

**NEVADA SYSTEM OF HIGHER EDUCATION  
PROCEDURES AND GUIDELINES MANUAL**

**CHAPTER 4**

**GENERAL GUIDELINES AND PROCEDURES**

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**Section 1.        AIDS Guidelines**

1. The Nevada System of Higher Education (NSHE), in order to address the personal, administrative, medical, and legal problems associated with the Acquired Immune Deficiency Syndrome (AIDS), has established the following guidelines. These are intended to provide direction for our institutions when dealing with the disease of AIDS and AIDS-related issues.
2. The primary response of Nevada System of Higher Education institutions to AIDS should be increasing awareness and education - for students, employees, faculty, and others. Effective education based upon the best currently available information will aid in preventing the spread of the disease.
3. Individuals will not be required to undergo screening for AIDS as a condition of enrollment, employment, or financial services. Faculty, students, and staff who are diagnosed as having AIDS, AIDS-related complex, or a positive antibody test and who are otherwise qualified should be afforded normal classroom attendance, working conditions, student housing, benefits, and participation in curricular and extracurricular activities in an unrestricted manner, as long as they are physically and psychologically able to do so. Decisions regarding such individuals will be made on a case-by-case basis, taking into account the individual's behavior and physical condition.
4. The American College Health Association prepares guidelines on aids-related issues. It is suggested NSHE institutions refer to this report for guidance in addressing local needs.
5. It is also recommended that the Center for Disease Control guidelines be used to insure safety of students, staff, and faculty handling human blood, blood products, and other body secretions.
6. Each NSHE institution will establish procedures to respond to AIDS-related concerns, as well as to public inquiries.
7. The institution guidelines will be revised as necessary, in response to the release of new scientific information.

(B/R 6/88; Added 6/05)

## **Section 2. System Office and Campus Closures (formerly CM 05-01)**

This is intended to clarify procedures for system and campus closures for any adverse event including weather.

1. The Chancellor, or designee, has sole authority to close the entire NSHE or any part of the system for unforeseen events which may include but are not limited to extreme weather conditions, natural disasters, or other emergencies. In the event the governor closes all or any part of the state offices, the Chancellor will be notified and will similarly declare NSHE properties closed, as appropriate. When the NSHE or any part of the system is closed, employees at the affected location(s) are granted administrative leave. No other person has authority to close offices or grant administrative leave.
2. The president, or designee, of each campus has the authority to close the campus for unforeseen events (as defined above). The president, or designee, must report such closure to the Chancellor and receive acknowledgement, if possible, prior to the closure, unless there is an emergency status that requires immediate action. In the event of a campus closure, employees at the affected institution or location will be granted administrative leave. No other person has the authority to close offices or grant administrative leave.
3. When campuses or offices are open, employees desiring not to report to work due to extreme weather conditions or natural disasters must request and receive approval of annual leave.
4. Employees on previously approved leave during a closure do not get administrative leave credit.

(Added 6/05)

## **Section 3. Coordination of Information Request from Executive and Legislative Branches**

The Nevada System of Higher Education is committed to providing accurate and timely information regarding public postsecondary education matters to State agencies and the public. To maintain this commitment, all NSHE institutions shall coordinate for submission through the System Office any request for information that is communicated to or transmitted to or from the Executive and Legislative Branches of Government, whether initiated by the institution or the government entity, including but not limited to, requests from or to individual legislators or the Governor, standing committees of the State Legislature, the Legislative Counsel Bureau, and the Budget Division within the Department of Administration.

(Added 6/05; A. 9/12)

## **Section 4. Limit on Teaching for Graduate Teaching Assistants**

Pursuant to Board policy, Title 4, Chapter 5, graduate teaching assistants may teach no more than two courses per semester subject to the following guidelines:

1. First year graduate assistants without prior teaching experience are to be assigned tasks to assist a professor; that is, grading papers, proctoring examinations, serving as laboratory assistants, leading discussion groups of a subdivided class.
2. First year graduate assistants will be expected to complete, during their first year, a special teaching methods course if they are to teach during their second year. First year graduate assistants may also teach under the supervision of a professor or director while concurrently taking a teaching methods course.
3. Second and third year graduate assistants, after evaluation by their departments, are to be allowed to teach courses following the prescribed course syllabus, in conformity with standards adopted by the department, and at a level determined by the department as appropriate for each individual.

