

*State of Nevada*  
***Employee Handbook***



***Department of Personnel***

*Blasdel Building*  
*209 East Musser Street, Room 101*  
*Carson City, Nevada 89701-4204*

*Grant Sawyer Building*  
*555 East Washington Avenue, Suite 1400*  
*Las Vegas, Nevada 89101-1046*

*[www.dop.nv.gov](http://www.dop.nv.gov)*



Dear Employee:

Congratulations on your employment with the State of Nevada. You have joined a team of over 17,000 state employees who are committed to improving the quality of life for our citizens through public service. As a State employee you have the opportunity to make a difference every day by providing efficient, effective and quality services and ensuring excellence at all levels.

In order to have a successful work environment, it is essential for you to have a clear understanding of the rights, responsibilities, policies and benefits that govern the workplace. *The State of Nevada Employee Handbook* along with your department's Prohibitions and Penalties and your Work Performance Standards provide you with the framework for success. It is important for you to be familiar with the information in this handbook, so please review it carefully.

This handbook is not intended to address every detail about employment with the State of Nevada. However, it does provide a comprehensive overview and serves as a useful guide. Your agency personnel staff or the Department of Personnel can provide additional details and assistance relating to your employment, should you have further questions.

The State of Nevada is faced with many complexities as we move into the future with a changing environment and economy. The Governor's Office and the Department of Personnel appreciate and support the efforts of all State employees. It is because of your commitment, professionalism and hard work that we will be able to meet these challenges. We wish you success in your new position and hope you will enjoy a long and rewarding career with the State.

Jim Gibbons, Governor  
State of Nevada

Teresa Thienhaus, Director  
Department of Personnel

## NOTES

# TABLE OF CONTENTS

<b>Introduction</b> -----		<b>1</b>
<b>Filling Vacancies</b> -----		<b>2 — 4</b>
Job Announcements	Open Competitive Recruitments	
Applications	Lists of Eligible Persons and Certification	
Minimum Qualifications	Inquiry of Availability	
Promotional Recruitments	The Americans With Disabilities Act	
<b>Appointments and Probationary Periods</b> -----		<b>5 — 7</b>
Types of Appointments	Acceptance of New Appointment	
Probationary Period/Status of Appointment	Nepotism/Dating Relationship	
<b>Employee Performance/Development</b> -----		<b>7 — 9</b>
Work Performance Standards	Employment Records	
Performance Evaluation	Public Records	
Training		
<b>Position Classification</b> -----		<b>9 — 10</b>
<b>Compensation</b> -----		<b>10 — 13</b>
Payday	Call Back Pay	
Rate of Pay	Shift Differential	
Direct Deposit Option	Standby Pay	
Merit Pay Increase	Per Diem and Travel	
Longevity Pay	Use of Private Automobiles	
Overtime	Motor Pool	
Payment for Holidays		
<b>Insurance Benefits</b> -----		<b>14 — 16</b>
<b>Retirement Program</b> -----		<b>16 — 19</b>
<b>Additional Benefit Programs</b> -----		<b>19 — 21</b>
Workers' Compensation and Disability	Merit Award Program	
Employee Assistance Program		

**Attendance and Leave ----- 21 — 31**

Hours of Employment	Catastrophic Leave
Furloughs	Administrative Leave With Pay
Time and Attendance Records	Civil Leave With Pay
Annual Leave	Military Leave
Sick Leave	Release Time for State Examinations
Employee Rights and Responsibilities under the Family and Medical Leave Act	Leave of Absence Without Pay
Holidays	Shift Trading
	Reporting Absences

**Compensation, Benefits, and Leave Summary----- 31 — 32**

**Federal Laws and State Policies ----- 32 — 33**

Equal Employment Opportunity & Affirmative Action	Sexual Harassment & Discrimination Policy
--	--

**Safety and Health Programs----- 34 — 35**

Workplace Violence	Smoking Policy
Alcohol and Drug-Free Workplace	

**Employee Organizations----- 35**

**Prohibitions and Penalties-----35 — 37**

Disclosure of Improper Governmental Action Discipline	Policy on Honorarium Political Activity
---	--

**Employee Dispute Resolution ----- 37 — 38**

Mediation	Appeal of Suspension, Demotion, or Dismissal
Grievance Procedure	

**Separations ----- 38 — 39**

Resignation	Discharge
Layoff	

**Strikes Against the State ----- 39**

**Glossary of Terms ----- 40 — 43**

**Helpful Websites ----- 44**

## HANDBOOK INTRODUCTION

The employee handbook provides a ready reference for new and experienced State of Nevada employees when questions arise relating to the terms and conditions of employment.

This version of the State of Nevada Employee Handbook supersedes all previous versions of the handbook.

Because of limitations of space, this handbook provides an *abbreviated* version of the Rules for Personnel Administration (Chapter 284 of the *Nevada Administrative Code*), State statutes and federal laws that govern the classified services and when applicable the unclassified service.

You will find references at the end of most sections to the *Nevada Revised Statutes* (NRS), *Nevada Administrative Code* (NAC), *State Administrative Manual* (SAM), department website information, and/or State policies and guidelines where you can obtain further information on a particular topic.

In addition to the topics covered in this handbook, your agency may have adopted policies and procedures that govern your employment.

**This handbook does not create any rights, benefits or duties which are not set forth in the *Nevada Revised Statutes*, *Nevada Administrative Code*, or federal laws; and it does not constitute a contract with public employees.**

If you have questions regarding any of the policies, procedures, or benefits covered in this handbook, you are encouraged to contact your supervisor, the personnel representative in your agency, or the Department of Personnel.

The information in the handbook is current as of the publication date, but is subject to change as statutes and regulations are modified. If you would like to provide suggestions to improve the content of the handbook, please contact the Department of Personnel.

**Published: July 2009**

**The Employee Handbook is also available on the Department of Personnel website at: <http://www.dop.nv.gov>**

## **FILLING VACANCIES**

### **Job Announcements**

Public notices are used to announce the recruitment for vacant positions. These job announcements can be accessed through NVAPPS (Nevada Applicant Placement and Processing System) via the Department of Personnel's website at [www.dop.nv.gov](http://www.dop.nv.gov). NVAPPS allows you to conveniently search and apply for job openings online. Job announcements include salary information, a description of the position, the minimum qualifications, the location of the vacancy, an explanation of the examination, and the filing period. An announcement may be published to provide for open competition, a promotional competition, or a combination of both. The system also allows for position vacancies to be posted in real time. Results of any recruitment may be used to fill subsequent vacancies. Therefore, individual job announcements may not be published for each individual vacancy. (NAC 284.295, 284.309)

### **Applications**

It is your responsibility, and to your advantage, to apply for any recruitment for which you are qualified, eligible and interested. To apply for a position, you must file an application with the Department of Personnel or its designated representative as specified in the job announcement. You are encouraged to utilize NVAPPS when applying for recruitments. NVAPPS stores your applicant profile information to expedite application for future recruitments. Paper applications can be obtained by contacting the Department of Personnel and will be accepted for single recruitments only. A separate paper application must be submitted for each recruitment that interests you. Your application must be received no later than 5:00 p.m. at the location specified on the announcement. It is important that an application be properly completed since incomplete or improper completion is cause for rejection of the application. (NAC 284.313)

### **Minimum Qualifications**

The minimum qualifications statement on the job announcement informs the applicant of the education, experience and other requirements for the position. Thoroughly document your education, training and experience, demonstrating that they meet the requirements as posted. Only those applicants whose applications demonstrate that they meet the minimum qualifications and other criteria in the job announcement are verified to compete in the examination process.

When applying through NVAPPS, you will be asked to provide your e-mail address, which allows the recruiter to notify you each time the status of your application changes (i.e., meeting the minimum qualifications, missing information, requesting clarifying information, etc.). Hard copy notices will be mailed to applicants who choose not to provide an e-mail address. (NAC 284.313)

## **Promotional Recruitments**

Promotional recruitments are limited to employees with at least six months of continuous (full-time equivalent) employment in the classified service. If your supervisor is given reasonable notice, you will be allowed release time with pay in order to take an examination. An employment interview with an agency of the State of Nevada is considered part of the examination process and may qualify for release time with pay. (NAC 284.313, 284.353)

## **Open Competitive Recruitments**

Open competitive recruitments are open to all individuals who meet the minimum qualifications of the position and all applicants are considered equally for appointment. There is no minimum service requirement for employees in the classified service to apply for an open competitive recruitment.

## **Lists of Eligible Persons and Certification**

The most common types of eligible lists to which employees may be certified and their order of priority are as follows:

1. Reemployment lists of employees who have been laid off or injured on the job.
2. Divisional promotional lists.
3. Departmental promotional lists.
4. Statewide promotional lists.
5. Open competitive lists.
6. Any combination of the above.

The types of lists referenced above, other than reemployment lists, are certified in either ranked or unranked order unless the list is waived. When the list is ranked, the names of eligible persons appear in the order of their total rating that they earned in the examination, including preference for veterans and Nevada residents. The candidates receiving the five highest scores on a ranked list are eligible to be appointed to vacancies.

The list of eligible applicants may be unranked: (1) for entry level classes; (2) when recruitment failed to produce more than five qualified applicants; (3) for classes where promotional applicants are not normally available; or (4) when possession of a license or certification is required.

The Department of Personnel may waive the list for classes that are a grade 20 or below, classes that are designated in the Classification Plan as entry level, and for classes where promotional applicants are not normally available. (NRS 284.155, 284.255, 284.265, 284.309, 284.320, NAC 284.358-284.374)

The term of eligibility on a list is one year, but may be extended by the Department of Personnel for up to three years. (NRS 284.250, NAC 284.374)



### **Inquiry of Availability**

The hiring agency must contact the eligible applicants on the hiring list to inquire about their availability for a job interview for the available position. The eligible person must respond to a written/mailed inquiry within six days of the postmark, to an electronic inquiry within three days, to a written/hand-delivered inquiry within 24 hours, to an in-person oral inquiry within 24 hours, or to a telephone inquiry within three days if a voicemail or electronic message was left. (NAC 284.373)

### **The Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) of 1990 is a civil rights act prohibiting discrimination against individuals with disabilities in employment, public services and transportation, public accommodations, and telecommunications. It does not guarantee equal results, establish quotas, or require preferences favoring individuals with disabilities over those without disabilities. The ADA Amendments Act (ADAAA), effective January 1, 2009, was adopted to restore the original intent of the ADA by providing a clear and comprehensive national mandate for the elimination of discrimination.

