

**Statement of Emergency:** Senate Bill 433 of the 2009 Legislative Session requires most State classified employees to take 96 hours of unpaid furlough leave in each of the next two fiscal years and for other than classified employees 12 days of unpaid furlough leave in each of the next two fiscal years. Since this bill goes into effect on July 1, 2009, there is insufficient time for the Personnel Commission to adopt temporary or permanent regulations, so an emergency regulation is being adopted. The purpose of this regulation is to ensure the fair and equitable administration of the furlough for classified, unclassified, and non-classified employees.

**Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:**

*New Section. Unpaid furlough leave.*

*1. Except as provided for in section 5 of Senate Bill 433 of the 2009 Legislative Session, every employee must take unpaid furlough leave. An employee shall not be required to take any more or less unpaid furlough leave than required by statute if he moves from one position to another. A new employee in state service will only be responsible for the proportional number of hours or days of unpaid furlough leave remaining in the fiscal year. The hours or days required of the employee cannot be adjusted due to salary savings for the position.*

*2. To the extent practicable, a supervisor and employee shall work together to develop a schedule in which unpaid furlough leave is taken. If a schedule cannot be agreed upon, a supervisor may direct an employee to take unpaid furlough leave on a specific day and/or at a specific time, due to business necessity.*

*3. In no case will more than 8 hours of unpaid furlough leave be allowed in a pay week.*

*4. A full-time classified employee shall use 8 hours of unpaid furlough leave each month and a part-time classified employee shall use the proportional full-time equivalency of unpaid furlough leave each month, unless:*

*a. The employee's appointing authority files a plan for the employee to use an alternate schedule of unpaid furlough leave during different periods of the year, due to workload demands, and*

*b. The plan is approved in advance by the Director and the Director of the Department of Administration or their designated representatives in the executive branch of government, or*

*c. The plan is approved in advance by the chief fiscal officer of the institution in the case of employees in the Nevada System of Higher Education.*

*In no case will an employee be required to use more unpaid furlough leave than the maximum set forth for the employee in Senate Bill 433.*

*5. There is no cash value to unpaid furlough leave. If an employee leaves state service and has taken more than the equivalent of 8 hours of unpaid furlough leave per month, the employee will not be reimbursed the difference.*

*6. Each appointing authority shall develop a policy to define the minimum increment of unpaid furlough leave to be taken by its classified employees. The policy may specify different increments of time for its divisions, locations, and/or work groups*

*due to business necessity. The appointing authority shall disseminate the policy to all employees that are subject to the furlough.*

*7. In no case will overtime, standby pay, added regular time, or call back pay be allowed in the same pay period as unpaid furlough leave, unless approved in advance by the Director and the Director of the Department of Administration or their designated representatives in the executive branch of government or by the chief fiscal officer of the institution in the case of employees in the Nevada System of Higher Education.*

*8. Unpaid furlough leave will be counted as time worked for the purpose of determining eligibility under the Family and Medical Leave Act (FMLA). Unpaid furlough leave taken during the time an employee is on FMLA qualifying leave will not be counted against an employee's 12-week or 26-week FMLA entitlement.*