

## ASSEMBLY BILL NO. 2—JOINT RULES COMMITTEE

PREFILED JUNE 13, 2001

Referred to Committee of the Whole

SUMMARY—Revises provisions relating to payment for sick leave of state employees.  
(BDR 23-10)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

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

AN ACT relating to public employees; authorizing a leave of absence for certain public officers and employees to assist the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management during a disaster or emergency; authorizing payment for the unused sick leave of state employees that is accrued but not carried forward in certain circumstances; increasing the maximum authorized amount of money from the reserve for statutory contingency account that the state board of examiners may authorize for payment of the salary of a replacement officer or employee following the purchase of certain leave of a former officer or employee; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 281 of NRS is hereby amended by adding thereto a
- 2 new section to read as follows:
- 3 *1. Any public officer or employee of the state or any agency thereof,*
- 4 *or of a political subdivision or an agency of a political subdivision, who*
- 5 *is an emergency communications technician must be relieved from his*
- 6 *duties, upon the request of the division of emergency management of the*
- 7 *department of motor vehicles and public safety or a local organization*
- 8 *for emergency management and the approval of his employer, to assist*
- 9 *the division or local organization for emergency management during a*
- 10 *disaster or emergency that occurs in this state, California, Oregon,*
- 11 *Idaho, Utah or Arizona, without loss of his regular compensation for a*
- 12 *period of not more than 15 working days in any calendar year. No such*
- 13 *absence may be a part of the annual vacation of the public officer or*
- 14 *employee which is provided for by law.*
- 15 *2. As used in this section:*
- 16 *(a) "Disaster" has the meaning ascribed to it in NRS 414.0335.*



\* A B 2 \*

1 (b) "Emergency" has the meaning ascribed to it in NRS 414.0345.

2 (c) "Emergency communications technician" means a person who is:

3 (1) Licensed by the Federal Communications Commission as an  
4 amateur radio operator; and

5 (2) A member of:

6 (I) The Radio Amateur Civil Emergency Service or a successor  
7 organization sponsored by the agency of the Federal Government for  
8 emergency management; or

9 (II) The Amateur Radio Emergency Service or a successor  
10 organization sponsored by the American Radio Relay League or its  
11 successor.

12 (d) "Local organization for emergency management" has the  
13 meaning ascribed to it in NRS 414.036.

14 Sec. 2. NRS 284.355 is hereby amended to read as follows:

15 284.355 1. Except as otherwise provided in this section, all  
16 employees in the public service, whether in the classified or unclassified  
17 service, are entitled to sick and disability leave with pay of 1 1/4 working  
18 days for each month of service, which may be cumulative from year to  
19 year. After an employee has accumulated 90 working days of sick leave,  
20 the amount of additional unused sick leave which he is entitled to carry  
21 forward from ~~one~~ 1 year to the next is limited to one-half of the unused  
22 sick leave accrued during that year, but the department may by regulation  
23 provide for subsequent use of unused sick leave accrued but not carried  
24 forward ~~by reason~~ because of this limitation in cases where the employee  
25 is suffering from a long-term or chronic illness and has used all sick leave  
26 otherwise available to him.

27 2. Upon the retirement of an employee, his termination through no  
28 fault of his own or his death while in public employment, the employee or  
29 his beneficiaries are entitled to payment ~~for~~ :

30 (a) For his unused sick leave in excess of 30 days, exclusive of any  
31 unused sick leave accrued but not carried forward, according to his number  
32 of years of public service, except service with a political subdivision of the  
33 state, as follows:

34 ~~(a)~~ (1) For 10 years of service or more but less than 15 years, not  
35 more than \$2,500.

36 ~~(b)~~ (2) For 15 years of service or more but less than 20 years, not  
37 more than \$4,000.

38 ~~(c)~~ (3) For 20 years of service or more but less than 25 years, not  
39 more than \$6,000.

40 ~~(d)~~ (4) For 25 years of service, not more than \$8,000.

41 (b) For his unused sick leave accrued but not carried forward, an  
42 amount equal to one-half of the sum of:

43 (1) His hours of unused sick leave accrued but not carried forward;  
44 and

45 (2) An additional 120 hours.

46 3. The department may by regulation provide for additional sick and  
47 disability leave for long-term employees and for prorated sick and  
48 disability leave for part-time employees.



