

ASSEMBLY BILL NO. 285—ASSEMBLYMEN PARNELL, BACHE, SMITH,
GIBBONS, KOIVISTO, MCCLAIN, OCEGUERA AND PARKS

MARCH 6, 2001

Referred to Committee on Government Affairs

SUMMARY—Provides for appeal of decision of appointing authority regarding use of catastrophic leave by state employee. (BDR 23-438)

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 the state personnel system; creating the committee on catastrophic leave to hear appeals from decisions of appointing authorities regarding the use of such leave; prescribing the powers and duties of the committee; 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 284 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2. 1. *There is hereby created within the department the***
4 ***committee on catastrophic leave composed of five members appointed by***
5 ***the governor.***
6 ***2. The committee must be composed of:***
7 ***(a) Three members who are executive officers of state agencies; and***
8 ***(b) Two members who are representatives of labor.***
9 ***3. The members of the committee serve at the pleasure of the***
10 ***governor.***
11 ***4. After the initial terms, each member of the committee serves for a***
12 ***term of 3 years. Each member of the committee continues in office until***
13 ***his successor is appointed. Any member of the committee may be***
14 ***reappointed.***
15 ***5. A vacancy in the membership of the committee must be filled in***
16 ***the same manner as the original appointment for the remainder of the***
17 ***unexpired term.***
18 ***6. The members of the committee serve without compensation, except***
19 ***that the members are entitled to receive the per diem allowance and***
20 ***travel expenses provided for state officers and employees generally while***
21 ***engaged in the official business of the committee.***



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1 **Sec. 3.** 1. *The members of the committee shall elect a chairman*
2 *and vice chairman from among their members. After the initial election,*
3 *the chairman and vice chairman serve in the office for a term of 1 year*
4 *beginning on July 1 of each year. If a vacancy occurs in the*
5 *chairmanship or vice chairmanship, the members of the committee shall*
6 *elect a chairman or vice chairman from among their members to serve*
7 *for the remainder of the unexpired term.*
8 2. *Any three members of the committee constitute a quorum, and a*
9 *majority vote of the quorum is required to take action with respect to any*
10 *matter.*
11 3. *The committee shall adopt:*
12 (a) *Rules for its own management; and*
13 (b) *Such rules of practice and procedure as are necessary to carry out*
14 *its duties.*
15 4. *The committee shall hold such hearings as are necessary to carry*
16 *out the provisions of section 4 of this act.*
17 5. *The director or his designee shall act as the nonvoting recording*
18 *secretary of the committee.*
19 **Sec. 4.** 1. *An employee aggrieved by any decision of an appointing*
20 *authority made pursuant to NRS 284.362 to 284.3626, inclusive, may*
21 *appeal from the decision by filing a written notice of appeal with the*
22 *committee within 10 days after the date of the decision.*
23 2. *The committee shall:*
24 (a) *Within 5 days after receiving a notice of appeal, schedule a*
25 *hearing on the merits of the appeal for a date not later than 20 days after*
26 *its receipt of the notice.*
27 (b) *Cause notice of the date and time of the hearing to be given to the*
28 *employee and the appointing authority by mail or by personal service.*
29 (c) *Conduct the hearing expeditiously and informally. Technical rules*
30 *of evidence do not apply at the hearing.*
31 3. *The employee may file a written request with the committee to give*
32 *preference in scheduling the hearing. The request must set forth facts*
33 *showing that the seriousness of the alleged catastrophe requires an*
34 *expedited appeal.*
35 4. *The employee may represent himself at the hearing or be*
36 *represented by an attorney or other person of the employee's own*
37 *choosing.*
38 5. *The committee shall:*
39 (a) *Render a decision in writing within 10 days after the hearing,*
40 *setting forth the reasons therefor.*
41 (b) *Cause notice of the decision to be given to the employee and the*
42 *appointing authority by mail or by personal service.*
43 6. *The decision of the committee is final and is not subject to judicial*
44 *review or the procedure for the adjustment of grievances pursuant to*
45 *NRS 284.384.*
46 7. *A meeting or hearing held by the committee to carry out the*
47 *provisions of this section and the committee's deliberations on the*
48 *information or evidence received are not subject to any provision of*
49 *chapter 241 of NRS.*



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1 **Sec. 5.** NRS 284.362 is hereby amended to read as follows:
2 284.362 **1.** As used in NRS 284.362 to 284.3626, inclusive,
3 ~~“catastrophe” means:~~
4 ~~—1.—~~ **and sections 2, 3 and 4 of this act:**
5 **(a) “Catastrophe” means:**
6 **(1)** The employee is unable to perform the duties of his position
7 because of a serious illness or accident which is life threatening or which
8 will require a lengthy convalescence;
9 ~~12.—~~ **(2)** There is a serious illness or accident which is life threatening or
10 which will require a lengthy convalescence in the employee’s immediate
11 family; or
12 ~~13.—~~ **(3)** There is a death in the employee’s immediate family.
13 **(b) “Committee” means the committee on catastrophic leave created**
14 **pursuant to section 2 of this act.**
15 **2.** The commission shall adopt regulations further defining
16 “catastrophe” to ensure that the term is limited to serious calamities.
17 **Sec. 6.** NRS 284.3623 is hereby amended to read as follows:
18 284.3623 ~~1.—~~ The appointing authority may approve the transfer of a
19 specified number of hours of leave from the account for catastrophic leave
20 to the account of any employee who the appointing authority determines is
21 eligible to receive such leave.
22 ~~12.— The decision of the appointing authority concerning the approval of~~
23 ~~leave pursuant to subsection 1 is final and is not subject to judicial review~~
24 ~~or the procedure for the adjustment of grievances pursuant to NRS~~
25 ~~284.384.~~
26 **Sec. 7.** As soon as practicable after July 1, 2001, the governor shall
27 appoint to the committee on catastrophic leave created pursuant to section
28 2 of this act:
29 1. One member who is an executive officer of a state agency and one
30 member who is a representative of labor whose terms expire on July 1,
31 2002.
32 2. One member who is an executive officer of a state agency and one
33 member who is a representative of labor whose terms expire on July 1,
34 2003.
35 3. One member who is an executive officer of a state agency whose
36 term expires on July 1, 2004.
37 **Sec. 8.** This act becomes effective on July 1, 2001.

