustment to the pay progression date is on a day-for-day basis once an employee has exceeded the timeframes provided above.

d. This subsection does not apply to an employee who is eligible for benefits for a work related injury or illness as provided in NRS 281.390, on military leave of absences as provided in NRS 284.365, or on leave of absence without pay during a fiscal emergency as provided in NAC 284.580.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; 10-27-97; R043-99, 9-27-99)

Sec. 20. NAC 284.186 is hereby amended to read as follows:

NAC 284.186 Date of promotion coinciding with pay progression date. (NRS 284.155) If the date of an eligible employee's promotion coincides with his pay progression date, [~~an increase in salary based on merit~~] ***merit pay increase*** must be granted first and the promotional increase must be applied to the higher rate.

[Personnel Div., Rule III part § G, eff. 8-11-73; A 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84; R043-99, 9-27-99)

<u>Move to Appointments Section near 284.437</u>

Sec. 21. NAC 284.190 is hereby amended to read as follows:

NAC 284.190 Automatic advancement.

1. For the purposes of this section, "automatic advancement" 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~~] ***Appointing*** authority ***endorsement***.

2. In determining the status of an employee who has been promoted by an automatic advancement:

(a) The provisions in subsection 2 of NAC 284.170, governing compensation 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 until he has worked in that level for [~~a period equal to~~] the remaining portion of the probationary period that is required for the new level.

[Personnel Div., Rule I § C subsec. 23, eff. 4-14-76; + Rule III part § G, eff. 8-11-73; A 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95)

Sec. 22. NAC 284.194 is hereby amended to read as follows:

NAC 284.194 Granting or withholding of increase in [~~salary~~] pay based on merit. (NRS 284.155, 284.335)

1. An employee whose last [~~rating of~~] performance ***appraisal*** was standard or better and who ***is not at*** [~~has not attained~~] the top step of his grade must receive [~~an increase in his salary based on merit of~~] ***a*** one step ***merit pay increase*** on his pay progression date. [~~and each year thereafter of employment equivalent to full time service until he reaches the top of the grade unless he receives a subsequent rating of performance which is substandard.~~] ***An employee will receive a one step merit pay increase for each additional year of standard or better full-time equivalent service until he reaches the top step in the grade.***

2. An employee whose last [~~rating of~~] performance ***appraisal*** 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 ***appraisal*** is not filed with the director [~~within 30 days after~~] ***within 90 days following*** the date ***of the substandard appraisal*** [~~required by subsection 4 of NRS 284.340~~], the employee's performance will be deemed standard and he will be entitled to the increase effective on the date the [~~report on~~] ***subsequent*** performance ***appraisal*** was due. The date a [~~report~~] ***performance appraisal*** is received by the director or an employee of the department of personnel is the date it is filed.

3. If [~~an increase in salary based on merit~~] ***a merit increase*** is withheld [~~as provided in subsection 2,~~] ***due to substandard performance,*** the employee's pay progression date [~~must~~] ***will*** 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 increase is delayed because of an administrative or clerical error, the increase must be made effective on the date it was properly due.***

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95; R031-98, 4-17-98; R043-99, 9-27-99)

Explanation of Change: In addition to the language simplification changes made to this section, the Department of Personnel is proposing that an employee would not be eligible for an adjustment of steps within a pay grade solely on the basis that another employee received an adjustment of steps for living in another geographic location. Additionally, the employee that did receive an adjustment of steps for living in a particular geographic location would be able to retain his adjusted steps if he has held the accelerated rate for more than 2 years and transfers to an area where a recruitment problem does not exist.

Sec. 23. NAC 284.204 is hereby amended to read as follows:

NAC 284.204 Adjustment of steps within same pay grade.