To be considered disabled under the ADA, a person must have a physical or mental impairment that substantially limits one or more major life activities; have a record of such an impairment; or be regarded as having such an impairment. Additionally, to be covered by the ADA, a person with a disability must be otherwise qualified for the job, program, or activity to which access is sought.

Under the ADA, employment decisions must be based on an individual's ability to perform the essential functions of a position with or without reasonable accommodation. Employers are not required to make accommodations that would eliminate the essential functions of the job or impose an undue hardship on the operation of their business. Under the ADA, for the purposes of providing reasonable accommodation, the State of Nevada as a whole is considered the employer, and not individual agencies. In addition, the ADA seeks to delay consideration of medical or disability-related information until a conditional job offer has been made to the best-qualified applicant.

Each State agency is responsible for designating an ADA Coordinator who can be contacted for information on the Act and respond to questions or complaints about its application in that agency. The Department of Personnel's ADA Coordinator is also available as a resource regarding the employment provisions of the law. (NAC 284.120, 284.440, 284.441)

## APPOINTMENTS AND PROBATIONARY PERIODS

An appointment occurs when an applicant accepts an offer of employment and a date of hire is agreed upon with the appointing authority.

### Types of Appointments

**New Hire** — When you initially accept an appointment in State government, you are considered a new hire. As a new hire, you will be required to serve a probationary period of either six months or one year.

**Reemployment** — Reemployment is a type of appointment that does not result in a break in service. The types of reemployment are as follows:

1. Military reemployment — Any remaining portion of a probationary period must be completed upon return to State service. (NAC 284.444)
2. Reemployment of permanent employees who have been laid off — Completion of a new probationary period is required if you are reemployed in a different class or in a different department.
3. Reemployment due to reclassification of a position to a lower class.
4. Reemployment of seasonal employees.
5. Reemployment due to a permanent disability arising from an injury sustained at work.

Further information on this subject can be obtained by contacting your personnel representative or the Department of Personnel.

**Reinstatement** — If you have resigned from State service as a permanent employee in good standing, you may be reinstated to the same or a similar class following termination.

The probationary period following reinstatement may be waived, but you will not be eligible to compete in promotional examinations until you have completed six months of State service. You cannot be reinstated to a position that is at grade 30 or above if the position is allocated at a higher grade level than the position you held at the time of termination. (NRS 284.330)

**Reappointment** — You may be reappointed to a class that you formerly held or to a comparable class if you meet the current minimum qualifications and receive the appointing authority's approval. To be reappointed to a comparable class, the Department of Personnel also approves the reappointment. If you are a probationary employee, you must complete a new probationary period. You cannot be reappointed to a position at grade 30 or above if the position is allocated at a higher level than the position you formerly held. (NAC 284.093, 284.404, 284.444)

**Transfer** — You may be considered for a transfer from your agency to another State agency without loss of benefits, such as retirement, insurance, and sick leave and annual leave credit. A request for a transfer should be made directly to the hiring agency. If you are a probationary employee who transfers within the same class, you must serve the remaining portion of your probationary period. A probationary employee who transfers to a different class must serve a new probationary period. You cannot transfer through non-competitive means to a position at grade 30 or higher if the position is allocated at a higher grade level than the position you currently hold.

**Demotion** — An employee may be demoted to a position in a class with a lower grade level if the employee meets the minimum qualifications and if the appointing authority approves. You may not demote through non-competitive means to a position at grade 30 or higher if the position is allocated at a higher grade level than the position you currently hold.

**Promotion** — Promotion is advancement to a vacant position in a class that has a higher grade than the class previously held. As an employee of the State, you may compete in recruitments for promotional openings when you have served six months (full-time equivalent) of continuous classified service. When you accept a promotion, you will be required to serve a trial period of either six months or one year. If you fail to attain permanent status in a position to which you were promoted, you shall be restored to your former position. (NRS 284.300, NAC 284.462)

**Other Appointments** — State government also has other appointment types such as provisional, emergency, and temporary appointments. (NRS 284.310, 284.315, 284.325)

Unclassified employees are appointed outside of the merit system and are not governed by the regulations relating to classified service.

### **Probationary Period/Status of Appointment**

As a new hire, your status of appointment is “probationary.” After you have successfully completed a full probationary period, you are considered a “permanent” employee. If you are promoted to a new position after you become a “permanent” employee, your status of appointment is “trial period.”

The probationary period for classes at grade 19 and below is six months of full-time equivalent service. The probationary period for classes at grade 20 or higher is one year of full-time equivalent service. (NAC 284.442)

During the probationary period, your conduct and job performance is reviewed more frequently. Dismissals or demotions may be made at any time during the probationary period in accordance with regulations. (NRS 284.290, NAC 284.458)

Once you have successfully completed the probationary period for a class, you will attain permanent status. (NRS 284.290)

### **Acceptance of New Appointment**

State employees are required to give two weeks' written notice before beginning service in a new position under the jurisdiction of another appointing authority, unless both appointing authorities mutually agree to a shorter period of notice.

### **Nepotism/Dating Relationship**

State of Nevada policy prohibits a classified employee from working under the immediate supervision or in the direct line of authority of someone with whom he is having a "dating relationship" or a family member, including a spouse, child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin or the same relation by marriage. "Direct line of authority" includes an employee's immediate supervisor, that supervisor's supervisor and each subsequent level of supervision all the way up through the employee's chain of command to the department director. A supervisory relationship includes responsibility and accountability for assigning work, evaluating performance, hiring, disciplining, and training, as opposed to temporary or ad hoc employment situations caused by an emergency or a special project of limited duration. "Dating relationship" is defined as an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context. (NRS 281.210, NAC 284.0533)

## **EMPLOYEE PERFORMANCE/DEVELOPMENT**

### **Work Performance Standards**

Work Performance Standards are written statements of the results and/or behavior expected of an employee when his job elements are satisfactorily performed under existing working conditions.

Standards are required for all classified positions, and employees will be provided with a copy of the standards for their positions. (NRS 284.335, NAC 284.468)

### **Performance Evaluation**

If you are serving a six-month (full-time equivalent) probationary period, your supervisor will evaluate your performance at the end of the second and fifth months. If you are completing a one-year (full-time equivalent) probationary period, your evaluations will be conducted at the end of the third, seventh and eleventh months. You will receive a copy of each performance report. Once you have attained permanent status, your performance will be evaluated annually. Your annual evaluation date will typically coincide with your pay progression date, which is defined as the date you complete one year of employment equivalent to full-time service following appointment to your current grade. Each evaluation will include a discussion between you and your

supervisor to review and clarify goals and methods to achieve them. It will also include a written evaluation of your progress in the job. Evaluations will be made with reference to established work performance standards.

If you disagree with the report on performance, you must prepare a written response identifying specific points of disagreement within 10 days of receiving the report. A reviewing officer will respond to your concerns. The reviewing officer is the supervisor of the person who prepared your report on performance or another person designated by the appointing authority. A permanent employee may appeal a decision of the reviewing officer through the procedure for the adjustment of a grievance. (NRS 284.340, NAC 284.470)

## **Training**

The State of Nevada supports training programs and employee development to improve the efficiency and productivity of all State employees. It recognizes continued training and development for career employees is essential in providing quality services for State government.

Each agency is responsible for agency orientation, on-the-job training, and any formal or specialized training in areas unique to their work environment and required by the agency.

In order to avoid duplication of effort, the Department of Personnel has been designated to coordinate and provide training applicable to all State employees. This training includes subjects such as supervision, management, communication, customer service, effective writing, and prevention of sexual harassment, including the supervisory training mandated by the NRS/NAC. A variety of these courses are offered via classroom instruction and also in an online, self-paced e-Learning environment. A complete listing of courses can be found in the Training module of the Nevada Employee Action and Timekeeping System (NEATS).

The Office of Employee Development administers the Nevada Certified Public Manager Program (NVCPM) for state and local government employees who manage or supervise people or projects, hold a supervisory or managerial position responsible for providing technical or professional support to an agency, or have been identified by the agency director as an individual showing potential for advancement into such positions. The 17-month program offers over 300 hours of instruction and activities focused on the development of key management and leadership competencies for public managers to build a foundation of management excellence in government.

Successful participants in the NVCPM Program should be high achievers in their respective positions and have support of their management. Applicants should demonstrate a high degree of conceptual ability, reading, comprehension, and written and oral communication capabilities. Upon successful completion, participants will be awarded the designation of *Certified Public Manager (CPM)*.

Additional information about the NVCPM Program can be found at <http://dop.nv.gov/CPMHome.html>.

The Department of Personnel's Office of Employee Development can be reached in Las Vegas at (702) 486-2663, in Carson City at (775) 684-0115, or on the Internet at <http://dop.nv.gov>. (NRS 284.343, NAC 284.482)

### **Employment Records**

Your official personnel file is maintained at the Department of Personnel, Central Records Section. Your agency maintains a working file with copies of the documentation. Your file includes personnel action documents, mandatory employment forms, performance evaluations, and documentation of disciplinary action. Your file may also include letters of commendation, training certificates, or other work-related documents that you or your supervisor have requested be included in your file. You, or those indicated in NAC 284.726, may view your personnel file by making an appointment with Central Records. The employment records are maintained in accordance with the State Records Retention Schedule. (NRS 284.105, NAC 284.714)

### **Public Records**

The Department of Personnel maintains a roster of employees in public service. This includes your name and class title. Other information considered public record for State employees includes rate of pay and this information could be released upon receipt of a written request. Upon request, the Department of Personnel is required to provide your personal mailing address to the State Controller's Office, the Internal Revenue Service, the Welfare Division, and the Department of Employment, Training and Rehabilitation. (NAC 284.714, 284.718, 284.726)

## **POSITION CLASSIFICATION**

Position classification is the process of grouping positions into classes based on the type and level of the duties and responsibilities assigned. A class consists of positions that are sufficiently similar to warrant the same job title, rate of pay, and statement of minimum qualifications for recruitment purposes. Classification may occur as a result of an individual or occupational study.

