

ASSEMBLY BILL NO. 364—ASSEMBLYMEN PAUL ANDERSON,
HANSEN; DUNCAN, ELLISON, GRADY, HARDY, KIRNER,
OSCARSON AND WHEELER

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public officers and employees. (BDR 23-1014)

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; increasing the maximum period during which certain public officers and employees who are active members of the military must be relieved from their duties to serve under orders without loss of compensation; authorizing certain members of the Public Employees' Retirement System to purchase service credit under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases, from not more than 15 working days to not more than 39 working days in a calendar year, the period during which certain public officers and employees of the State who are active members of the military must be relieved from their duties as public officers and employees to serve under orders without loss of compensation.

Section 2 of this bill authorizes such public officers and employees who are members of the Public Employees' Retirement System to purchase service credit under certain circumstances.

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

Section 1. NRS 281.145 is hereby amended to read as follows:
281.145 ~~Any~~



1 ***1. Except as otherwise provided in subsection 2, any*** public
2 officer or employee of the State or any agency thereof, or of a
3 political subdivision or an agency of a political subdivision, who is
4 an active member of the United States Army Reserve, the United
5 States Naval Reserve, the United States Marine Corps Reserve, the
6 United States Coast Guard Reserve, the United States Air Force
7 Reserve or the Nevada National Guard must be relieved from the
8 officer's or employee's duties, upon the officer's or employee's
9 request, to serve under orders without loss of the officer's or
10 employee's regular compensation for a period of not more than 15
11 working days in any 1 calendar year. No such absence may be a part
12 of the employee's annual vacation provided for by law.

13 ***2. Any public officer or employee of the Department of***
14 ***Corrections or the Department of Public Safety whose work***
15 ***schedule includes Saturday or Sunday and who is an active***
16 ***member of the United States Army Reserve, the United States***
17 ***Naval Reserve, the United States Marine Corps Reserve, the***
18 ***United States Coast Guard Reserve, the United States Air Force***
19 ***Reserve or the Nevada National Guard must be relieved from the***
20 ***officer's or employee's duties, upon the officer's or employee's***
21 ***request, to serve under orders without loss of the officer's or***
22 ***employee's regular compensation for a period of not more than 39***
23 ***working days in any 1 calendar year. No such absence may be a***
24 ***part of the employee's annual vacation provided for by law.***

25 **Sec. 2.** NRS 286.300 is hereby amended to read as follows:

26 286.300 Except as otherwise required as a result of
27 NRS 286.537:

28 1. Any member of the System may, except as otherwise
29 provided in subsection ~~15.1~~ 6, purchase all previous creditable
30 service performed with the member's present employing agency if
31 that service was performed before the enrollment of the member's
32 agency in the System, even if the service is still creditable in some
33 other system where it cannot be cancelled. The public employer
34 must certify the inclusive dates of employment and number of hours
35 regularly worked by the member to validate the service. The
36 member must pay the full actuarial cost as determined by the
37 actuary.

38 2. In addition to the purchases authorized pursuant to the
39 provisions of subsections 1, ~~and~~ 3 ~~and~~ 4, any member who has
40 5 years of creditable service may, except as otherwise provided in
41 subsection ~~15.1~~ 6, purchase up to 5 years of service. The member
42 must pay the full actuarial cost of the service as determined by an
43 actuary of the System.

44 3. In addition to the purchases authorized pursuant to the
45 provisions of subsections 1, ~~and~~ 2 ~~and~~ 4, and in addition to any



1 free credit received pursuant to NRS 286.303 and 286.479, any
2 member who has 5 years of creditable service, served on active
3 military duty during the period beginning on the date proclaimed by
4 the President of the United States as the date on which Operation
5 Desert Storm, Operation Enduring Freedom or Operation Iraqi
6 Freedom began and was honorably discharged or released from
7 active duty may, except as otherwise provided in subsection ~~5.1~~ 6,
8 purchase a number of months of service equal to the number of full
9 months the member served on active military duty, but in no case
10 may the service purchased pursuant to this subsection exceed 3
11 years. The member must pay the full actuarial cost of the service as
12 determined by an actuary of the System.

13 4. *In addition to the purchases authorized pursuant to the*
14 *provisions of subsections 1, 2 and 3, any member who, on or after*
15 *October 1, 2013:*

16 (a) *Has 5 years of creditable service;*

17 (b) *Serves military duty under orders without loss of regular*
18 *compensation as described in subsection 2 of NRS 281.145; and*

19 (c) *Loses regular compensation by serving such duty in excess*
20 *of the period described in subsection 2 of NRS 281.145,*

21 *→ may, except as otherwise provided in subsection 6, purchase*
22 *service credit not to exceed 11 days or the number of days of*
23 *regular compensation lost in any 1 calendar year, whichever is*
24 *less. The member must pay the full actuarial cost of the service as*
25 *determined by an actuary of the System.*

26 5. In addition to the purchases authorized pursuant to the
27 provisions of subsections 1, ~~and~~ 3 ~~1~~ and 4, any member who:

28 (a) Is a licensed teacher;

29 (b) Has 5 years of creditable service;

30 (c) Is, pursuant to statute, regulation or contract, entitled to
31 payment for unused sick leave; and