1. The department of personnel may approve an adjustment of steps within the same pay grade to ***allow an appointing authority flexibility in adjusting the starting pay of candidates applying from***

outside state service and for state employees who are competing on an open competitive basis. An adjustment of steps within the pay grade of the position may be granted to:

(a) Meet a difficult recruiting problem if *:*

(1) an effort to recruit a person for a position or class has failed to produce [~~applications from~~] at least five eligible [~~persons who are~~] ***and*** available [~~to work,~~] ***candidates ;*** or

(2) the recruitment for the position or class has been deemed historically difficult. (b) Employ a person [~~who possesses qualifications which are~~] ***whose education and/or experience is*** superior to those of [~~another~~] ***another*** eligible [~~person if~~] ***candidate and*** he [~~possesses experience or education, or both, which exceed :~~

~~(1) The~~] ***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~~] ***Education and/or experience*** considered by the appointing authority [~~pursuant to this subsection~~] ***to be directly relevant to success in the position*** 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) Maintain an equitable relationship in the status of steps among the employees of the appointing authority if a disparity exists. ***An equity adjustment shall not be granted if the disparity exists:***

(1) [~~and it is not a condition created solely by~~] ***Solely due to*** differences in [~~seniority. The status of the steps may not be considered for employees:~~

~~(1) In another agency ; or~~] ***length of service.***

(2) Between employees in different agencies;

[~~(2) When the difference is the result of an~~]

(3) As a result of an employee receiving an adjustment in [~~salary which was~~] ***pay*** attained in a former class[~~.~~] ***; or***

(4) As a result of employees receiving an adjustment for residing in another geographical area.

2. Before granting an adjustment of steps pursuant to this section, the appointing authority must submit a request in writing to the department of personnel which justifies the need for the adjustment. The request must indicate that the appointing authority has:

(a) Considered the ***candidate's*** requirements for [~~the salary~~] ***pay under subsection 1a*** and the qualifications of [~~any~~] other eligible [~~person who is available for work~~] ***persons under subsection 1b***;

(b) Ensured that the adjustment is ***fiscally*** feasible [~~on the basis of its fiscal effects~~];

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

(d) [~~Prepared and maintained~~] ***An appointing authority must prepare and maintain*** an accurate record ***justifying*** [~~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 effective date of 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 ***agency*** personnel office [~~of the agency at which the employee who is receiving the adjustment is employed~~]. If [~~an adjustment of steps~~] ***the request*** is delayed because an administrative or clerical error prevented [~~the~~] delivery of a request [~~to the department of personnel~~], the effective date must be determined by the appointing authority and must be based on the date the request should reasonably have

been submitted [~~to the department of personnel~~]. A retroactive adjustment must not exceed 6 months from the date the department of personnel receives the request.

[~~5~~]*4*. An adjustment of steps which is made pursuant to paragraph (a) of subsection 1 must be revoked ***and the employee must be placed at the step he would have received if he had not received the adjustment*** when:

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

(b) The employee ***voluntarily*** transfers to an area where a recruiting problem does not exist[~~.~~] ***and he has held the accelerated rate for less than 2 years.***

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

[Personnel Div., Rule III § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 1-26-87; 9-17-87; 12-17-87; 7-14-88; 1-22-90; 8-14-90; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99; R197-99, 1-26-2000)

Sec. 24. NAC 284.206 is hereby amended to read as follows:

NAC 284.206 Special adjustments to [~~salaries~~] *pay*. (NRS 284.155, 284.175)

1. The department of personnel may approve a special adjustment [~~to a salary~~] equivalent to 5 percent of [~~the employee's regular hourly~~] ***an employee's 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 for at least 16 consecutive workdays [~~before the increase becomes effective~~]. ***The increase is retroactively effective to the first day the duties are assumed.***

The adjustment in [~~salary~~] ***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 assigned duties and responsibilities of a higher level are intended to last for 1 year or less, an appointing authority may request a temporary reclassification as provided in 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 not ***part*** of [~~a~~] ***the*** program ***supervision*** or [~~function which is~~] ***management responsibilities*** provided for in the ***class*** specification [~~of the class.~~] ***and includes selection, work assignment, training, work review, performance evaluation, and discipline of employees.***

(d) An employee [~~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 prisons which provides mental health services to inpatients, who~~] ***:***

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

(2) Of the division of mental health and developmental services or the division of child and family services of the department of human resources which provides mental health services to inpatients and his principal place of work is ***determined by the administrator to be*** located in an

assaultive environment ~~[as determined by the administrator,]~~ ***and he is required*** to provide medical treatment, maintain buildings, instruct academic courses or provide therapy.