The employee, agency or Department of Personnel may initiate an individual study. Reclassification of an existing position through the individual study process requires verification of significant change resulting from a gradual accumulation of new duties or a planned organizational change. Position-specific information is collected on a Position Questionnaire (NPD-19) and is used by the Department of Personnel (or delegated agency personnel staff) in the evaluation process. (NAC 284.126)

An occupational group study is initiated by the Department of Personnel to review the classification of a group of positions and/or related classes. Position-specific information may also be evaluated in this process. The major purposes of an occupational group study are to review and update class titles, concepts and minimum qualifications; consolidate position-specific classes into more generic classes; and realign grade levels when established criteria are met.

The classification factors used to evaluate positions are nature and complexity of work; required knowledge, skills, and abilities; supervisory/managerial responsibility; independence/supervision received; scope of responsibility/consequence of error; authority to take action/decision making; and personal contacts. In addition, to identify the most appropriate class, a position's duties are compared with other positions having similar or related duties and with relevant class specifications. (NRS 284.160-284.170, NAC 284.126-284.152)

## **COMPENSATION**

### **Payday**

Employees in the Central Payroll systems are paid biweekly. Employees in the Nevada System of Higher Education are paid semi-monthly. Employees with access to the Nevada Employee Action and Timekeeping System (NEATS) may view their paycheck information online.

### **Rate of Pay**

The compensation schedule for classified employees in State service consists of pay ranges for each grade. Within each grade are ten steps. As a classified employee in State service, your pay will be set at one of the steps within the grade for the class to which you are appointed.

Your pay is further determined by the compensation schedule applicable to your participation in the State's Public Employees' Retirement System. You may choose to be on the Employee/Employer Pay Contribution Plan or the Employer Pay Contribution Plan. If you elect the Employee/Employer Pay Contribution Plan, you may switch at any time to the Employer Pay Contribution Plan. Once you select the Employer Pay Contribution Plan, you cannot switch back to the Employee/Employer Pay Contribution Plan. (These elections are more fully explained in the Retirement Program section of this handbook.)

### **Direct Deposit Option**

You have the option to forward your paycheck directly to a checking or savings account in a bank of your choice. Your agency's payroll representative can provide you with a direct deposit authorization card.

### **Attention**

**Senate Bill No. 421 temporarily suspends longevity and merit pay increases for State employees from July 1, 2009 through June 30, 2011.**

#### **Merit Pay Increase**

NAC 284.196 provides for employees to receive an annual merit salary increase on their pay progression date if the last performance evaluation was standard or better, and you had not reached the top step in your grade. The maximum merit salary increase is an adjustment of one step annually. (NAC 284.194)

If your date of promotion coincides with your pay progression date, the merit salary increase will be computed first and the promotional increase applied to your new pay rate. (NAC 284.186)

If you continue to do satisfactory work, you will remain eligible for annual merit salary increases until you have reached the maximum step within your grade.

In addition to merit salary increases, your salary may be adjusted by general salary increases granted by the Legislature.

#### **Longevity Pay**

An employee is eligible for longevity pay when they have completed eight years of continuous service and have standard or better performance. Longevity pay is based upon the following schedule:

<b>Years of Cont Srvc</b>	<b>Semi-Ann'l Pmt</b>	<b>Years of Cont Srvc</b>	<b>Semi-Ann'l Pmt</b>	<b>Years of Cont Srvc</b>	<b>Semi-Ann'l Pmt</b>
8	\$75	16	\$325	24	\$725
9	\$100	17	\$375	25	\$800
10	\$125	18	\$425	26	\$875
11	\$150	19	\$475	27	\$950
12	\$175	20	\$525	28	\$1,025
13	\$200	21	\$575	29	\$1,100
14	\$225	22	\$625	30 or more years	\$1,175
15	\$275	23	\$675		

Eligible full-time or part-time employees who work less than full-time for a portion of the 6-month qualifying period are entitled to a prorated amount based on the semi-annual payment. Longevity payments are issued in July and December. The dates when employees become eligible for the semi-annual payments are December 31 and June 30. Employees who are eligible and who have not been separated from State service as of these dates will receive longevity pay. (NRS 284.177, NAC 284.262-284.284)



## **Overtime**

Under State law, overtime is any time worked in excess of eight hours a day, eight hours in a 16-hour period or 40 hours in a week. Employees who choose and are approved for variable/innovative workday schedules earn overtime after 40 hours in a week. Employees in positions of law enforcement or fire protection may be covered by different overtime provisions as provided by statute or agreement. All overtime must be approved in advance by your appointing authority or his designee. (NRS 284.180)

Employees in positions designated as exempt under the provisions of the Fair Labor Standards Act and the *Nevada Revised Statutes* are not entitled to compensation for overtime. (NRS 284.148)

Cash payment is the principal method of compensation for overtime. Agreements may be reached with your employer to provide for compensatory time off in lieu of cash payments. Compensatory time must be taken within a reasonable time after accrual at the direction of the appointing authority. If you request compensatory time off and give at least two weeks' notice, it cannot be unreasonably denied. (NRS 281.100, 284.180, 284.181, NAC 284.242-284.254, 284.258)

## **Payment for Holidays**

Nonexempt employees are entitled to receive payment for eleven holidays per year when they are in "paid status" during any portion of their shift immediately preceding the holiday. In addition, a nonexempt employee who works on a holiday is entitled to earn time and one-half cash payment or time and one-half compensatory time for the hours worked on the holiday. Exempt employees who work on a holiday do not receive additional compensation, but may have their schedule adjusted during the week in which the holiday occurs or in a subsequent week to recognize the holiday or additional time worked. (NRS 236.015, NAC 284.255-284.257)

## **Call Back Pay**

If you are eligible per subsections 1 and 2 of NAC 284.214, you will be credited with two hours of call back pay at the rate of time and one-half. For each additional hour that you work after the two hours for which you are paid call back pay, you will be paid overtime at the rate of time and one-half.

## **Shift Differential**

Shift differential is an adjustment in pay equivalent to an additional 5 percent of an employee's normal rate of pay. To qualify, a nonexempt employee must work in a unit requiring multiple shifts in a 24-hour period and be assigned to a period of work of at least 8 hours, of which at least 4 hours fall between 6:00 p.m. and 7:00 a.m. Employees working a qualifying shift that is reduced due to daylight savings time will still receive shift differential pay for that shift. (NAC 284.210)

**Standby Pay**

If you are a nonexempt employee, you are entitled to receive additional pay or equivalent compensatory time off, at the rate of 5 percent of your normal compensation, for every hour you are in standby status. You are in standby status when you are directed to remain available to work and prepared to work if the need arises. You cease to be on standby status and must be compensated for actual hours worked when you begin the performance of your duties after receiving notice to return to work. (NAC 284.218)

**Per Diem and Travel**

Many State employees must travel in connection with official duties. If you travel on official business, you will receive an allowance for meals and lodging. If you have been employed by the State for at least six months, a State sponsored credit card may be issued for use in covering travel advances and expenses. Each agency head is responsible for establishing agency rules concerning hours during which an employee will be allowed to claim meals. Travel should be made by the least expensive method available. (NAC 284.258, SAM 0204.0-0234.0)

**Use of Private Automobiles**

If, in the course of official duties, you are directed by your agency to use your own personal vehicle, reimbursement will be made at the current rate authorized by the State Department of Administration and published in the *State Administrative Manual*. This rate is adjusted periodically to reflect the allowable federal rate. If you prefer to use your private automobile for personal convenience when conducting State business, you may receive one-half of the authorized rate. (SAM 0212.5-0212.6, 0214.6-0214.7)

**Motor Pool**

It is the policy of the State that employees use motor pool vehicles rather than private automobiles whenever possible. Only State employees are authorized to drive State-owned vehicles and only persons traveling on State business are authorized to ride in these vehicles. Drivers of State vehicles must hold a valid driver's license and complete a driver's safety course sponsored by the Division of Risk Management. The Motor Pool also requires a completed vehicle requisition form signed by an authorized agency head. The Motor Pool is available to all agencies in Carson City, Reno, and Las Vegas. (SAM 1402.0-1417.0)

## INSURANCE BENEFITS

### Insurance

State employees and their eligible dependents are entitled to specific insurance and related benefits. Although they are summarized below, additional benefit information can be found in the Public Employees' Benefits Program Master Plan Document. You will be invited to attend an employee benefit orientation within the first 60 days of employment and will receive the full benefits packet at that session. You may also call the Public Employees' Benefits Program for additional information at (775) 684-7000 or (800) 326-5496.

**Medical, Dental, Prescription Drug and Vision Insurance** — As a State employee who works at least 80 hours per month, you will be eligible for medical, dental, prescription drug and vision benefit coverage for yourself and your eligible dependents beginning on the first day of the calendar month coincident with or following 90 continuous days of employment. You may choose the Self-Funded Medical PPO Plan or Health Maintenance Organization (HMO) if the HMO is available in your region of the State. The Public Employees' Benefits Program will provide plan information to you.

The State pays the majority of the cost of your health benefits and may cover a portion of your eligible dependent costs. Premium contributions will be taken through payroll deductions on a pre-tax basis through the Premium Only Plan. This will result in additional take-home pay because the premium is deducted from your salary before your income tax is calculated. You must decline the Premium Only Plan at the time of enrollment if you want premium payments made with after-tax dollars.

**Life Insurance/Long-Term Disability/Accidental Death and Dismemberment** — State employees enrolled in a Public Employees' Benefits Program sponsored medical plan receive \$20,000 life insurance coverage, \$20,000 accidental death and dismemberment benefit, and Business Travel Accident coverage in the amount of \$50,000.

Also included in the benefits package is Long-Term Disability Insurance (LTD). This insurance is designed to protect you against a loss of income in the event you become disabled and are unable to work for an extended period of time. If your LTD claim is approved, LTD benefits become payable at the end of the 180-day benefit waiting period. No benefits are payable during the benefit waiting period. The monthly LTD benefit is based on your earnings from the State of Nevada. Your monthly LTD benefit is 60% of the first \$12,500 of your monthly earnings, reduced by deductible income.

**Supplemental Life Insurance/Accidental Death & Dismemberment —**

Through this voluntary plan, qualified employees and their eligible dependents can purchase term life insurance including accidental death and dismemberment coverage at attractive group rates. Payments for these voluntary plans may be made through payroll deduction.

**Automobile and Home Insurance —** If you are a permanent, full-time employee of the State of Nevada, automobile and home insurance may be purchased through a payroll deduction plan. Some of these options offer discounted rates to State employees.

