Policy: The Division will ensure that employees use leave in accordance with relevant statute and regulation, and accurately account for all exceptions to their regular work schedule, including approved leave.

Purpose: To ensure equity among employees in regard to leave usage and to enable accurate tracking and reporting of various types of employee leave usage.

Procedure:

I. Annual Leave

A. Classified and unclassified employees accrue annual leave at the rate of 1-1/4 days per month (4 hours, 36 minutes per pay period) of full-time continuous public service from date of hire through completion of ten years of state service. From ten to fifteen years of service, employees accrue annual leave at the rate of 1-1/2 days per month (5 hours, 32 minutes per pay period) of full-time service. Employees with 15 years or more of continuous service accrue 1-3/4 days of annual leave for each calendar month (6 hours, 27 minutes per pay period) of full-time service.

B. Although they have accruals, employees may take no annual leave during their first six (6) months of state employment. Employees who have been employed for less than six continuous months may not be paid for accrued annual leave on termination of employment (per NRS 284.350, section 7).

C. Except as otherwise required by this policy, relevant statute or regulation, the appointing authority is responsible for determining when annual leave will be taken after considering coverage needs and the seniority of requesting employees. Annual leave is to be scheduled so as to prevent significant overtime requirements during any one period of time to the extent possible.

D. If an employee has completed six (6) months of FTE employment, accrued annual leave must be granted for an absence that qualifies for Family and Medical Leave.

E. An employee's written request for annual leave submitted at least 60 days in advance must be honored except for good and sufficient reason. The appointing authority or designee must respond in writing within 15 working days after receipt of the request.

F. Employees must be permitted to use at least 5 consecutive days of annual leave in a calendar year.

G. Requests for use of annual leave are to be submitted on the appropriate form at least 48 hours in advance of requested leave time or as soon as the employee is aware of a need for the leave, to allow the supervisor sufficient time to determine available staff coverage. A copy of the approved request is to be submitted with the timesheet reflecting the annual leave.

H. An employee who has accumulated both annual leave and compensatory time, and who may lose accrued annual leave at the end of the calendar year, may elect to use the annual leave rather than accrued compensatory time for personal leave. In all other instances, compensatory time must be exhausted before annual leave is taken.

I. Annual leave accruals in excess of 30 working days (240 hours) will be forfeited at the end of the calendar year unless the employee has requested and been refused leave. Payment of annual leave in excess of 30 working days (240 hours) may be made if an employee, on or before October 15th, requests annual leave time during that calendar year and the request is denied in writing.

II. Sick Leave

Employees in the classified and unclassified service accrue sick leave at the rate of one and one-quarter working days for each month (4 hours, 36 minutes per pay period) of full-time service. Sick leave may be accumulated from year to year to a maximum of 720 hours, after which only one-half of the unused sick leave from the past year may be carried forward. The balance of unused sick leave accrued but not carried forward is placed in a special sick leave account and may only be used as specified in NAC 284.546.

A. The authorized uses of sick leave are specified in NAC 284.554 as follows:
   1. Inability to perform one's duties due to sickness, injury, or physical incapacity due to a medical condition;
   2. Incapacitation due to pregnancy or childbirth;
   3. Being quarantined;
   4. Receiving medical, psychological, optometric, or dental services or examination;
   5. Receiving counseling through the employee assistance program for a condition which would otherwise qualify under this regulation; or
   6. Illness, death, or authorized medical needs in one's immediate family, as provided in NAC 284.558 or 284.562.

B. Appointing authorities and supervisors must determine that the absence was for an authorized reason as listed above before approving sick leave. Substantiating evidence for absences in excess of three (3) working days, or in any case of suspected abuse, may be required of the employee.

Substantiating evidence may include, but is not limited to, a statement from the employee's health care provider of the need for the absence.