The adjustment will be:

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

~~[(2)]~~ ***(II)*** Granted only once although the employee performs more than one duty described in ~~[this]~~ paragraph ***d***.

~~[Except as otherwise provided in this paragraph, such an]~~ ***An*** employee who is assigned to ~~[the unit located in]~~ ***work in a unit which is designated as*** an assaultive environment for ***at least*** 1 ***hour*** [~~or more hours but who is not assigned there permanently must also~~] ***must*** receive the adjustment for each hour and portion thereof he works in the unit. An ~~[excluded]~~ ***exempt*** classified employee who is assigned to ~~[the unit located]~~ ***work*** in ***a unit which is designated as*** 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]~~ ***An*** employee who conducts a formal ***training*** program ~~[of training]~~ for employees ~~[in an occupational class series]~~. The training 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 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.

If granted, the adjustment begins when the employee starts conducting the ~~[program of]~~ training and ends when the [~~program~~] ***training*** 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 ~~[prisons]~~ ***corrections*** who ~~[regularly supervises, or]~~ is responsible for the supervision of~~[,]~~ 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]~~ ***all of the following;***

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

(2) Accounting for all inmates who have been assigned to the work area ***;*** and ***(3)*** ~~[accounting]~~ ***Accounting*** for all materials, tools and equipment in the work area.

This adjustment 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.

2. The department of personnel may approve a special adjustment to ~~[the salary]~~ ***pay*** ~~[of]~~ ***for*** 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 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 made pursuant to this subsection may continue in effect from the date 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 ***to pay***; or

(c) Until the date the higher level duties are removed,
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 authorized by this section does not constitute a promotion.

5. Any special adjustment 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 the appropriate document is received by the department of personnel or the ***agency*** personnel office [~~of the agency at which the employee who is receiving the special adjustment is employed~~]. If [~~a special adjustment to a salary~~] ***the written request*** is delayed because an administrative or clerical error prevented ~~[the]~~ delivery [~~of a prepared document to the department of personnel~~], the effective date must be determined by the appointing authority and must be based on the date the [~~document~~] ***request*** should reasonably have been submitted [~~to the department of personnel~~]. A retroactive adjustment must not exceed 6 months from the date the department of personnel receives the document.

[Personnel Div., Rule III § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 1-26-87; 9-17-87; 12-17-87; 7-14-88; 1-22-90; 8-14-90; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99; R197-99, 1-26-2000)

Sec. 25 NAC 284.208 is hereby amended to read as follows:

NAC 284.208 Compensation for dangerous duty ~~[or duty involving physical hardship]~~. (NRS 284.155, 284.175)

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. Additional compensation equal to 10 percent of an employee's normal rate of pay must be paid 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 compensation for all of his regularly scheduled hours of employment on that workday.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-17-87; 3-23-94; R082-00, 8-2-2000)

Sec. 26. NAC 284.210 is hereby amended to read as follows:

NAC 284.210 Compensation for differentials in shifts. (NRS 284.155, 284.175)

1. ***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.***

[~~Except as otherwise provided in this section,~~]

2. An employee shall receive compensation equivalent to [~~an adjustment of~~] 5 percent of [~~the employee's regular hourly~~] ***his normal*** rate ***of pay*** [~~must be authorized for an employee~~] for all hours worked within a [~~work~~] shift [~~if the employee is assigned to~~]***when he works*** a qualifying shift. [~~An excluded~~] ***When 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 an employee 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.~~] ***If an employee is assigned to a qualifying shift when leave is taken or a holiday occurs, the shift differential compensation rate applies.***

