

## (REPRINTED WITH ADOPTED AMENDMENTS)

## SECOND 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 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*



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1 *absence may be a part of the annual vacation of the public officer or*  
2 *employee which is provided for by law.*

3 2. *As used in this section:*

4 (a) *"Disaster" has the meaning ascribed to it in NRS 414.0335.*

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

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

7 (1) *Licensed by the Federal Communications Commission as an*  
8 *amateur radio operator; and*

9 (2) *A member of:*

10 (I) *The Radio Amateur Civil Emergency Service or a successor*  
11 *organization sponsored by the agency of the Federal Government for*  
12 *emergency management; or*

13 (II) *The Amateur Radio Emergency Service or a successor*  
14 *organization sponsored by the American Radio Relay League or its*  
15 *successor.*

16 (d) *"Local organization for emergency management" has the*  
17 *meaning ascribed to it in NRS 414.036.*

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

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

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

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

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

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

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

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

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

47 (1) *His hours of unused sick leave accrued but not carried forward;*  
48 *and*

49 (2) *An additional 120 hours.*



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1     **3.** The department may by regulation provide for additional sick and  
2 disability leave for long-term employees and for prorated sick and  
3 disability leave for part-time employees.

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

7         (a) A lump-sum payment.

8         (b) An advanced payment of the premiums or contributions for  
9 insurance coverage for which he is otherwise eligible pursuant to chapter  
10 287 of NRS. If the insurance coverage is terminated and the money  
11 advanced for premiums or contributions pursuant to this subsection  
12 exceeds the amount which is payable for premiums or contributions for the  
13 period for which the former employee was actually covered, the unused  
14 portion of the advanced payment must be paid promptly to the former  
15 employee or, if he is deceased, to his beneficiary.

16         (c) The purchase of additional retirement credit, if he is otherwise  
17 eligible pursuant to chapter 286 of NRS.

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

22     ~~14-1~~ **6.** The department may by regulation provide policies concerning  
23 employees with mental or emotional disorders which:

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

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

31         (c) Protect employee benefits ~~such as~~ **, including, without limitation,**  
32 retirement, life insurance and health benefits.

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

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

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

45         353.262 When the state board of examiners finds, after diligent inquiry  
46 and examination, that:

47         1. As a result of payment for terminal leave, sick leave or unused sick  
48 leave to any state officer or employee or his beneficiary, sufficient  
49 appropriated money does not remain available to permit the payment of a



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1 salary when due to a person to be appointed or employed to replace the  
2 officer or employee; and

3 2. The appointment or employment of the replacement is necessary in  
4 the best interests of the state,  
5 the state board of examiners may authorize the expenditure of sums not  
6 exceeding ~~\$8,000~~ \$12,000 from the reserve for statutory contingency  
7 account for payment of a salary when due to each person so appointed or  
8 employed as a replacement for the person to whom the terminal leave pay  
9 or sick leave pay was paid or is payable.

10 **Sec. 4.** Notwithstanding the provisions of subsection 6 of NRS  
11 284.3621, if a state employee to whom NRS 284.355 applies transferred  
12 between July 1, 1998, and July 1, 2001, any amount of his unused  
13 sick leave accrued but not carried forward to an account for catastrophic  
14 leave established pursuant to NRS 284.3621, the employee may, before  
15 January 1, 2002, request his appointing authority to transfer to his account  
16 for his unused sick leave accrued but not carried forward an amount of his  
17 unused sick leave that he is entitled to carry forward pursuant to subsection  
18 1 of NRS 284.355 that is equal to the amount of his unused sick leave that  
19 he transferred to an account for catastrophic leave during that period, less  
20 any unused sick leave returned to the employee from an account for  
21 catastrophic leave pursuant to subsection 5 of NRS 284.3621. Upon receipt  
22 of such a request, the appointing authority of the employee shall cause the  
23 transfer of such sick leave before July 1, 2002.

24 **Sec. 5.** This act becomes effective on July 1, 2001.