1 ~~12-1~~ 4. An employee entitled to payment for unused sick leave  
2 pursuant to subsection ~~11-1~~ 2 may elect to receive the payment in any one or  
3 more of the following forms:

- 4 (a) A lump-sum payment.  
5 (b) An advanced payment of the premiums or contributions for  
6 insurance coverage for which he is otherwise eligible pursuant to chapter  
7 287 of NRS. If the insurance coverage is terminated and the money  
8 advanced for premiums or contributions pursuant to this subsection  
9 exceeds the amount which is payable for premiums or contributions for the  
10 period for which the former employee was actually covered, the unused  
11 portion of the advanced payment must be paid promptly to the former  
12 employee or, if he is deceased, to his beneficiary.  
13 (c) The purchase of additional retirement credit, if he is otherwise  
14 eligible pursuant to chapter 286 of NRS.

15 ~~13-1~~ 5. Officers and members of the faculty of the University and  
16 Community College System of Nevada are entitled to sick and disability  
17 leave as provided by the regulations adopted pursuant to subsection 2 of  
18 NRS 284.345.

19 ~~14-1~~ 6. The department may by regulation provide policies concerning  
20 employees with mental or emotional disorders which:

21 (a) ~~Utilize~~ Use a liberal approach to the granting of sick leave or leave  
22 without pay ~~when~~ to such an employee if it is necessary for ~~them~~ him  
23 to be absent for treatment or temporary hospitalization.

24 (b) Provide for the retention of ~~their jobs~~ the job of such an employee  
25 for a reasonable ~~periods~~ period of absence, and ~~where~~ if an extended  
26 absence necessitates separation or retirement, provide for ~~their~~ the  
27 reemployment of such an employee if at all possible after recovery.

28 (c) Protect employee benefits ~~such as~~, including, without limitation,  
29 retirement, life insurance and health benefits.

30 ~~15-1~~ 7. The director shall establish by regulation a schedule for the  
31 accrual of sick leave for employees who regularly work more than 40 hours  
32 per week or 80 hours biweekly. The schedule must provide for the accrual  
33 of sick leave at the same rate proportionately as employees who work a 40-  
34 hour week accrue sick leave.

35 ~~16-1~~ 8. The department may investigate any instance in which it  
36 believes that an employee has taken sick or disability leave to which he  
37 was not entitled. If, after notice to the employee and a hearing, the  
38 commission determines that he has ~~in fact~~ taken sick or disability leave to  
39 which he was not entitled, the commission may order the forfeiture of all or  
40 part of his accrued sick leave.

41 **Sec. 3.** NRS 353.262 is hereby amended to read as follows:

42 353.262 When the state board of examiners finds, after diligent inquiry  
43 and examination, that:

- 44 1. As a result of payment for terminal leave, sick leave or unused sick  
45 leave to any state officer or employee or his beneficiary, sufficient  
46 appropriated money does not remain available to permit the payment of a  
47 salary when due to a person to be appointed or employed to replace the  
48 officer or employee; and



1       2. The appointment or employment of the replacement is necessary in  
2 the best interests of the state,  
3 the state board of examiners may authorize the expenditure of sums not  
4 exceeding ~~1\$8,0001~~ **\$12,000** from the reserve for statutory contingency  
5 account for payment of a salary when due to each person so appointed or  
6 employed as a replacement for the person to whom the terminal leave pay  
7 or sick leave pay was paid or is payable.  
8       **Sec. 4.** Notwithstanding the provisions of subsection 6 of NRS  
9 284.3621, if a state employee to whom NRS 284.355 applies transferred  
10 between July 1, 1998, and July 1, 2001, any amount of his unused  
11 sick leave accrued but not carried forward to an account for catastrophic  
12 leave established pursuant to NRS 284.3621, the employee may, before  
13 January 1, 2002, request his appointing authority to transfer to his account  
14 for his unused sick leave accrued but not carried forward an amount of his  
15 unused sick leave that he is entitled to carry forward pursuant to subsection  
16 1 of NRS 284.355 that is equal to the amount of his unused sick leave that  
17 he transferred to an account for catastrophic leave during that period, less  
18 any unused sick leave returned to the employee from an account for  
19 catastrophic leave pursuant to subsection 5 of NRS 284.3621. Upon receipt  
20 of such a request, the appointing authority of the employee shall cause the  
21 transfer of such sick leave before July 1, 2002.  
22       **Sec. 5.** This act becomes effective on July 1, 2001.