4. Any hours exceeding the qualifying 8-hour shift are eligible for overtime at the differential rate of pay for that shift if they 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 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.~~]

[Personnel Div., Rule III § I, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, eff. 12-17-87; 7-21-89; 3-23-94; 10-27-97; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99)

Sec. 27. NAC 284.214 is hereby amended to read as follows:

NAC 284.214 Compensation for being called back to work; compensation for person required to appear as witness. (NRS 284.155)

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~~] ***Overtime must be paid at the rate of time and one-half of his normal rate of pay*** for each additional hour if he is eligible [~~therefor pursuant to~~] ***as provided in*** 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~~]*2*. 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~~] ***on that same*** 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 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 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,

must be paid 2 hours of call back pay at the rate of time and one-half of his normal rate of pay. Overtime must be paid for each additional hour worked if he is eligible as provided in NRS 284.180. If he receives a witness fee as well as this compensation, he shall relinquish the witness fee to the agency in which he is employed.

[Personnel Div., Rule III § J, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83; 10-26-84; 9-17-87; 11-12-93; 3-23-94; 10-27-97)

Sec. 28. NAC 284.218 is hereby amended to read as follows:

NAC 284.218 Compensation for standby status.

1. ***An employee is in standby status when all of the following apply:***

(a) He is 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 he is waiting for notification to work for his personal pursuits.

2. 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.

3. A classified employee is entitled to receive additional [~~pay~~] ***compensation*** 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 standby status. ***This section does not apply to an exempt classified employee.***

[~~2.~~] ***4.*** Cash payment is the preferred method of compensation, but compensatory time off, ***not to exceed the maximum allowed by 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~~] ***Classes*** designated [~~in the statutes~~] ***by statute*** as a 24-hour [~~class does~~] ***do*** not automatically qualify for this additional pay.

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

[Personnel Div., Rule III § K, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-22-87; 3-23-94)

Sec. 29. NAC 284.220 is hereby amended to read as follows:

NAC 284.220 Change of time to or from daylight savings time.

1. [~~An~~] ***A nonexempt classified or unclassified*** employee [~~, other than an excluded classified employee or excluded 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 ***with the approval of the appointing authority*** or, [~~if required by the agency,~~] must be scheduled to work an additional hour.

2. [~~An~~] ***A nonexempt classified employee or unclassified*** employee [~~, other than an excluded classified employee or excluded 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.

(Added to NAC by Dep't of Personnel, eff. 4-19-88; A 3-23-94)

Sec. 30. NAC 284.242 is hereby amended to read as follows:

NAC 284.242 Authorization of overtime.

~~[1. 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~~]*1. Overtime* 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 the overtime is requested by the employee, it must be approved in advance as provided in subsection 10 of NRS 284.180.

[Personnel Div., Rule III § L subsecs. 4-6, eff. 8-11-73; renumbered as subsecs. 3-5, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94)

Sec. 31. NAC 284.248 is hereby amended to read as follows:

NAC 284.248 Overtime: Employee who works in two positions; exceptions.

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 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, "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 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.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-23-94; 11-16-95)

Sec. 32. NAC 284.250 is hereby amended to read as follows:

NAC 284.250 Compensation for overtime*; accrual of compensatory time* (NRS 284.155, 284.3626)

1. The principal method of compensating an employee for overtime is cash payment which is computed at the rate ~~[established in NRS 284.180 and in the classification and compensation plan.]~~ ***of time and one-half the employee's normal rate of pay.***

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 employee and the appointing authority have entered 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.~~] ***The employee and the appointing authority may enter into an agreement in compliance with 29 C.F.R. § 553.23 for the accrual of 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.~~]

[Personnel Div., Rule III § L subsecs. 9-11, eff. 8-11-73; renumbered as subsecs. 8-10, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 9-30-88; 11-12-93; 3-23-94; R031-98, 4-17-98)

Sec. 33. NAC 284.252 is hereby amended to read as follows:

NAC 284.252 Compensatory time: Payment for [~~excessive~~] accumulation[~~; use not to be unreasonably denied~~].