C. Employees who have requested leave for a qualifying condition under the Family and Medical Leave Act must be approved to use sick leave for that condition only to the extent that it is for an authorized reason under NAC 284.554, and they have sufficient accrued sick leave. For example, the birth of a child creates FMLA eligibility for the mother and/or father as delineated in the FMLA and Division policy 5.028. However, in the absence of one of the authorized reasons for use of sick leave (see section A above), that FMLA leave may not be charged to sick leave.

D. The 120-hour limitation stated in NAC 284.558 for use of family sick leave does not apply if the leave is approved under FMLA.

E. Employees with 10 or more years of service who retire or terminate through no fault of their own are entitled to partial payment for unused sick leave in excess of 30 days, and a portion of any special sick leave account, as described in NRS 284.355, section 2.

III. Family and Medical Leave

See MHDS Division Policy 5.028.

IV. Administrative Leave

Administrative leave is not to be granted for activities occurring outside of normal working hours which would have qualified for administrative leave if they had been scheduled during work hours. Requests for the types of administrative leave described in section B(6) below must be approved in advance by the Division administrator or designee.

A. Situations for which administrative leave must be granted, provided they occur during the employee's scheduled work hours, are as follows (NAC 284.589, sections 1, 3, and 4):
   1. An initial and one follow-up appointment for EAP counseling;
   2. Attendance at health fair authorized by the board of Public Employee Benefits;
   3. Participation in an official capacity as member of a statutorily created committee or board. As a representative of state employees, such leave is in lieu of other fees provided;
   4. An employee is entitled to receive a total of up to eight (8) hours of administrative leave to prepare for hearings regarding a proposed suspension, demotion, or dismissal; or
   5. Appearances as an appellant, aggrieved employee, or to provide testimony at a hearing conducted by a hearing officer under NRS

284.390, or by the Employee Management Committee, or at a meeting of the Personnel Commission, provided the following criteria are met: (a) The requested leave is for a period of time reasonably needed for the employee's testimony at or participation in the hearing or meeting; (b) The employee has requested the leave at least two (2) weeks before it is needed, unless such notice is not practicable; and (c) The appointing authority determines that the employee's absence will not cause an undue hardship to operations or adversely impact services to be provided to consumers.

B. Administrative leave with pay may be granted in the following circumstances:
   1. For up to two (2) hours to donate blood;
   2. During closure of the worksite due to natural disaster, when the employee is scheduled and expected at work. Appointing authorities may notify certain employees that they are essential and require them to report for work;
   3. For participation in, or attendance at, activities which are related to the employee's job or his employment with the State but which do not require his presence in his capacity as a State employee (group insurance meetings, etc.);
   4. Agencies may grant administrative leave to employees who represent an employee association or union in an official capacity in accordance with Department of Personnel Memo Perd #20/94;
   5. Appearances as an appellant, aggrieved employee, or witness at a hearing conducted by a hearing officer under NRS 284.390, or by the Employee Management Committee, or at a meeting of the Personnel Commission, when criteria (a) through (c) in section IV.A.5. above are not met; or
   6. NAC 284.589 also allows an appointing authority to grant administrative leave to relieve an employee of duties during a criminal investigation or the active investigation of an alleged wrongdoing, or while awaiting the results of a screening test for alcohol or drug use, or of a fitness for duty test. However, in the MHDS Division, administrative leave for these purposes must be approved by the Division administrator or his/her designee. Such leave will only be approved in cases where there are no acceptable alternatives. Appointing authorities are expected to explore the possibility of reassignment before requesting administrative leave for these purposes.

V. Release Time

Upon giving reasonable notice to the immediate supervisor, a qualified employee must be permitted to use an appropriate amount of release time to participate in

employment examinations given by the State Department of Personnel or its designated representative, and/or to participate in employment interviews for state positions. The time taken for this purpose is considered time worked (release time). If the time spent participating in these activities exceeds or falls outside of regular work hours, it does not qualify for overtime.

A. Employees are also considered to be in regular work status when they are participating in job-related training activities which are required as part of their job, or their supervisor and appointing authority have approved. Per MHDS Policy 4.016 (Training), no more than 24 hours of release time per employee per fiscal year may be granted for job-related training without the approval of the Division administrator or designee. This 24-hour limit does not include agency- or Division-required or sponsored training, travel time required for training, or the required supervisory, management, POST, or Technician certification training.