**Long-Term Care Insurance —** Long-term care insurance can be purchased by employees and eligible family members, including parents, grandparents and in-laws to provide nursing home, assisted living, and respite care. Premiums are deducted through payroll deduction on a pre-tax basis and there is the advantage of group rates.

**Continuation of Health Insurance Coverage —** You or your eligible dependents may continue health coverage when it would otherwise terminate due to certain “qualifying events.” These events include Family and Medical Leave Act leave, military leave, separation from employment or certain reductions in working hours. In addition, your eligible dependents may elect coverage under certain situations. You or your eligible dependent may be required to pay the full cost of coverage.

Generally upon retirement, health benefits as an active employee in the medical plan end on the last day of the month in which you terminate. Under certain conditions, you may be eligible to continue your medical plan when you retire. To determine whether you qualify for retiree coverage, contact the Public Employees’ Benefits Program office at (775) 684-7000 or (800) 326-5496.

**Reimbursement Accounts —** The State has two separate reimbursement accounts in which you may elect to enroll, the Health Care Flexible Spending Account and the Dependent Care Flexible Spending Account. These accounts allow you to set aside pre-tax dollars to pay for certain planned medical expenses and/or dependent care expenses not otherwise covered.

You must decide in advance how much money you want to set aside during the plan year, which is usually July 1 through June 30. The amount is deducted from your paycheck in equal installments before income tax is calculated. This means the amount of taxes withheld from your paycheck is lower and your take-home pay is higher. This money is reimbursed to you as you file claims during the year for medical or dependent care expenses. These expenses include deductibles, co-payments, prescriptions, certain medical procedures and supplies not covered by your group medical plan.

In the dependent care account, you can contribute money for dependent-care expenses you incur while you are at work. These expenses can be for childcare, elder care, or for dependent care for a disabled adult.

It is important to correctly estimate your planned expenses for the year. The Internal Revenue Service requires that you forfeit any money left in your reimbursement account after the deadline has passed for filing claims.

Further information about your benefit package offered through the State of Nevada is available through the Public Employees' Benefits Program or by visiting their website at [www.pebp.state.nv.us](http://www.pebp.state.nv.us).

## RETIREMENT PROGRAM

The State of Nevada is interested in contributing to the future as well as the present well-being and financial security of its employees. Additionally, it is our desire to provide employees with a dependable source of income when planning for retirement needs.

**Membership** — Membership in the retirement system is required for any employee in a position considered to be half-time or more according to the employer's full-time work schedule. The Public Employees' Retirement System (PERS) has over 98,000 active members, consisting of employees from the State of Nevada, most counties and municipalities within the State, school districts, and public hospitals.

**Contributions** — All pay earned is subject to retirement contribution with the following exceptions:

- Overtime;
- Holiday pay when the legal holiday occurs on the employee's regular day off;
- Most boards and commissions pay;
- All accumulated leave payments made upon termination of employment; and
- Earnings from secondary employment.

Note: Pay types must be specifically listed in NRS 286.025 in order to be included in compensation for purposes of PERS.

Upon initial appointment, employees select one of two plans:

- A) **Employee/Employer Pay Contribution Plan (EEs/ERs):**  
 Employee and employer share equally in the contribution to PERS, currently 11.25% each for regular members and 19% for police/fire members. Employee contributions are subject to withholding for federal income taxes. The employee's share of the contribution is refundable upon termination. A refund of member contributions cancels any and all rights to a monthly benefit earned. If you elect the employee/employer-paid plan, you may switch at any time to the employer-paid plan.
- B) **Employer Pay Contribution Plan (EPC):** Employees may voluntarily choose to participate under the EPC retirement plan. Employees who elect this plan contribute an equal portion of the contribution on a pre-tax basis by way of a salary reduction. The employer makes the contribution to PERS, 21.5% for regular members and 37% for police/fire members. Contributions made by the employer under EPC are not deposited to an individual member's account and are not available for refund upon termination of employment. Once you select the EPC, you cannot go back to the EEs/ERs.

Employees on EPC contribute by way of gross salary reduction at a lower rate than employees on EEs/ERs and defer the payment of federal income taxes. As a result, their take-home pay is higher than similar employees on EEs/ERs. The following chart illustrates the difference in take-home pay for an employee with a gross salary of \$1,500 per pay period.

<b>SAMPLE CONTRIBUTION PLAN COMPARISON</b>	<b>EEs/ERs</b>	<b>EPC</b>
Gross Salary	\$ 1,500.00	\$ 1,500.00
Reduction for Employer Pay	N/A	\$ 145.60
<b>Adjusted Gross Salary</b>	<b>\$ 1,500.00</b>	<b>\$ 1,354.40</b>
Employee Retirement Contribution	\$ 168.75	N/A
15% Income Tax Withholding	\$ 225.00	\$ 203.16
<b>Take-Home Pay</b>	<b>\$ 1,106.25</b>	<b>\$ 1,151.24</b>

*The estimated difference in take-home pay is \$44.99 per pay period. Calculations in this table are based on the Classified Employer Pay Contribution Plan (EPC) Compensation Schedule effective July 2009 and an assumed income tax withholding of 15%.*

**Service Retirement** — Members hired prior to January 1, 2010: Regular members may retire at age 65 with 5 or more years of service, at age 60 with 10 or more years of service or at any age with 30 years of service. Members covered by the police/fire early retirement provisions may retire at age 50 with 20 or more years of police/fire service, at age 55 with 10 or more years of police/fire service, at age 65 with 5 years of service, or at any age with 25 years of service.

Members hired on or after January 1, 2010: Regular members may retire at age 65 with 5 or more years of service, at age 62 with 10 or more years of service or at any age with 30 years of service. Members covered by the police/fire early retirement provisions may retire at age 50 with 20 or more years of police/fire service, at age 60 with 10 or more years of police/fire service, at age 65 with 5 years of service, or at any age with 30 years of service.

The computation of retirement benefits for full-time employees is based on two factors:

1. Average compensation — The monthly average of a member's 36 highest salaried consecutive months based on the Employee/Employer Pay Contribution Plan;
2. Years of service
  - a. Members hired prior to January 1, 2010, receive 2.5% of their average compensation for each year of service earned before July 1, 2001, and 2.67% for each year of service earned on or after July 1, 2001. Members hired on or after July 1, 1985, are entitled to a benefit of not more than 75% of their average compensation. Members hired before July 1, 1985, are entitled to a maximum of 90% for up to 36 years of service.
  - b. Members hired on or after January 1, 2010, receive 2.5% of their average compensation for each year of service. Members hired on or after July 1, 1985, are entitled to a benefit of not more than 75% of their average compensation.

**Disability Retirement** — A member of the Public Employees' Retirement System (PERS) who has at least five years of service credit and who becomes totally unable to perform his current or any comparable job for which he is qualified because of injury or mental or physical illness of a permanent nature, is eligible to apply for a disability retirement allowance.

**Survivor Benefits** — Pursuant to NRS 286.672, eligibility for survivor benefits is established if:

- A) The deceased member had 2 years of service in the 2½ years immediately preceding death; or
- B) The deceased member was employed in a part-time position at the time of death and had 2 or more years of service in a part-time position and at least 1 day of service within the 6 months immediately preceding death; or

- C) The deceased member had ten or more years of accredited, contributing service; or
- D) The death of the member was caused by an occupational disease or an accident arising out of and in the course of employment regardless of service credit; or
- E) The death of the member occurs within 18 months after termination of employment or commencement of leave without pay where a mental or physical condition required the termination, or leave without pay; or
- F) The death of the member occurs while on leave of absence for training and the member met requirements of A, B, C, or E at time such leave began.

Survivor benefits may be available to an employee's dependent spouse, children or parent when the conditions above are met. A member may designate a survivor beneficiary and additional payees to receive benefits. More detailed information on qualification for receipt of benefits can be obtained by contacting PERS. (NRS 286.671-286.6793)

The Public Employees' Retirement System can be contacted at (775) 687-4200 in Carson City, or (702) 486-3900 in Las Vegas, for further information or individual counseling. The PERS website contains interesting facts, calculators, account information and news about retirement. For additional information on the Public Employees' Retirement Program, visit the website at [www.nvpers.org](http://www.nvpers.org).

**Deferred Compensation** — The State offers a deferred compensation plan (457) that is intended to supplement your retirement. Under the deferred compensation program, there is no waiting period and you can voluntarily defer part of your salary on a pre-tax basis for investment purposes. This is a unique way to save money for the future and defer income tax.

The federal government strictly defines the conditions under which deferred compensation can be withdrawn. These conditions are: retirement, termination of employment, death, or an extreme financial hardship. When the money is withdrawn, there is no penalty and it is treated as ordinary income. If you need additional information, contact your personnel or payroll office, or the Deferred Compensation Committee.

## **ADDITIONAL BENEFIT PROGRAMS**

### **Workers' Compensation and Disability**

As a State employee, you may be eligible to receive workers' compensation benefits if you incur a job-related injury or illness. These benefits may include medical benefits and, if you are unable to work, income maintenance benefits.



A workers' compensation claim must be filed whenever an employee suffers an on the job injury, whether or not the employee plans to seek medical treatment. You should immediately report any on the job injury or incident to your supervisor, regardless of its severity, and complete the appropriate form (**C-1 Form**) within seven days of the incident. This form can be requested from your supervisor or downloaded from the State Risk Management website at <http://risk.state.nv.us/>. You have ninety (90) days from the filing of the C-1 form to seek medical treatment. If you seek medical treatment, you must notify your supervisor and use a Workers' Compensation medical provider designated by the State and a *Claim for Compensation/Physician's Report of Initial Treatment (C-4 Form)* must be completed and signed by the physician. The State will not assume responsibility for payment of medical treatment if a non-contracted provider is used. The C-4 Form must be filed within ninety (90) days after the date of accident/injury and presented to your agency as soon as possible. Upon receipt of the C-4 Form, and within six working days, your agency will complete and file the *Employer's Report of Industrial Injury (C-3 Form)*. A list of designated medical providers is available on the State Risk Management website at <http://risk.state.nv.us/>.