1. Except as [~~otherwise~~] provided in subsection 2, [~~any~~] ***an*** employee who has accumulated more than 60 hours of compensatory time may [~~request 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.~~] ***submit a request in writing for the cash payment of accumulated compensatory time which exceeds 60 hours.***

2. [~~In the case of an~~] ***An*** employee subject to an agreement which provides for the accrual of up to 240 hours of compensatory time[~~,~~] ***may submit*** a request ***in writing*** for ***the cash*** payment [~~in cash is limited to any~~] ***of accumulated*** compensatory time accrued in excess of 120 hours[~~, except~~] . ***Except*** that ***a written request for cash*** payment [~~for all~~] ***accumulated*** compensatory time [~~accrued~~] in excess of 60 hours may be made [~~to~~] ***by***:

(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 [~~motor vehicles and~~] 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.~~] ***The requested payment may be denied only if the 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.***

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-30-88; 3-23-94)

Sec. 34. NAC 284.253 is hereby amended to read as follows:

NAC 284.253 Compensatory time: [~~Amount~~] *Rate* of payment~~. [Payment for compensatory time:~~]

[~~1. For an employee who terminates his employment, must be paid at the average regular rate of pay received by the employee during the last 3 years of the employee's employment, or the final regular rate of pay received by the employee, whichever is higher.~~]

[~~2. For all other employees,~~] ***1. An employee*** must be [~~based on the grade and step of an employee~~] ***paid at his normal rate of pay*** when the compensatory time is paid.

2. An employee who separates from State service must be paid at an average of his normal rate of pay during the last 3 years of employment, or the final normal rate of pay received by the employee, whichever is higher.

(Added to NAC by Dep't of Personnel, eff. 5-27-86; A 11-16-95)

Sec. 35. NAC 284.2535 is hereby amended to read as follows:

NAC 284.2535 Compensatory time: Firemen.

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:

$$\frac{1.5 \text{ (accrued compensatory time)}}{2.1} = \text{X hours for cash payment}$$

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.

(Added to NAC by Dep't of Personnel, 9-13-91, eff. 10-1-91; A 12-26-91; 3-27-92)

Sec. 36. NAC 284.254 is hereby amended to read as follows:

NAC 284.254 Compensation for [~~overtime~~] *compensatory time* upon transfer. (NRS 284.155)

1. [~~Except as otherwise provided in subsection 2, if~~] ***If*** an employee who has accumulated [~~overtime~~] ***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~~] ***compensatory time*** must be [~~compensated~~] ***paid*** for by the agency he is leaving, unless the receiving agency agrees in writing to assume the liability [~~for the overtime~~] 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 of an employee transferring to an [~~excluded~~] ***exempt*** position must be [~~compensated~~] ***paid*** for by the agency the employee is leaving.

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

[Personnel Div., Rule III § L subsec. 12, eff. 8-11-73; renumbered as subsec. 11, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 10-27-97)

Sec. 37. NAC 284.258 is hereby amended to read as follows:

NAC 284.258 Compensation for *overtime for* time spent traveling.

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

~~2. 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. In determining the amount of travel time granted, time claimed for additional reimbursement must be justified against the "normal" travel time as determined by the agency's previous travel experience.~~

~~3. If the additional travel time was due to 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. 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 who must travel and stay over to continue work on their next regularly scheduled workday are not considered to be working on their regularly scheduled days off and are allowed only 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.~~]

1. A nonexempt employee may earn overtime for travel time when the employee's:

a. Actual work time plus his travel time exceeds his normal workday of at least 8 hours; or

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

2. 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.

