

ASSEMBLY BILL NO. 364—ASSEMBLYWOMAN
BUSTAMANTE ADAMS

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing leave of public employees for military duty. (BDR 23-1071)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; providing for civil leave with reduced pay for a public officer or employee of the State or of a political subdivision of the State for active military service or similar service in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, an officer or employee of the Executive Department of the
- 2 State Government is entitled to civil leave with reduced pay for active military
- 3 service or other similar service in time of war or emergency. (NRS 284.358) This
- 4 bill extends that benefit to officers or employees of a political subdivision of this
- 5 State or of an agency of a political subdivision of this State. To carry out this
- 6 extension of the benefit, **section 2** of this bill removes the applicable statutory
- 7 language from its present location and **section 1** of this bill adds an expanded
- 8 version of that language to a location where it will be more broadly applicable.

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
- 2 thereto a new section to read as follows:

- 3 *1. Any public officer or employee of the State or any agency*
- 4 *thereof, or of a political subdivision or an agency of a political*



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1 *subdivision, who performs active military service in the Armed*
2 *Forces of the United States or any other category of persons*
3 *designated by the President of the United States or the Governor*
4 *of this State, including, without limitation, the Commissioned*
5 *Corps of the United States Public Health Service, in time of war or*
6 *emergency is entitled to civil leave with reduced pay for the period*
7 *of such service.*

8 2. *The pay that an officer or employee is entitled to receive*
9 *pursuant to this section is the difference between the pay that the*
10 *officer or employee would have otherwise received as an officer or*
11 *employee and the officer's or employee's pay for active military*
12 *service. If the officer's or employee's pay for active military*
13 *service is greater than the pay that the officer or employee would*
14 *have otherwise received as an officer or employee, the officer or*
15 *employee is not entitled to receive any additional pay pursuant to*
16 *this section while the officer or employee performs active military*
17 *service.*

18 3. *As used in this section, "pay for active military service"*
19 *means the base pay that a person receives for active military*
20 *service as determined by the rank or grade of the person. The term*
21 *does not include any other type of pay that a person may be*
22 *entitled to receive for active military service, including, without*
23 *limitation, imminent danger pay or family separation allowance.*

24 **Sec. 2.** NRS 284.358 is hereby repealed.

25 **Sec. 3.** The provisions of NRS 354.599 do not apply to any
26 additional expenses of a local government that are related to the
27 provisions of this act.

28 **Sec. 4.** This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

284.358 Civil leave with reduced pay when performing active military service in time of war or emergency.

1. An officer or employee in the public service who performs active military service in the Armed Forces of the United States or any other category of persons designated by the President of the United States or the Governor of this State, including, without limitation, the Commissioned Corps of the United States Public Health Service, in time of war or emergency is entitled to civil leave with reduced pay for the period of such service.

2. The pay that an officer or employee is entitled to receive pursuant to this section is the difference between the pay that the



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officer or employee would have otherwise received as an officer or employee and the officer's or employee's pay for active military service. If the officer's or employee's pay for active military service is greater than the pay that the officer or employee would have otherwise received as an officer or employee, the officer or employee is not entitled to receive any additional pay pursuant to this section while the officer or employee performs active military service.

3. As used in this section, "pay for active military service" means the base pay that a person receives for active military service as determined by the rank or grade of the person. The term does not include any other type of pay that a person may be entitled to receive for active military service, including, without limitation, imminent danger pay or family separation allowance.