VI. Civil Leave

A. Employees must be granted civil leave with pay under the following conditions when they occur during normal work hours:
   1. Serving on a jury or as a witness in court or administrative hearing, unless he/she is a party to the action which is not related to the employee's job. The employee is entitled to retain any fee paid for his service as a juror or witness, in addition to receiving his regular pay. Agencies shall not require an employee to work if:
      a. The employee has worked within 8 hours before the time at which he is to appear for jury duty; or
      b. If his/her service has lasted for 4 hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day.
   2. To vote, if it is impracticable for the employee to do so before or after his work hours. Notice of the need for this form of civil leave must be made to the supervisor prior to the day of the election. The employer may determine the time at which such leave is taken. The maximum length of the leave is to be determined by distance from the polling place, as delineated in NRS 293.463;
   3. To serve as a volunteer fire fighter of an organized and recognized fire department;.
   4. To serve as a volunteer emergency medical technician certified pursuant to NRS 450B; or
   5. As a volunteer reserve member of a police department or sheriff's office.

B. Employers have the option of granting civil leave under the following circumstances:
   1. For an employee designated by the American Red Cross as a disaster technician, on the request of the American National Red Cross, to assist during a disaster as described in NRS 414.020; or
   2. For an employee whose absence is necessary to respond to a public emergency.

VII. Catastrophic Leave

Refer to Policy #5.012, Catastrophic Leave

VIII. Leave of Absence without Pay (LWOP)

A. The appointing authority must grant LWOP to employees under the following circumstances:
   1. Service during the legislative session;
   2. Authorized Family and Medical Leave after the employee has exhausted the type(s) of accrued leave that must be used before LWOP under FMLA Policy 5.028.

B. NRS 284.360 and NAC 284.578 provide that an appointing authority may approve a request for leave of absence without pay (LWOP) for a classified employee up to one year for a satisfactory reason, and up to six months for an unclassified employee. Employees are to request leave without pay at least 30 days in advance when the need is foreseeable. If the need for LWOP is of an emergency nature, and is not known 30 days in advance, supporting documentation will be required.

C. In the Division of MHDS, appointing authorities may approve up to 24 hours of LWOP per year at their own discretion. Any LWOP greater than 24 hours per year (except the mandatory forms noted in VIII.A. above) must also be approved by the Division administrator or his designee.

D. A classified employee may be approved for a voluntary LWOP during a state of fiscal emergency declared by the governor. For benefits purposes, these hours are treated as hours worked – see NAC 284.580.

IX. Absence without Leave (AWOL)

A. Any unauthorized and unreported absence is to be considered AWOL, and will result in a deduction of pay, per NAC 284.594.

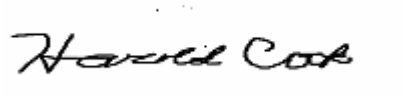
B. AWOL may also be recorded for absences which are reported but unauthorized by the appointing authority for substantial and just reason.

X. Military Leave

A. Military leave with pay will be granted for up to 15 working days per year for an employee in any of the military reserves or the Nevada National Guard to serve under orders. The employee receives his/her regular compensation during such leave, which does not count against the employee's annual or other accrued employee. The employee may retain any compensation received for the performance of military training duties.

B. Military leave of absence without pay must be granted to an employee for the duration of the military service plus a period of 90 days when he/she performs active service under the provisions of any national military service or training act, or voluntarily serves in the Armed Services in time of war. If the employee applies for reinstatement to his/her former State of Nevada position, the reinstatement may be to the former class or position, or to a position with comparable status and pay (see NRS 284.359).

XI. Each Division agency shall formulate policies and procedures to implement the provisions of this policy or shall incorporate this policy into the agency policy and procedure manual. Agency policies and procedures may contain additional provisions as long as they do not conflict with this policy or relevant statute or regulation.



Administrator

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