3. In determining the amount of travel time granted, the overtime claimed for reimbursement must be justified against the "normal" travel time as determined by the agency's previous travel experience. If additional travel time was accumulated due to the employee's choice of transportation, overtime compensation will not be paid for the portion of the time which exceeds the "normal" travel time. An employee who has travel layovers or delays in transportation is limited to 4 hours overtime, unless the appointing authority determines additional time is justified, plus per diem expenses.

4. An employee may not be compensated for the time spent traveling during the normal time he spends commuting to and from work.

5. An employee who must travel and stay over night to continue work on his next regularly scheduled workday is not considered to be working on his regularly scheduled days off and is not eligible for overtime pay. The employee is allowed to claim standard per diem expenses.

6. Travel which occurs on a holiday will be compensated as provided in this chapter regarding holiday.

[Personnel Div., Rule III § L subsec. 16, eff. 8-11-73; renumbered as subsec. 15, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 7-1-94)

Sec. 38. NAC 284.262 is hereby amended to read as follows:

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

[Personnel Div., Rule III § M subsec. 1, eff. 8-11-73; A 9-6-74; 2-5-82]

Sec. 39. NAC 284.270 is hereby amended to read as follows:

NAC 284.270 Longevity pay: Employees' ratings.

[~~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 to be eligible for additional pay pursuant to NRS 284.177.~~

~~2. If an employee's performance was:~~

~~(a) 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 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.~~]

1. In order to be eligible for longevity pay as provided in NRS 284.177, an employee's performance must be rated standard or better on his last performance appraisal.

2. If an employee's performance was not evaluated in the last 12 months or a 90 day performance evaluation was not filed after the employee received a substandard evaluation, the employee's performance is assumed to be standard on the date the performance appraisal was due.

[Personnel Div., Rule III § M subsec. 3, eff. 8-11-73; A 9-6-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 7-22-87; 10-18-89; 11-16-95)

Sec. 40. NAC 284.274 is hereby amended to read as follows:

NAC 284.274 Longevity pay: Dates of payment and eligibility. (NRS 284.155, 284.175)

1. ~~[Payments for longevity will be made every July and December.]~~ ***After 8 years of continuous service, an employee is eligible for longevity pay in semi-annual payments on December 31 and June 30.***

2. [~~The dates upon which employees become eligible for the semiannual payments are December 31 and June 30.~~

~~3.~~] Except as otherwise provided in NAC 284.282, 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 the employee becomes eligible for the semiannual payment.

[Personnel Div., Rule III § M subsec. 4, eff. 8-11-73; A 9-6-74; 4-14-76; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 3-1-96; A by Personnel Comm'n by R065-98, 7-24-98, eff. 1-1-99)

Sec. 41. NAC 284.278 is hereby amended to read as follows:

NAC 284.278 Longevity pay: applicable formulas. (NRS 284.155, 284.175)

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

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

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

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

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 only the base hours ~~[designated by the department of personnel]~~ for the pay class.

[Personnel Div., Rule III § M subsec. 6, eff. 9-6-74; A and renumbered as subsec. 5, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 9-13-91; 3-23-94; R031-98, 4-17-98)

Sec. 42. NAC 284.282 is hereby amended to read as follows:

NAC 284.282 Longevity pay: Eligibility under particular circumstances. (NRS 284.155, 284.175, 284.355, 284.3626)

1. Except ~~[as otherwise]~~ ***for a leave of absence without pay during a fiscal emergency as*** provided in NAC 284.580, an employee who is on ***any combination of*** leave without pay ***and*** ~~[or]~~ catastrophic leave~~[, or 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 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.]~~ ***A full-time employee's longevity payment will not be prorated when:***

(a) He is a nonexempt classified or nonexempt unclassified employee whose base hours for his pay class are 40 hours per week and he uses 240 hours or less of leave without pay or catastrophic leave in a calendar year. An employee whose base hours for the pay class are more than 40 hours per week or who works part-time is allotted leave without pay and catastrophic leave in proportion to his base hours and full-time equivalency. The employee's longevity payment will not be adjusted unless his leave use proportionally exceeds the limit set for a full-time 40 hour per week employee;

(b) He is an exempt classified or exempt unclassified employee and he uses any combination of leave without pay and catastrophic leave which equals 30 days or less.