In accordance with the State's Early Return to Work Program, if you are temporarily unable to perform your normal job duties, your agency will attempt to place you in a temporary modified duty assignment that conforms to your work restrictions. (NAC 284.600-284.6012) State employees have re-employment rights to a position for which they qualify and their permanent limits do not preclude them from performing the essential functions. The position must be at or below their pre-injury position grade level. (NAC 284.6014-284.6019)

### **Employee Assistance Program**

The State of Nevada Employee Assistance Program (EAP) is available to assist State employees and their dependents with any personal problems or workplace concerns. All active State employees and family members living with them are eligible to use this employee benefit. There is no charge for the services of the EAP Coordinators. However, if you or a family member are referred to any services in the community, you will be responsible for any charges not covered by insurance. The EAP Coordinators will gladly provide you with information about preferred providers and community resources and direct you to your insurance provider for information on coverage of counseling services.

Employees may use administrative leave with pay for up to two visits with the EAP Coordinators. Sometimes, employees choose to use sick leave, annual leave, or compensatory time to visit the EAP to preserve confidentiality. (NAC 284.589)

All services provided by the EAP Coordinators are confidential. Please feel free to call the EAP if you have a personal problem or workplace concern you would like to discuss.

**Northern Nevada**  
Carson City 675 Fairview Dr., Ste. 221 (775) 687-3869  
Northern Nevada & nationwide (800) 398-3271  
**Southern Nevada**  
Las Vegas 555 E. Washington Ave., Ste. 1400 (702) 486-2929  
Southern Nevada only (800) 278-1889

### **Merit Award Program**

The Governor's Merit Award Program was established in 1967 and is designed to recognize and reward State employees for suggestions that reduce or eliminate State expenses or improve the operation of State government through enhanced efficiency and productivity. A board of appointed State employees that selects the recipients administers the program. The Merit Award Board may authorize cash awards up to \$500. By statute, every State employee who is not a department head is eligible to offer an employee suggestion. Suggestion forms and further information are available from the Department of Personnel. (NRS 285.030-285.070)

## **ATTENDANCE AND LEAVE**

### **Hours of Employment**

Although most offices must remain open from 8:00 a.m. to 5:00 p.m., Monday through Friday, many employees work other than the conventional 8 to 5 schedule. You may request a variable/innovative work schedule or be required to work such a schedule when it is approved by the head of your agency and selected by a majority of the employees in your work unit. Variable/innovative schedules may also be required in agencies where coverage is needed on Saturdays, Sundays and legal holidays.

Your supervisor will explain the work schedule for your particular department. (NRS 281.110, 284.180)

### **Furloughs**

Senate Bill 433 (2009 Legislative Session) requires furloughs of certain State employees. The furlough is in effect from July 1, 2009, and ending on June 30, 2011. A furlough is the placement of an employee on leave and no salary of any kind is paid for the leave hours. The furlough applies to all branches of State government and includes the Nevada System of Higher Education, the Public Employees' Retirement System and all other entities of State government. The furlough does not apply to employees of the Department of Cultural Affairs. An exception may be granted by the Board of Examiners for some positions within State government because of the need to provide appropriate services that are necessary for the protection of public health, safety and welfare.

For more information regarding the furlough, an FAQ is available at <http://dop.nv.gov/Furlough.html>.

## **Time and Attendance Records**

If you are a nonexempt employee, you will be required to provide an accurate accounting of the hours worked and leave used during a pay period, including the specific times at which your shifts start and end. Exempt employees only account for leave used in full-day increments unless they are approved for partial day absences under the Family and Medical Leave Act. Your agency will provide instructions on these procedures to ensure proper accounting and payment. (NAC 284.5255, 284.5895)

## **Annual Leave**

If you are a new employee working a full-time schedule, you will earn 10 hours (1¼ working days) of annual (vacation) leave for each month of continuous full-time service. You will have accrued 7½ working days of annual leave after six months of full-time service and will be eligible to use leave at this time. Your appointing authority or his designee must approve annual leave.

If you are a part-time employee, you will earn a prorated amount of annual leave based on full-time equivalent service.

After ten years of continuous service, you will earn up to a maximum of 12 hours (1½ working days) of annual leave per month, and, with 15 years of service, up to 14 hours (1¾ working days) per month.

Annual leave that is accrued in excess of 30 working days must be used by January 1, after which it will be forfeited. To avoid forfeiture, a request for permission to take annual leave must be submitted to your supervisor by October 15. Annual leave in excess of the 30 working days, which is requested by this date, but denied in writing, is eligible for payment. Payment for unused leave will be made by January 31.

If you separate from State service and have worked at least six months, you will be paid for any unused annual leave you have accumulated. (NRS 284.350, NAC 284.113, 284.538-284.568)

## **Sick Leave**

If you are a full-time employee, you earn 10 hours (1¼ working days) of sick leave for each month of full-time service. Part-time employees earn a prorated amount based on full-time equivalent service. Sick leave can be used as soon as it is accrued. (NRS 284.355, NAC 284.113, 284.5415-284.568)

**Personal** — Sick leave may be used only for authorized reasons. Sick leave can be used if you are unable to work because of illness or injury, incapacity due to pregnancy or childbirth, for medical and dental appointments, family illness (subject to some limitations) and a death (typically up to 5 working days) in your immediate family.

Nonexempt employees must report any sick leave taken, even if it is for an appointment or part of the day. Exempt employees must only account for full day absences that are chargeable to their sick leave unless they are approved for partial day absences under the Family and Medical Leave Act. (NRS 284.355, NAC 284.5415, 284.554-284.568, 284.5895-284.594)

**Maternity Leave** — Maternity leave is not a special type of leave, but may consist of a combination of sick leave, annual leave, compensatory time, and leave without pay. If you are eligible for the protections under the Family and Medical Leave Act (FMLA), you will be required to use your FMLA entitlement concurrently with other leave types. For more information regarding the FMLA as it applies to state employees, an overview document is available at <http://dop.nv.gov/FMLAOverview.pdf> or by request from the Department of Personnel.

**Family Illness** — If there is an illness or a medical, optometric or dental service or examination in your immediate family requiring your attendance, you may use your accumulated sick leave not to exceed 120 hours in any one calendar year. The appointing authority may approve an exception to the 120-hour limit; however, the request must be in writing and accompanied by a certification from a health care provider that verifies the need. In addition, an employee is not subject to this 120-hour limitation if the leave is approved under the Family and Medical Leave Act. Immediate family (with regard to family illness) is defined as an employee's parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents; and, if they are living in the employee's household, the employee's father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, step-parents and step-children. (NAC 284.5235, 284.558)

**Death in the Family** — If a member of your immediate family dies, you may use your accumulated sick leave not to exceed 5 working days for each death. The appointing authority may approve additional time in instances where extended travel is involved. Immediate family (with regard to a death in the family) is defined as an employee's parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, step-parents and step-children. (NAC 284.562)

**Sick Leave Payoff** — Upon retirement, voluntary termination, or death while in public employment, you or your beneficiaries are entitled to payment for your unused sick leave in excess of 30 days up to the following maximum amounts providing you have at least 10 years of service:

Years of Service	Maximum Payoff Amount
10 but less than 15	\$2,500
15 but less than 20	\$4,000
20 but less than 25	\$6,000
25 or more years	\$8,000

Additionally, you may be eligible to receive a portion of your unused sick leave accrued but not carried forward (also known as special sick) when you leave State service. (NRS 284.355)

The formula to determine the amount of payoff is:

$$\frac{\text{special sick leave hrs accrued and not carried forward} + 120 \text{ hrs accrued regular sick leave}}{2} \times \text{rate of pay} = \text{payment amount}$$

For example:

$$\frac{70 \text{ hrs special sick} + 120 \text{ hrs regular sick}}{2} \times \$16.07 = \$1,526.65$$

**Employee Rights and Responsibilities under the Family and Medical Leave Act**

**Basic Leave Entitlement** — FMLA requires the State of Nevada to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- A) For incapacity due to pregnancy, prenatal medical care or child birth;
- B) To care for the employee’s child after birth, or placement for adoption or foster care;
- C) To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- D) For a serious health condition that makes the employee unable to perform the employee’s job.

**Military Family Leave Entitlements** — Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections** — During FMLA leave, the State of Nevada must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Eligibility Requirements** — Employees are eligible if they have worked for the State of Nevada for at least one year and for 1,250 hours over the previous 12 months.

**Definition of Serious Health Condition** — A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave** — An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt their agency’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave** — The State of Nevada requires use of accrued paid leave while taking FMLA leave. Employees must comply with the State of Nevada’s and the agency’s normal paid leave policies. If you meet the eligibility requirements for FMLA leave, you must take FMLA leave and exhaust your applicable accrued leave concurrently with the FMLA leave. However, if you are eligible for FMLA leave due to a work-related injury or illness, you must take FMLA leave and you may choose to use your applicable accrued leave concurrently with the FMLA leave.

**Employee Responsibilities** — Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the State of Nevada’s and the agency’s normal call-in procedures.

Employees must provide sufficient information for their agency to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform their agency if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**State of Nevada Agency Responsibilities** — Agencies must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the agency must provide a reason for the ineligibility.

Agencies must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the agency determines that the leave is not FMLA-protected, the agency must notify the employee.

**Unlawful Acts by State of Nevada Agencies** — FMLA makes it unlawful for any agency to:

- A) Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- B) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**Enforcement** — An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the State of Nevada. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law that provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires State of Nevada agencies to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information: 1-866-4US-WAGE (1-866-487-9243), TTY: 1-877-889-5627, or [www.wagehour.dol.gov](http://www.wagehour.dol.gov). (U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, WHD Publication 1420, Revised January 2009)

For more information regarding the FMLA, an overview document is available at <http://dop.nv.gov/FMLAOverview.pdf> or by request from the Department of Personnel. (NAC 284.5231-284.5239, 284.558, 284.566, 284.581-284.5813)

## Holidays

If you are a full-time nonexempt employee, you may be entitled to eight hours of holiday pay. To qualify, you must be in paid status for a portion of your scheduled shift before the holiday. As a part-time nonexempt employee, you may qualify for holiday pay if the holiday falls on your scheduled workday. If this is the case, you will be paid the equivalent amount you would have been paid if there had not been a holiday. Check with your supervisor or personnel representative if you have a question regarding eligibility for pay.

If you are a full-time nonexempt employee and your day off coincides with a legal holiday, your appointing authority may adjust your work schedule for the week, credit your account with eight hours of compensatory time or pay you for the holiday.

Exempt employees receive their regular salary during a week in which a holiday occurs regardless of whether they work or have the day off. The holiday schedule for State employees is established by the Legislature.

