

## (REPRINTED WITH ADOPTED AMENDMENTS)

## FIRST REPRINT

A.B. 122

ASSEMBLY BILL NO. 122—ASSEMBLYMEN DE BRAGA, ANDERSON,  
BERMAN, CHOWNING, COLLINS, GIBBONS, GIUNCHIGLIANI,  
HUMKE, KOIVISTO, LEE, MANENDO, OCEGUERA, PARKS AND  
SMITH

FEBRUARY 13, 2001

Referred to Concurrent Committees on Government Affairs  
and Ways and Means

SUMMARY—Revises provisions relating to payment for sick leave of state employees.  
(BDR 23-691)

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

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

AN ACT relating to state employees; 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.** NRS 284.355 is hereby amended to read as follows:
- 2 284.355 1. Except as otherwise provided in this section, all
- 3 employees in the public service, whether in the classified or unclassified
- 4 service, are entitled to sick and disability leave with pay of 1 1/4 working
- 5 days for each month of service, which may be cumulative from year to
- 6 year. After an employee has accumulated 90 working days of sick leave,
- 7 the amount of additional unused sick leave which he is entitled to carry
- 8 forward from ~~one~~ *1* year to the next is limited to one-half of the unused
- 9 sick leave accrued during that year, but the department may by regulation
- 10 provide for subsequent use of unused sick leave accrued but not carried
- 11 forward ~~by reason~~ *because* of this limitation in cases where the employee
- 12 is suffering from a long-term or chronic illness and has used all sick leave
- 13 otherwise available to him.



\* A B 1 2 2 R 1 \*

1       2. Upon the retirement of an employee, his termination through no  
2       fault of his own or his death while in public employment, the employee or  
3       his beneficiaries are entitled to payment ~~HH~~ :  
4       (a) *For* his unused sick leave in excess of 30 days, exclusive of any  
5       unused sick leave accrued but not carried forward, according to his number  
6       of years of public service, except service with a political subdivision of the  
7       state, as follows:  
8       ~~HH~~ (1) For 10 years of service or more but less than 15 years, not more  
9       than \$2,500.  
10      ~~HH~~ (2) For 15 years of service or more but less than 20 years, not more  
11      than \$4,000.  
12      ~~HH~~ (3) For 20 years of service or more but less than 25 years, not more  
13      than \$6,000.  
14      ~~HH~~ (4) For 25 years of service, not more than \$8,000.  
15      (b) *Except as otherwise provided in this paragraph, for his unused*  
16      *sick leave accrued but not carried forward, an amount equal to one-half*  
17      *of the sum of:*  
18      (1) *His hours of unused sick leave accrued but not carried forward;*  
19      *and*  
20      (2) *An additional 120 hours.*  
21      *An unclassified employee is not entitled to the payment authorized*  
22      *pursuant to this paragraph.*  
23      3. The department may by regulation provide for additional sick and  
24      disability leave for long-term employees and for prorated sick and  
25      disability leave for part-time employees.  
26      ~~HH~~ 4. An employee entitled to payment for unused sick leave  
27      pursuant to subsection ~~HH~~ 2 may elect to receive the payment in any one or  
28      more of the following forms:  
29      (a) A lump-sum payment.  
30      (b) An advanced payment of the premiums or contributions for  
31      insurance coverage for which he is otherwise eligible pursuant to chapter  
32      287 of NRS. If the insurance coverage is terminated and the money  
33      advanced for premiums or contributions pursuant to this subsection  
34      exceeds the amount which is payable for premiums or contributions for the  
35      period for which the former employee was actually covered, the unused  
36      portion of the advanced payment must be paid promptly to the former  
37      employee or, if he is deceased, to his beneficiary.  
38      (c) The purchase of additional retirement credit, if he is otherwise  
39      eligible pursuant to chapter 286 of NRS.  
40      ~~HH~~ 5. Officers and members of the faculty of the University and  
41      Community College System of Nevada are entitled to sick and disability  
42      leave as provided by the regulations adopted pursuant to subsection 2 of  
43      NRS 284.345.  
44      ~~HH~~ 6. The department may by regulation provide policies concerning  
45      employees with mental or emotional disorders which:  
46      (a) ~~Utilize~~ *Use* a liberal approach to the granting of sick leave or leave  
47      without pay ~~when~~ *to such an employee if* it is necessary for ~~them~~ *him*  
48      to be absent for treatment or temporary hospitalization.



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1 (b) Provide for the retention of ~~their jobs~~ *the job of such an employee*  
2 for *a* reasonable ~~periods~~ *period* of absence, and ~~where~~ *if an* extended  
3 absence necessitates separation or retirement, provide for ~~their~~ *the*  
4 reemployment *of such an employee* if at all possible after recovery.  
5 (c) Protect employee benefits ~~such as~~ *, including, without limitation,*  
6 retirement, life insurance and health benefits.  
7 ~~5.7~~ *7.* The director shall establish by regulation a schedule for the  
8 accrual of sick leave for employees who regularly work more than 40 hours  
9 per week or 80 hours biweekly. The schedule must provide for the accrual  
10 of sick leave at the same rate proportionately as employees who work a 40-  
11 hour week accrue sick leave.  
12 ~~6.8~~ *8.* The department may investigate any instance in which it  
13 believes that an employee has taken sick or disability leave to which he  
14 was not entitled. If, after notice to the employee and a hearing, the  
15 commission determines that he has ~~in fact~~ taken sick or disability leave to  
16 which he was not entitled, the commission may order the forfeiture of all or  
17 part of his accrued sick leave.  
18 **Sec. 2.** NRS 353.262 is hereby amended to read as follows:  
19 353.262 When the state board of examiners finds, after diligent inquiry  
20 and examination, that:  
21 1. As a result of payment for terminal leave, sick leave or unused sick  
22 leave to any state officer or employee or his beneficiary, sufficient  
23 appropriated money does not remain available to permit the payment of a  
24 salary when due to a person to be appointed or employed to replace the  
25 officer or employee; and  
26 2. The appointment or employment of the replacement is necessary in  
27 the best interests of the state,  
28 the state board of examiners may authorize the expenditure of sums not  
29 exceeding ~~\$8,000~~ *\$12,000* from the reserve for statutory contingency  
30 account for payment of a salary when due to each person so appointed or  
31 employed as a replacement for the person to whom the terminal leave pay  
32 or sick leave pay was paid or is payable.  
33 **Sec. 3.** This act becomes effective on July 1, 2001.