3. An employee's longevity payment will be prorated, using the formulas provided in NAC 284.278, when he exceeds the limits in subsection 2.

~~[5.]~~***4.*** An employee who retires ~~[and applies for retirement pursuant to]~~ ***in accordance with*** 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]~~ ***employee's longevity pay*** must be ~~[treated]~~ ***calculated*** as if he had been on leave without pay ~~[pursuant to]~~ ***in accordance with*** subsections 1 and 2.

7. A person with a permanent ***work-related*** 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 ~~[pay for]~~ the longevity ***pay*** he would have earned if he had not been separated from state service. The ~~[employee]~~ ***employee's longevity pay*** must be ~~[treated]~~ ***calculated*** as if he had been on leave without pay ~~[pursuant to]~~ ***in accordance with*** subsections 1 and 2.

8. ~~[A person who]~~ ***An employee is eligible to receive service credit for 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 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 to]~~ ***up*** the difference between his normal ~~[salary]~~ ***compensation*** and the benefits received ***with accrued sick leave, annual leave, or compensatory time. The employee ceases to earn service credit when he is placed on an a leave of absence without pay or is no longer eligible for a leave of absence without pay.***

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

~~[11.]~~***10.*** If a person is on leave of absence without pay for military service ~~[pursuant to]~~ ***as provided in*** NRS 284.365 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]~~ ***subsection*** 2.

~~[12.]~~***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 longevity purposes, but not for any retroactive payment.

[Personnel Div., Rule III § M subsec. 7, eff. 9-6-74; A and renumbered as subsec. 6, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; 3-1-96; 10-27-97; R031-98, 4-17-98)

Sec. 43. NAC 284.284 is hereby amended to read as follows:

NAC 284.284 Longevity pay: Return to state service *and eligibility before July 1, 1981.*

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

2. [~~The~~] ***For the purposes of this section, the*** employee will receive the same semiannual rate of payment he did 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 continuous*** years 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.~~]

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

Sec. 44. NAC 284.290 is hereby amended to read as follows:

NAC 284.290 Retained rates of pay. (NRS 284.155, 284.175)

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

[~~(b)~~]***3.*** If the employee voluntarily accepts another position within the ***4-year*** time period, he may no longer retain [~~his salary~~] ***his base rate of pay***.

[~~(c)~~]***4.*** The employee is entitled to reemployment rights ***to his former class and option for one year from 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.

[Personnel Div., Rule III § O, eff. 8-11-73; renumbered as § P, 9-6-74; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 7-1-94; 3-1-96; R098-99, 9-27-99)

Sec. 45. NAC 284.294 is hereby amended to read as follows:

NAC 284.294 Reimbursement for furnishing own tools. (NRS 284.155)

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 ***for furnishing his own tools*** [~~is not paid~~] and a loss occurs which is covered by the policy of property insurance or program of self-insurance, 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.

[Personnel Div., Rule III § P, eff. 8-11-73; renumbered as § Q 9-6-74]—(NAC A by Dep't of Personnel, 8-26-83; 7-14-88; 10-27-97)

Move From Attendance and Leave to Compensation Section

Sec. 46. NAC 284.526 is hereby amended to read as follows:

NAC 284.526 Computation of payments for holidays. (NRS 284.155, 284.345)

[~~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 his established workday, under the 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~~

~~(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.]~~

1. For the purpose of this section, "holiday pay" means payment at an employee's normal rate of pay or compensatory time at a straight time rate for the benefit of each of the legal holidays designated in NRS 236.015.

2. Except as provided in subsections 5, 7 and 9, a full-time employee whose base hours are 40-hours per week or 80-hours biweekly is entitled to receive 8-hours of holiday pay for each of the legal holidays when he is in paid status during any portion of his shift immediately preceding the legal holiday.