The following are legal holidays for State employees:

January 1	New Year's Day
Third Monday in January	Martin Luther King, Jr.'s Birthday
Third Monday in February	Washington's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Last Friday in October	Nevada Day
November 11	Veterans' Day
Fourth Thursday in November	Thanksgiving Day
Friday following the fourth Thursday in November	Family Day
December 25	Christmas Day

When January 1, July 4, November 11, or December 25 falls on a Saturday, the preceding Friday is the observed legal holiday. If these days fall on Sunday, the following Monday is the observed legal holiday. (NRS 236.015, NAC 284.255-284.257)

## Catastrophic Leave

You may qualify for catastrophic leave if you or a member of your immediate family is affected by a serious illness or accident which is life-threatening or which requires a lengthy convalescence or there is a death in your immediate family. For this purpose:

- "Lengthy convalescence" means a period of disability that an attending physician expects to exceed 10 consecutive weeks.
- "Life threatening" means a condition that is diagnosed by a physician as creating a substantial risk of death.



- For illness, “Immediate family” has the meaning ascribed to it in NAC 284.5235.
- For death, “Immediate family” has the meaning ascribed to it in NAC 284.562.

In addition to the above requirements, an employee must have exhausted all of his accrued sick leave, annual leave and compensatory time, and the employee must receive approval from his appointing authority or the Committee on Catastrophic Leave to be eligible for catastrophic leave donations. The maximum number of hours of catastrophic leave an employee can be approved to use in a calendar year is 1,040.

As an employee of the State, you are permitted to donate up to a maximum of 120 hours of annual leave and sick leave each calendar year. Your sick leave balance, however, must not fall below 240 hours as a result of such donation.

You may also donate leave directly to a catastrophic leave account for use by an employee in any branch of State government who is approved to receive such leave. If the leave donated exceeds the amount approved for use by the employee, it must be returned to your account.

If you have questions regarding the approval of leave or donation of leave to an account, you should contact your personnel representative. (NRS 284.362-284.3629, NAC 284.544, 284.562 284.575-284.5775)

### **Administrative Leave With Pay**

An appointing authority may grant administrative leave with pay to employees:

- A) To relieve them of duties during the active investigation of a suspected criminal violation or an alleged wrongdoing.
- B) For up to 2 hours to donate blood.
- C) To relieve them of duties until the appointing authority receives the results of a screening test for alcohol or drugs.
- D) When the appointing authority initiates the leave, not to exceed 30 days, in order to obtain the results of an examination concerning the employee’s ability to perform the essential functions of his position; or
- E) To remove them from the work environment, not to exceed 30 days, when they have committed an act of violence or threatened to commit an act of violence.

An appointing authority, upon the approval of the Risk Management Division of the Department of Administration, may extend administrative leave with pay granted to an employee:

- A) To obtain the results of an examination concerning the employee’s ability to perform the essential functions of his position; or
- B) To remove them from the work environment, when they have committed an act of violence or threatened to commit an act of violence.

An appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for:

- A) Participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State, but which do not require participation or attendance in an official capacity as a State employee; or
- B) Closure of office or work site caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work.

An appointing authority or the Department of Personnel may grant administrative leave with pay to an employee, if the request is for a reasonable amount of time, is made at least 2 weeks prior unless impractical, and the employee's absence will not cause an undue hardship to operations of the appointing authority or adversely impact the services provided to clients, for:

- A) Appearance as an aggrieved employee or a witness at a hearing of the Employee-Management Committee;
- B) Appearance as an appellant or a witness at a hearing to determine reasonableness of dismissal, demotion or suspension; or
- C) Appearance to provide testimony at a meeting of the Personnel Commission.

An appointing authority shall grant administrative leave with pay to an employee for:

- A) The initial appointment and one follow-up visit to receive counseling through the Employee Assistance Program;
- B) Attendance at a health fair authorized by the board of the Public Employees' Benefits Program;
- C) Serving as a representative of State employees on a statutorily created board or commission;
- D) Up to a total of eight hours to prepare for all hearings regarding the employee's suspension, demotion or dismissal; or
- E) Up to a total of eight hours to prepare for all hearings regarding the employee's involuntary transfer. (NAC 284.589)

### **Civil Leave With Pay**

In most cases, if you serve on a jury or as a witness in court or at an administrative hearing, you will be given civil leave with pay. If you work a non-standard shift, see NRS 6.190 for work schedule requirements to qualify.

You may keep all jury or witness fees paid to you except if you are:

- A) Serving as a witness in your official capacity as a State employee, you are required to relinquish any witness fee to your agency; or
- B) A witness in an action to which you are a party; you will not receive civil leave with pay unless it is job related.

Civil leave with pay will also be granted if:

- A) You need time off to vote and it is impractical to vote before or after your hours of employment;
- B) You are an acting volunteer firefighter, emergency medical technician, volunteer ambulance driver or attendant, or reserve member of a police department or a sheriff's department; or
- C) Your absence from the job is necessary to meet a disaster or emergency and your appointing authority approves it. (NRS 281.147, 284.357, 293.463, NAC 284.582, 284.587)

### **Military Leave**

If you are an active member of the Reserves or National Guard, you will be given a leave of absence with pay for 15 working days in any one calendar year in order to perform active military duty.

If you are required to perform active military service (e.g., service in time of war) during your employment with the State of Nevada, you will be granted a leave of absence for the period of your military service plus a period up to 90 days. If your gross State pay is more than your gross military pay, you will be eligible to receive differential pay to supplement your military pay.

Information regarding military service rights, as they apply to State employees, is available at <http://dop.nv.gov/USERRAOverview.pdf> or by request from the Department of Personnel. (NRS 281.145, 284.359)

### **Release Time for State Examinations**

Release time during normal working hours is provided for an employee who has qualified to participate in any examination given by the Department of Personnel provided reasonable notice is given to the employee's immediate supervisor. The formal interview with the hiring State agency is considered part of the examination process. Release time within the normal workday will be considered the same as time worked. However, hours exceeding the normal workday or workweek do not qualify for overtime. (NAC 284.353)

### **Leave of Absence Without Pay**

A leave of absence without pay may be approved for up to one year by the appointing authority for any satisfactory reason. The Personnel Commission, upon recommendation of the appointing authority, may grant a leave of absence without pay in excess of one year for purposes deemed beneficial to the public service. (NRS 284.360, NAC 284.578-284.580)

### **Shift Trading**

An employee may enter into a written agreement to trade shifts with another employee who is employed by the same state agency if each employee who enters into the agreement does so voluntarily, performs work in the same class, and obtains approval from the appointing authority. (NAC 284.228)

## Reporting Absences

If you are absent from work, you are required to report the reason for the absence to your supervisor or designated representative as prescribed by your agency. You are also required to record the absence on your timesheet.

Any unauthorized or unreported absence may be grounds for disciplinary action. The appointing authority may dismiss an employee for any absence without approved leave for three consecutive days during which the employee is scheduled to work. If you are physically unable to report your absence, you should have someone else do it for you. (NAC 284.5895, 284.594, 284.646)

## COMPENSATION, BENEFITS, & LEAVE SUMMARY

The following illustration may help you better understand the value of your benefits as they relate to your total compensation, including the salary and fringe benefits the State provides. If anything contained in this illustration is unclear, the Department of Personnel or your agency personnel or payroll representative should be able to help explain the benefit further. This example is for an employee at a pay grade 28, step 4, on the Employee/Employer paid retirement contribution plan. Benefit rates are subject to change.

Type of Compensation	Calculation Rate	Annual Amount Compensated
<b>Annual Salary (includes paid leave)</b>	\$18.45/hr x 2,088 hrs.	\$38,523.60
<b>Value of leave earned:</b>		
Annual Leave (15 days)	\$18.45/hr x 120 hrs.	\$2,214.00
Sick Leave (15 days)	\$18.45/hr x 120 hrs.	\$2,214.00
Holidays (11 days)	\$18.45/hr x 88 hrs.	<u>\$1,623.60</u>
Subtotal		\$6,051.60
<b>Other Employer-Paid Benefits:</b>		
Group Insurance	\$626.52/month x 12	\$7,518.24
Workers' Compensation	0.0260 of annual salary	\$1,001.61
Unemployment Compensation	0.0070 of annual salary	\$269.67
Medicare	0.0145 of annual salary	\$558.59
PERS Contribution	0.1125 of annual salary	<u>\$4,333.91</u>
Subtotal		\$13,682.02
<b>Total Compensation</b> (Annual salary and other employer-paid benefits)		<b>\$58,257.22</b>
<b>Benefits as a Percentage of Total Compensation:</b> <u>Paid Leave + Other Benefits</u> Total Compensation		<b>33.87%</b>

## **Explanation of Other Employer-Paid Benefits**

<i>Group Insurance:</i>	Includes medical, prescription drug, dental, vision, long-term disability, and life insurance.
<i>Workers' Compensation:</i>	Assessment from the State's workers' compensation insurance to fund the cost of benefits if you suffer a job-related injury or illness.
<i>PERS Contribution:</i>	A calculated benefit will be available to you upon retirement after a minimum of 5 years of service.
<i>Unemployment Compensation:</i>	Assessment from the Employment Security Division to fund benefits for employees who become unemployed for reasons beyond their control.
<i>Medicare:</i>	Health insurance that is available to you at age 65. You may use Medicare prior to age 65 if you become disabled.

## **FEDERAL LAWS AND STATE POLICIES**

### **Equal Employment Opportunity and Affirmative Action**

It is the policy of the State of Nevada that employee recruitment, appointment, assignment, training, compensation and promotion shall occur on the basis of merit and without regard to race, gender, sexual orientation, religion, color, national origin, age, pregnancy, political affiliation, or disability. Ensuring equal employment opportunity is the responsibility of all State officials, managers, supervisors, and employees.

Additionally, as an equal employment opportunity employer, the State of Nevada encourages all its agencies to actively pursue, in good faith, effective affirmative action programs. Such programs are designed to remove barriers to equal employment opportunity while ensuring the effectiveness of the State merit system.

Affirmative action is a comprehensive, result-oriented effort to ensure that equal employment opportunity is achieved. It encourages diversity in the work force in that the composition of State government mirrors the public it is serving.

