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FIRST REPRINT

A.B. 388

ASSEMBLY BILL NO. 388—ASSEMBLYMEN PAUL
ANDERSON, KIRKPATRICK; AND ARMSTRONG

MARCH 17, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing certain leaves of absence for military duty for public officers and employees. (BDR 23-180)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public employment; revising provisions governing certain leaves of absence for military duty for public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, public officers and employees who are active members of
2 the National Guard or a reserve component of the Armed Forces of the United
3 States are required to be relieved from their duties as a public officer or employee
4 to serve under orders without loss of their regular compensation for a period of not
5 more than 15 working days in a calendar year. In addition to these 15 working days
6 of leave, such public officers and employees who are employed by the State of
7 Nevada and whose work schedules include Saturday or Sunday are required to be
8 relieved from their duties as a public officer or employee to serve under orders
9 without loss of their regular compensation for an additional 24 working days in a
10 calendar year. (NRS 281.145)

11 This bill changes the period during which a public officer or employee is
12 eligible to take the specified number of days of leave of absence for military duty
13 each year from a calendar year to a 12-month period selected by the officer's or
14 employee's public employer. This bill requires: (1) the Personnel Commission
15 within the Division of Human Resource Management of the Department of
16 Administration to prescribe this 12-month period by regulation for each state
17 agency; and (2) each political subdivision to prescribe this 12-month period for its
18 agencies.

19 Under existing law, a public officer or employee who is on leave of absence for
20 military duty receives his or her regular compensation and his or her military pay
21 during that period of leave. With respect to a state officer or employee whose work
22 schedule includes a Saturday or Sunday, this bill limits the officer's or employee's
23 compensation for those additional 24 working days of leave as follows, for each



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24 hour during any such period of leave: (1) if the officer's or employee's military pay
25 exceeds his or her regular compensation, the officer or employee receives only his
26 or her military pay and not his or her regular compensation; or (2) if the officer's or
27 employee's military pay does not exceed his or her regular compensation, the
28 officer or employee receives his or her military pay and his or her regular
29 compensation is reduced by an amount equal to his or her military pay. This bill
30 provides that for any hours in which an officer or employee receives such
31 compensation, the officer or employee is not entitled to receive any additional
32 compensation for which he or she would otherwise be eligible or use any paid or
33 certain unpaid leave. This bill also limits the use of the additional 24 working days
34 of leave from service under any type of orders to only service under orders for
35 training that is scheduled on a Saturday or Sunday.

36 Finally, this bill clarifies the terms "work schedule" and "working day" for
37 purposes of accounting for officers' and employees' leave of absence for military
38 duty and clarifies that the leave must be accounted for on an hourly basis instead of
39 a daily basis.

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

- 1 **Section 1.** NRS 281.145 is hereby amended to read as follows:
2 281.145 1. Except as otherwise provided in subsection 2, any
3 public officer or employee of the State or any agency thereof, or of a
4 political subdivision or an agency of a political subdivision, who is
5 an active member of the United States Army Reserve, the United
6 States Naval Reserve, the United States Marine Corps Reserve, the
7 United States Coast Guard Reserve, the United States Air Force
8 Reserve or the Nevada National Guard must be relieved from the
9 officer's or employee's duties, upon the officer's or employee's
10 request, to serve under orders *including, without limitation, orders*
11 *for training or deployment*, without loss of the officer's or
12 employee's regular compensation for a period of not more than *the*
13 *number of hours equivalent to* 15 working days in any ~~11-calendar~~
14 ~~year.~~ *12-month period, as prescribed in subsection 3 or 4, as*
15 *applicable.* No such absence may be a part of the *officer's or*
16 *employee's* annual vacation provided for by law.
17 2. ~~Any~~ *In addition to the leave authorized pursuant to*
18 *subsection 1, any* public officer or employee of the State or any
19 agency thereof whose work schedule includes Saturday or Sunday
20 and who is an active member of the United States Army Reserve,
21 the United States Naval Reserve, the United States Marine Corps
22 Reserve, the United States Coast Guard Reserve, the United States
23 Air Force Reserve or the Nevada National Guard must be relieved
24 from the officer's or employee's duties, upon the officer's or
25 employee's request, ~~to serve under orders without loss of the~~
26 ~~officer's or employee's regular compensation~~ *for a period of not*
27 *more than* ~~39~~ *the number of hours equivalent to* 24 working days



1 in any ~~{1-calendar-year}~~ 12-month period, as prescribed in
2 subsection 3, to serve under orders for training that is scheduled
3 on a Saturday or Sunday, including, without limitation, monthly
4 and annual training. No such absence may be a part of the officer's
5 or employee's annual vacation provided for by law. An officer or
6 employee is not entitled to receive his or her regular compensation
7 for any hours in a working day in which the officer or employee
8 serves under orders for training pursuant to this subsection if his
9 or her military pay for the service is equal to or exceeds his or her
10 regular compensation for those hours. If the officer's or
11 employee's military pay does not exceed his or her regular
12 compensation for those hours, the officer or employee is entitled to
13 receive, in addition to his or her military pay for those hours, the
14 difference between the regular compensation that the officer or
15 employee would have otherwise received as an officer or employee
16 and his or her military pay for those hours. An officer or employee
17 is not entitled to:

18 (a) Receive any other compensation for which he or she would
19 otherwise be eligible, including, without limitation, compensation
20 pursuant to NRS 284.358; or

21 (b) Use any annual leave, compensatory time or other paid
22 leave or any unpaid leave that is required as a result of statewide
23 economic conditions,

24 ↪ for any hours for which the officer or employee receives
25 compensation pursuant to this subsection.

26 3. The Personnel Commission created by NRS 284.030 shall
27 adopt regulations prescribing for each agency of the State the 12-
28 month period during which an officer or employee of the agency is
29 eligible to take the number of working days of leave set forth in
30 subsections 1 and 2.

31 4. A political subdivision shall establish the 12-month period
32 during which an officer or employee of an agency of the political
33 subdivision or an agency thereof is eligible to take the number of
34 working days of leave set forth in subsection 1.

35 5. As used in this section:

36 (a) "Work schedule" means the working days that an officer
37 or employee is regularly assigned to work. The term does not
38 include, without limitation, any temporary change in assigned
39 working days unless the change becomes permanent.

40 (b) "Working day" means a period of work consisting of the
41 number of hours that a public officer or employee is regularly
42 scheduled to work. The term does not include, without limitation,
43 overtime, or any time in which the officer or employee is on
44 standby status or has been called back to work during his or her
45 scheduled time off.



- 1 **Sec. 2.** This act becomes effective:
2 1. Upon passage and approval for the purposes of adopting
3 regulations and performing any other preparatory administrative
4 tasks that are necessary to carry out the provisions of this act; and
5 2. On July 1, 2015, for all other purposes.