3. Except as provided in subsections 7 and 9, a full-time employee who base hours are more than 40-hours per week or 80-hours biweekly and who is in paid status during any portion of his scheduled shift immediately preceding the legal holiday is entitled to receive holiday pay for each of the legal holidays equal to the pay received for his average workday. The average workday of an employee is determined by dividing the total base 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.

4. Except as provided in subsections 7 and 9, a part-time employee is entitled to receive holiday pay for each of the legal holidays when he is in paid status during any portion of his shift immediately preceding the legal holiday if the legal holiday falls on a scheduled workday. If the employee is not required to work his normally scheduled work day on the legal holiday, the amount of holiday pay must equal what he would have been paid if there had not been a holiday.

5. Except as otherwise provided in subsections 7 and 9, a:

(a) Full-time employee with an innovative work week agreement is entitled to earn additional holiday pay on an hour-for-hour basis for any hours worked over 8-hours up to the number of hours of his established workday as set forth in his innovative work week agreement.

(b) Part-time employee is entitled to earn additional holiday pay on an hour-for-hour basis for any hours worked up to 8-hours on a legal holiday.

6. When a legal holiday occurs on an employee's regularly scheduled workday 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 an employee's work schedule for the week during which the holiday occurs in lieu of placing the employee on paid leave or leave without pay.

7. 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 holiday pay.

8. An employee whose employment begins on a holiday is entitled to receive holiday pay in accordance with subsection 2, 3, 4, and/or 5 if he is in paid status during his scheduled shift.

9. An employee whose employment is terminated:

(a) The day before the holiday is not entitled to receive holiday pay.

(b) On a holiday on which he is working must be paid holiday pay only for the actual hours worked on the holiday. When an employee gives notice he is terminating his employment 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.

10. The agency where the employee is an "employee of record" on the holiday is responsible for the payment of holiday pay. For the purpose of this subsection, an "employee of record" is defined as an employee of a state agency on a certain effective date.

11. An exempt classified employee's or exempt unclassified employee's salary is unaffected by a holiday.

[Personnel Div., Rule VII § B subsec. 2, eff. 8-11-73; A 7-3-76]--(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; R098-99, 9-27-99)

Sec. 47. NAC 284.530 is hereby amended to read as follows:

NAC 284.530 Compensation for ~~[working on holidays.]~~ *hours worked on a holiday: holiday premium pay, overtime or compensatory time.*

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

~~2. An employee is entitled to either holiday premium pay or overtime for hours worked on the holiday but not both.~~

~~3. For compensation related to the holiday, the appointing authority shall designate either:~~

~~(a) The actual hours worked on the calendar day of the legal holiday; or~~

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

~~(1) Only those employees working the majority of their hours on the legal holiday will be paid at the holiday premium pay rate for their entire shift;~~

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

~~(3) The appointing authority must ensure that the compensable hours are 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 at the rate of time and one-half an employee's normal rate of pay for hours designated as worked on the holiday, except those hours subject to overtime as provided in NRS 284.180.***

2. A nonexempt employee who works on the holiday is entitled to receive either holiday premium pay, overtime pay or time and one-half compensatory time for hours worked on the holiday, in addition to any holiday pay pursuant to NAC 284.526. An employee who elects to receive compensatory time off for the holiday must not exceed the limits on compensatory time imposed by NAC 284.250.

Sec. 48. NAC 284.5395 is hereby amended to read as follows:

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

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

Move From Personnel Records to Compensation

Sec. 49. NAC 284.706 is hereby amended to read as follows:

NAC 284.706 Notification of improper ~~[employment or]~~ payment. 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 ***is paid*** in a manner ~~[which is]~~ contrary to the applicable laws and regulations, it will [~~so~~] notify the state controller ***of an uncollectable over payment*** after it has reviewed ~~[the employment or proposed employment]~~ ***the circumstances*** with the agency concerned.

[Personnel Div., Rule XVI § A subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88)

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