## **Sexual Harassment and Discrimination Policy**

Sexual harassment is a form of discrimination that is unlawful under State and federal statutes. The State of Nevada regards it as a very serious offense that, under certain conditions, can lead to termination even on the first occurrence. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- Submission to such speech or conduct is made either explicitly or implicitly a term or condition of a person's employment;
- Submission to or rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or
- Such speech or conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

Employees have the right to raise the issue of sexual harassment without reprisal. It is strongly urged that employees who believe they have been a victim of sexual harassment first advise the alleged harasser that the conduct is unwelcome, undesirable, or offensive. If the employee elects not to confront the alleged harasser or if the conduct persists after an objection, the employee should inform their supervisor or next level of authority.

If you experience sexual harassment or witness it, you may:

- Report it to your agency coordinator;
- Call the Sexual Harassment/Discrimination Hotline at (800) 767-7381;
- Report it using the Nevada Employee Action and Timekeeping System (NEATS) through the Employee Data Task Bar on the Employee tab.

Employees are also entitled to file a complaint with the Equal Employment Opportunity Commission, the Nevada Equal Rights Commission or consult with an attorney or labor representative.

The State's policy prohibits retaliation against employees who bring sexual harassment charges or assist in investigating charges. Any employee bringing a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

Failure to participate in any investigation of alleged discrimination, including an investigation concerning sexual harassment, may lead to disciplinary action. (NRS 233.160, 613.330, 613.405, NAC 284.650, 284.771)

## **SAFETY AND HEALTH PROGRAMS**

State of Nevada agencies have written safety programs that outline policies and procedures concerning employee safety. These programs identify specific safety training requirements and accident investigations procedures, provide for safety inspections and corrective action, and establish specific safety rules for your job. Most agencies have a safety committee that identifies and reviews employee safety concerns.

Employees are expected to follow all safety rules established by their agency, the State of Nevada and the federal government; practice safe job procedures; and avoid situations that can jeopardize their safety or the safety of their fellow workers. Since employees on the job are frequently more aware of unsafe conditions than anyone else, employees are expected to report these conditions immediately and to make recommendations and suggestions for improvement and corrective actions. Per the *State Administrative Manual* 0521.2.A, safety responsibilities must be included in work performance standards.

The Department of Administration, Risk Management Division, Occupational Safety and Health Enforcement Section is available to all State agencies for consultation regarding safety related matters and to respond to safety hazards that are not addressed or corrected by an agency. For additional information, visit their website at <http://risk.state.nv.us/>. (NAC 284.650)

### **Workplace Violence**

The personal safety and health of each employee is of primary importance. It is the responsibility of all employees to support safety and health programs by reporting any threats received or restraining orders granted against a disgruntled spouse, domestic partner or acquaintance. All incidents of direct or indirect threats and actual violent events will be treated seriously. A direct or indirect threat and/or actual violence will be documented and reported to both the Attorney General's office and the Department of Administration, Risk Management Division. All incidents will be immediately investigated and appropriate action taken. (NAC 284.646-284.650)

### **Alcohol and Drug-Free Workplace**

The State of Nevada has a zero tolerance for employees who consume alcohol or drugs while on duty, report to work in an impaired condition, or unlawfully possess drugs while on duty, at a work site, or on State property. Included in the State's policy are provisions for pre-employment drug testing of applicants for positions affecting public safety and the testing of employees when there is objective evidence that they may be under the influence of alcohol and/or drugs.

The State's allowable concentration of alcohol in the blood and/or breath is 0.01 for employees on duty. This is a more stringent standard than those used by law enforcement for the general population. This standard was established to ensure that employees have the ability to safely and efficiently perform their assigned duties. An employee who violates this policy is subject to disciplinary action. Employees who test positive for the first time in a screening test, and have committed no other acts for which they are subject to termination during the course of conduct giving rise to the screening test, must be referred to the Employee Assistance Program for consultation. If the employee has been convicted of driving under the influence while on State business, he will be subject to disciplinary action up to and including termination.

This policy is applicable to all classified and unclassified employees. The policy does not restrict agencies from augmenting the provisions of this policy with additional policies and procedures that are necessary to carry out the regulatory requirements of the Drug-Free Workplace Act or Title 49 Code of Federal Regulations (CFR) Part 40 & Part 382. A copy of the State of Nevada Pre-employment and Reasonable Suspicion Alcohol and Drug Testing Program may be obtained on the Department of Personnel website at <http://dop.nv.gov/drugtest0609.pdf>. (NRS 193.105, 284.406- 284.407, NAC 284.650-284.653, 284.880-284.894)

### **Smoking Policy**

State law prohibits smoking in public buildings. (NRS 202.2491)

## **EMPLOYEE ORGANIZATIONS**

You may join and participate in employee organizations of State and government employees and take an active part in the formulation of programs and objectives of such organizations. Participation as an officer, committee member, or in any other capacity is your personal choice. (NRS 284.425)

## **PROHIBITIONS AND PENALTIES**

There are very few limitations on your personal activities as a State employee. Some agencies have defined restrictions more exactly than others because of the nature of the agency's functions. Check with your employing agency for precise prohibitions.



In general, you are not permitted to engage in any employment, activity, or enterprise that conflicts with your duties as a State employee. The nature of these conflicts is determined by the agency's appointing authority and a copy of these restrictions will be made available to you. You are prohibited from accepting, from any other source, payment for duties you perform as part of your regular job assignment. You are expected to devote your full attention and efforts to your assigned tasks during your hours of State employment. (NAC 284.738-284.770)

### **Disclosure of Improper Governmental Action**

The law specifically encourages any State officer or employee to disclose improper governmental action to the extent not expressly prohibited by law. It is the intent of the Legislature to protect the rights of a State officer or employee who makes such a disclosure.

*"Improper governmental action"* means any action taken by a State officer or employee in the performance of his/her official duties, whether or not the action is within the scope of his/her employment, which is:

- In violation of any State law or regulation;
- An abuse of authority;
- Of substantial and specific danger to the public health or safety; or
- A gross waste of public money.

State officers or employees are prohibited by State law from using their authority or influence to prevent disclosure of improper governmental action by other State officers or employees.

*"Official authority or influence"* includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

NRS 281.641 spells out the appeal process in the event reprisal or retaliatory action is taken against a State officer or employee who discloses improper governmental action. Any claim of reprisal or retaliatory action must be filed with a hearing officer of the Department of Personnel within 10 working days after the alleged reprisal or retaliation occurred. The claim must be submitted on a form provided by the Department of Personnel. You may contact the Department of Personnel for additional information. (NRS 281.611-281.671)

### **Discipline**

If your performance as an employee for the State falls below standard or if your conduct is covered by one of the causes for action listed in NAC 284.646 or 284.650, you will be informed promptly and specifically of the deficiencies by your supervisor. Disciplinary action will typically be of a progressive nature depending on the severity of the offense.

A discussion of the specific types of disciplinary actions, including oral warnings, written reprimands, suspensions, demotions and dismissals, can be found in the *Nevada Administrative Code*. (NRS 284.383, NAC 284.638-284.656)

### **Policy on Honorarium**

State law prohibits public employees and public officers from accepting or receiving an honorarium, defined as the payment of money or anything of value, for an appearance or speech while acting in the capacity of a public officer or public employee. (NRS 281A.510)

### **Political Activity**

Employees may vote as they choose and express their political opinions on any or all subjects without recourse, except that no employee may:

- A) Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary or non-monetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor;
- B) Engage in political activity during the hours of State employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer or increase in pay. (NAC 284.770)

The Federal Hatch Act, as amended in Title 5 U.S.C. 1501–1508, prohibits certain types of political activity on the part of State employees whose principal employment is in a federally-funded program.

## **EMPLOYEE DISPUTE RESOLUTION**

### **Mediation**

Mediation is offered to employees as a voluntary, informal, and confidential process that may be beneficial in assisting disputing parties reach a workable resolution to a particular situation. The mediation process is **not** designed to limit or replace established grievance or complaint procedures, but serves as a supplement to the more formal process.

This program allows employees the opportunity to discuss issues and clear up misunderstandings, determine the underlying causes of concerns, find areas of agreement and ultimately formalize a resolution to those issues in a written agreement.

An employee or requesting party may make a request to management, their agency coordinator, and/or the Mediation Program Administrator of their needs or intent to enter into the process, but with the understanding that all involved parties must voluntarily agree to mediate.

The mediation policy, forms and general information are posted on the Department of Personnel's Web page at [www.dop.nv.gov](http://www.dop.nv.gov).

## **Grievance Procedure**

It is State policy to ensure that employees receive fair and equitable treatment. We support employee-supervisor relations by encouraging communication and reconciliation of work-related problems. The grievance procedure is available for expressing legitimate dissatisfaction without fear of criticism.

If you are aggrieved by an action that relates to such issues as working conditions, discipline, a performance evaluation, or the inconsistent application of policies and procedures, you may file a written grievance. Before filing a grievance, you should attempt to resolve the situation through informal discussions with your supervisor.

It is important to note that a grievance must be filed within 20 working days from the date the grievance originates or you learn of the problem. Formal grievances can be filed online through the NEATS Incident Tracking System. Hard copy forms are available through the Department of Personnel website and agency personnel offices. Your grievance should include a proposed resolution. The specified period to resolve a grievance may be extended if both parties mutually enter into a written agreement on the prescribed form.

When a grievance is submitted to the Employee-Management Committee (EMC), a hearing is granted if the issue falls within the EMC's jurisdiction. The provisions of the grievance procedure are described in NAC 284.658 through 284.697.

## **Appeal of Suspension, Demotion or Dismissal**

Except as otherwise provided in NAC 284.646 and 284.656, the *Nevada Administrative Code* requires an appointing authority, who proposes to suspend, demote or dismiss an employee, to provide the employee with at least 10 working days' written notice. A pre-disciplinary hearing with the appointing authority or a designated representative is also required. Following the hearing, the employee must be informed in writing of the appointing authority's decision regarding the proposed action on or before its effective date. If you are a permanent employee and are suspended, demoted or dismissed, you may appeal to the hearings officer of the Department of Personnel. Appeals must be submitted within 10 working days to the Department of Personnel. Employees may also appeal involuntary transfers if they believe the transfer was made for the purposes of harassing them. (NRS 284.376, 284.390, NAC 284.656)

## **SEPARATIONS**

Separation from State service includes both voluntary and involuntary terminations. The following discusses voluntary resignations from State service and involuntary terminations as a result of a layoff or discharge.