32 (d) Is employed by the board of trustees of a school district that
33 has, pursuant to subsection 5 of NRS 391.180, provided for the
34 payment of unused sick leave in the form of purchase of service,

35 *→ may, except as otherwise provided in subsection ~~5.1~~ 6, cause to*
36 *be purchased on the member's behalf service credit, not to exceed*
37 *the number of hours of unused sick leave or 1 year, whichever is*
38 *less. The full actuarial cost of the service as determined by an*
39 *actuary of the System must be paid for such a purchase. Any service*
40 *credit purchased pursuant to this subsection must be included as a*
41 *part of, and is not in addition to, service purchased pursuant to*
42 *subsection 2.*

43 ~~5.1~~ 6. A person who becomes a member of the System for the
44 first time on or after January 1, 2000, may, on or after July 1, 2001,
45 purchase creditable service pursuant to subsection 1, 2, ~~1~~ 3 ~~1~~ or



4, or cause to be purchased on the person's behalf service credit pursuant to subsection ~~4.1~~ 5, only if, at the time of the purchase, the person is employed by a participating public employer in a position eligible for membership in the System.

~~16.1~~ 7. Any member of the System may use:

(a) All or any portion of the balance of the member's interest in a qualified trust pursuant to section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a); or

(b) The money contained in an individual retirement account or an individual retirement annuity of a member, the entire amount of which is:

(1) Attributable to a qualified distribution from a qualified trust pursuant to section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a); and

(2) Qualified as an eligible rollover distribution pursuant to section 402 of the Internal Revenue Code, 26 U.S.C. § 402,

→ to purchase creditable service pursuant to subsection 1, 2, ~~10.1~~ 3

~~11.1~~ or 4.

~~17.1~~ 8. A member of the System who purchases creditable service pursuant to subsection 1, 2, ~~10.1~~ 3 or 4 is entitled to receive a refund of any contributions paid toward the purchase of the service only if the member is no longer in the employ of a participating public employer.

~~18.1~~ 9. If a member of the System enters into an agreement whereby the member agrees to pay for the purchase of service credit in installments and the member defaults on that agreement, the member is entitled to receive service credit in the proportion that the principal paid bears to the principal due under the agreement.

Sec. 3. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave



1 and such other leave as they determine to be necessary or desirable
2 for employees. In addition, boards of trustees may either prescribe
3 by regulation or negotiate pursuant to chapter 288 of NRS with
4 respect to the payment of unused sick leave to licensed teachers in
5 the form of purchase of service pursuant to subsection ~~44~~ 5 of NRS
6 286.300. The amount of service so purchased must not exceed the
7 number of hours of unused sick leave or 1 year, whichever is less.

8 6. The salary of any employee unavoidably absent because of
9 personal illness or accident, or because of serious illness, accident or
10 death in the family, may be paid up to the number of days of sick
11 leave accumulated by the employee. An employee may not be
12 credited with more than 15 days of sick leave in any 1 school year.
13 Except as otherwise provided in this subsection, if an employee
14 takes a position with another school district or charter school, all
15 sick leave that the employee has accumulated must be transferred
16 from the employee's former school district or charter school to his
17 or her new school district or charter school. The amount of sick
18 leave so transferred may not exceed the maximum amount of sick
19 leave which may be carried forward from one year to the next
20 according to the applicable negotiated agreement or the policy of the
21 district or charter school into which the employee transferred.
22 Unless the applicable negotiated agreement or policy of the
23 employing district or charter school provides otherwise, such an
24 employee:

25 (a) Shall first use the sick leave credited to the employee from
26 the district or charter school into which the employee transferred
27 before using any of the transferred leave; and

28 (b) Is not entitled to compensation for any sick leave transferred
29 pursuant to this subsection.

30 7. Subject to the provisions of subsection 8:

31 (a) If an intermission of less than 6 days is ordered by the board
32 of trustees of a school district or the governing body of a charter
33 school for any good reason, no deduction of salary may be made
34 therefor.

35 (b) If, on account of sickness, epidemic or other emergency in
36 the community, a longer intermission is ordered by the board of
37 trustees of a school district, the governing body of a charter school
38 or a board of health and the intermission or closing does not exceed
39 30 days at any one time, there may be no deduction or
40 discontinuance of salaries.

41 8. If the board of trustees of a school district or the governing
42 body of a charter school orders an extension of the number of days
43 of school to compensate for the days lost as the result of an
44 intermission because of those reasons contained in paragraph (b) of
45 subsection 7, an employee may be required to render his or her



1 services to the school district or charter school during that extended
2 period. If the salary of the employee was continued during the
3 period of intermission as provided in subsection 7, the employee is
4 not entitled to additional compensation for services rendered during
5 the extended period.

6 9. If any subject referred to in this section is included in an
7 agreement or contract negotiated by:

8 (a) The board of trustees of a school district pursuant to chapter
9 288 of NRS; or

10 (b) The governing body of a charter school pursuant to
11 NRS 386.595,

12 ➤ the provisions of the agreement or contract regarding that subject
13 supersede any conflicting provisions of this section or of a
14 regulation of the board of trustees.