## **Resignation**

It is important to the State to have adequate advanced knowledge of an employee's desire to terminate. You are expected to submit your resignation at least two weeks prior to the intended termination date. Once your resignation is accepted by the appointing authority, you may not revoke your resignation after 3 working days unless the appointing authority agrees to the revocation. (NRS 284.381, NAC 284.602)

## **Layoff**

In the event it becomes necessary to reduce the workforce due to a shortage of work or money, the abolition of a position or some other material change in duties or organization, nonpermanent employees must be separated from service before permanent employees. If it becomes necessary to lay off permanent employees, the order of layoff will be based on seniority.

If you are a permanent employee affected by a layoff, you will have reemployment rights. You may also be eligible for unemployment compensation for the period during which you are unemployed. The State of Nevada's Employment Security Division, Department of Employment, Training and Rehabilitation, determines eligibility and benefits for unemployment compensation. Contact the Department of Personnel regarding reemployment. (NAC 284.612-284.632)

## **Discharge**

New hires who are serving probationary periods and have not attained permanent status in a class during continuing employment may be terminated at any time for any legal reason. (NRS 284.290, NAC 284.458)

An employee who has completed the required probationary period and attained the status of a permanent employee can only be terminated for cause or as a result of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of the job.

Grounds for disciplinary action are set forth in NAC 284.650 and must be spelled out as part of the notice and hearing requirements in NAC 284.656 when a dismissal is proposed. In accordance with the notice and hearing requirements, an employee who is recommended for termination must be given at least 10 working days' written notice of the proposed action, with the exception as provided in NAC 284.646 and NAC 284.656. A hearing must be scheduled between the employee and the appointing authority or a designated representative to discuss the proposed action before a final decision is rendered by the appointing authority.

## **STRIKES AGAINST THE STATE**

Strikes against the State of Nevada are illegal. (NRS 288.230)

## GLOSSARY OF TERMS

Unless the context requires otherwise, the terms as used in this handbook have the following meanings:

**“Appointing authority”** is an official, board or commission having the legal authority to make appointments to positions in the State service, or a person to whom the authority has been delegated by the official, board, or commission.

**“Appointment”** means the acceptance by an applicant of an offer of employment by an appointing authority and their mutual agreement as to the date of hire.

**“Automatic advancement”** means the progression of an employee through a class series to the authorized grade of the position, but not exceeding the journey level.

**“Break in service”** means any separation from State service, except for those separations listed in NAC 284.598.

**“Class”** is a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may be reasonably and fairly used to designate each position allocated to the class, substantially the same tests of fitness may be used, substantially the same minimum qualifications may be required and the same schedule of compensation may be applied with equity.

**“Class series”** means the normal line of progression from training, entry, or preparatory levels to supervisory or administrative levels within a job specialty so that the minimum qualifications, tests of fitness and the duties and responsibilities of each class are similar, but different in level.

**“Class specification”** means a written description of a class, consisting of a title, a definition, examples of duties and the minimum qualifications that are required.

**“Classification”** means the systematic process of analytically grouping and allocating positions to classes based on the similarity of actual duties and responsibilities.

**“Classification plan”** means a listing of all the classes that have been established, the class specifications, and the grade to which each is assigned.

**“Classified service”** is comprised of employees, other than nonclassified, unclassified or elected officers, who are selected and governed by the State’s merit system as found in the *Nevada Administrative Code* and *Nevada Revised Statutes*.

**“Continuous service”** means service that is not broken by a separation except for those separations listed in NAC 284.598.

**“Date of hire”** means the date an employee begins or, after a break in service, resumes his paid employment with the State.

**“Dating relationship”** means an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

**“Demotion”** is any movement of an employee to a class having a lower grade than the class previously held.

**“Department of Personnel”** refers to the staff of the Department of Personnel.

**“Eligible person”** means any person who applies, is eligible, competes, and successfully passes all phases of an examination and is placed on an appropriate eligible list.

**“Employee”** is a person legally holding a position in the public service as defined in NRS 284.015.

**“Essential functions of a position”** means the fundamental job duties of the employment position.

**“Exempt classified employee”** means an employee in the classified service who is an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act and who is either the head of a department, division or bureau, or a doctoral level professional.

**“Full-time employee”** means an employee whose work schedule is equal to 100% of the full-time equivalency (FTE) established for the position.

**“Grade”** is a term used to designate a salary range for a class.

**“Holiday”** means a day that is designated to be a legal holiday pursuant to NRS 236.015.

**“Innovative workweek”** means a work schedule that differs from a standard or nonstandard workweek.

**“Merit salary increase”** is an increase in salary granted on an employee’s pay progression date when the employee has a performance rating that is standard or better and has not attained the top of the grade.

**“NAC”** means the *Nevada Administrative Code*.

**“Nonclassified”** means an employee in the Office of the Governor or the Judicial or Legislative branch of State government.

**“Nonexempt”** means, for the purposes of overtime, an employee is eligible for time and one-half compensation.

**“Nonstandard workweek”** means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is other than Monday through Friday.

**“NRS”** means the *Nevada Revised Statutes*.

**“Paid status”** means the time that an employee is working, on leave with pay (except catastrophic leave), on furlough, or on a leave of absence pursuant to NAC 284.580.

**“Part-time employee”** means an employee whose work schedule is less than 100% full-time equivalency (FTE).

**“Pay progression date”** means the date on which an employee completes one year of employment equivalent to full-time service following his appointment to his current grade, except as otherwise provided in NAC 284.

**“Permanent employee”** is a classified employee who has successfully completed the probationary period for any class held during continuous classified service. The term does not include a person serving a new probationary period as required by subsection 6 of NAC 284.630 or subsection 2 of NAC 284.6018.

**“Permanent status”** means the standing achieved in a class when:

- A. An employee has successfully completed the probationary period for the class; or
- B. The appointment does not require a new probationary period and the employee does not hold another type of status of appointment for the class.

**“Position”** is a group of duties and responsibilities that have been assigned to a single job.

**“Promotion”** means an advancement to a position in a class that has a higher grade than the class previously held, except as otherwise provided in NAC 284.462.

**“Promotional appointee”** means any employee who has remained continuously employed in the State service but has not yet completed the probationary period that is designated for the class to which the employee has been promoted.

**“Rating of performance”** means the overall rating of an employee’s performance efficiency, character and conduct that is included in the report on performance of the employee.

**“Reappointment”** means a noncompetitive appointment of an employee to a class formerly held or to a comparable class.

**“Reasonable accommodation”** means any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities, without creating an undue hardship on the employer.

**“Reclassification”** means a reassignment or change in allocation of a position by:

- A. Raising it to a class with a higher grade;
- B. Reducing it to a class with a lower grade; or
- C. Moving it to another class at the same grade on the basis of significant changes in kind, difficulty or responsibility of the work performed.

**“Reemployment”** means a noncompetitive appointment to a class for which a current or former employee has reemployment rights, as provided in Chapter 284 of NAC, because of military service, layoff, seasonal separation, permanent disability arising from work, reallocation, or reclassification of the employee’s position to a lower grade.

**“Reinstatement”** means a noncompetitive appointment of a former permanent employee to a class formerly held or to a comparable class.

**“SAM”** means the *State Administrative Manual*.

**“Step”** is a specific rate of pay within a grade.

**“Reviewing officer”** is the supervisor of the person who prepared a report on performance of an employee or another person designated by the appointing authority.

**“Standard workweek”** means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is Monday through Friday.

**“Transfer”** means:

- A. A noncompetitive appointment in which an employee moves from one position to another position in the same class or related class with the same grade; or
- B. A competitive appointment in which an employee moves to a position in a different class with the same grade.

**“Trial period”** means the 6-month or 1-year probationary period served by a permanent employee who has been promoted.

**“Unclassified service”** means officials, officers, or employees of the Executive branch of State government whose positions are identified in *Nevada Revised Statutes* as unclassified. These positions are filled by the responsible appointing authority or board without regard to the State’s merit system.

**“Underfill”** means the filling of a position with an employee holding a lower classification, except for those situations where the employee is in a classification that is at a training or intermediate level preparatory to promotion to the journey-level class.



## HELPFUL WEBSITES

<b>Website</b>	<b>Web Address</b>
State of Nevada	<a href="http://www.nv.gov">www.nv.gov</a>
Department of Personnel	<a href="http://www.dop.nv.gov">www.dop.nv.gov</a>
Public Employees' Benefits Program	<a href="http://www.pebp.state.nv.us">www.pebp.state.nv.us</a>
Public Employees' Retirement System	<a href="http://www.nvpers.org">www.nvpers.org</a>
Liberty Mutual	<a href="http://www.libertymutual.com">www.libertymutual.com</a>
United Way of Southern Nevada	<a href="http://www.uwsn.org">www.uwsn.org</a>
UNUM Voluntary Insurance	<a href="http://www.unumprovident.com">www.unumprovident.com</a>
Standard Voluntary Insurance	<a href="http://www.standard.com">www.standard.com</a>
Nevada Deferred Compensation Program	<a href="http://defcomp.state.nv.us/">http://defcomp.state.nv.us/</a>
IFS/HR (State Employees Only)	<a href="http://ifs.intranet.state.nv.us">http://ifs.intranet.state.nv.us</a>
NEATS (State Employees Only)	<a href="http://www.neats.state.nv.us">www.neats.state.nv.us</a>
State of Nevada Labor Commissioner	<a href="http://www.laborcommissioner.com">www.laborcommissioner.com</a>
US Treasury Savings Bonds	<a href="http://www.savingsbonds.gov">www.savingsbonds.gov</a>
United Way of Northern Nevada	<a href="http://www.uwayreno.org">www.uwayreno.org</a>
Rules for Personnel Administration	<a href="http://dop.nv.gov/NAC.pdf">http://dop.nv.gov/NAC.pdf</a>
United Way of the Great Basin	<a href="http://www.unitedwaygreatbasin.org">http://www.unitedwaygreatbasin.org</a>
Nevada Equal Rights Commission	<a href="http://www.detr.state.nv.us/nerc.htm">www.detr.state.nv.us/nerc.htm</a>
U.S. Wage & Hour Division, Department of Labor	<a href="http://www.wagehour.dol.gov">www.wagehour.dol.gov</a>
U.S. Equal Employment Opportunity Commission	<a href="http://www.eeoc.gov">www.eeoc.gov</a>