(B/R 3/71, 6/85, 8/86; Added 6/05)

## **Section 5. Moving Expenses for Presidents (formerly CM 95-2)**

New permanent appointees to the position of president of a NSHE institution may be reimbursed from institutional funds for the following expenses:

- Relocation travel: For the employee and immediate dependent family members.
- Moving household goods: Reasonable moving expenses for household goods that conform to State of Nevada guidelines and limits. Approval for moving expenses must be obtained from the Chancellor prior to incurring any such expense.
- Office and Professional Materials: Where such materials are deemed essential to the successful performance of the president as an administrator and/or as an academic faculty member, it is appropriate to be reimbursed for reasonable relocation expenses for office and professional material. Non-state appropriated funds must be used for this item. The extent and composition of allowable materials is subject to the approval of the Chancellor.

In the event that moving expenses exceed State of Nevada guidelines, such excess will be submitted to the Chancellor for review and approval at the Chancellor's discretion. Non-state appropriated funds must be used for any excess.

Should appointee leave employment voluntarily within the first 12 months, these moving and relocation expenses shall be repaid in full.

(Added 6/05)

## **Section 6.            No Smoking Law (formerly CM 95-3)**

### Policy and State Law

*Nevada Revised Statutes* 202.2491 prohibits the smoking of tobacco in any public building, except within a separate room or area of the building. The person in control of a public building is required to designate a separate room or area in which smoking is permitted and is further required to post “no smoking” signs in the building.

NSHE System General Counsel interprets this statute as permitting a person in control of a public building to designate only one room or area in a public building for smoking. The term “building” means any building owned by the Nevada System of Higher Education. It would obviously be inappropriate for any System employee to experience any employment retaliation for complaining about smoking in prohibited areas or for taking action to enforce the state law.

### Penalties:

*Nevada Revised Statutes* 202.2492 provides that any person who violates NRS 202.2491 is guilty of a misdemeanor.

The posting of “no smoking” signs and the designation of a separate room or area in a public building for smoking, done pursuant to this law, constitute an order to employees not to smoke tobacco in a public building except in such a designated room or area. Violation of such an order would constitute insubordination, which conduct would authorize disciplinary action to be taken against classified employees under *Nevada Administrative Code* § 284.650 (6) and against professional employees under Section 6.2.1 (d) of the NSHE Code. Section 6.2.2 (m) of the NSHE Code also authorizes disciplinary action against professional employees who violate state law on System premises.

### Implementation:

Please take the necessary steps to implement and inform your employees about this policy.  
(Added 6/05)

## **Section 7.            Council of Professional Police Standards (formerly CM 03-02)**

The Nevada System of Higher Education requires NSHE institutions that have a police department to establish a system to review allegations of misconduct made against police department officers and employees. At present, the University of Nevada, Reno, the University of Nevada, Las Vegas, College of Southern Nevada and Truckee Meadows Community College are the only NSHE institutions that have a police department. The guidelines for establishing an institutional Council of Professional Police Standards are outlined in this procedure.

## **I. Name of the Council**

The name of the council established at the University of Nevada, Reno shall be the Police Services Board of Professional Standards (hereinafter “board or council.”)

The name of the council established at UNLV shall be the Council of Professional Police Standards. (hereinafter “board or council.”)

The name of the board established at TMCC shall be called the TMCC Police Department Professional Standards Board. (hereinafter “board or council.”)

## **II. Council Charge**

The council shall review any allegation of misconduct against any employee of a police department of the NSHE and may make recommendations concerning actions of the department or an individual. An allegation of misconduct is defined as any allegation that may result in the imposition of criminal charges, demotion, suspension without pay, or termination. The council shall review investigative materials provided by the Director of Police Services of the University of Nevada, Reno, the Director of Public Safety of the University of Nevada, Las Vegas, or the Police Chief of the Truckee Meadows Community College Police Department (hereinafter “department head.”)

The chair of the council shall issue a written report regarding the outcome of an investigation and of all complaints received, to the department head and to the president of the institution.

The department shall maintain a log of each complaint received which shall be assigned a chronological tracking number. Upon receipt, an investigation shall be conducted by the department head and those requiring review will be forwarded to the council. Any complaint lodged against the department head will be referred to the respective vice president for investigation.

The council will convene when notified by the department head at the conclusion of an investigation, or upon request of the president of the institution or any member of the council. The department head will provide the council with copies of the completed internal reports, complaint, and all other information pertaining to the complaint. Personally identifying information concerning employees will be redacted from the documents provided to the council. In the event that confidential information other than personally identifying information is withheld from the council by the department head, the department head will disclose the fact that information was withheld to the council and describe the nature of the information withheld.

If, during the course of a calendar year, there are no allegations of misconduct reported, the council will convene no later than the last day of the spring semester to review *all* complaints received by each respective department.

A report summarizing the complaints, any allegations of police misconduct, and other council activities and actions will be forwarded annually, together with any recommendations, to the department head and the president of each respective institution, and to the Chancellor of the NSHE.

### **III. Structure of the Council**

#### **A. Appointment of Members**

1. Council members will be selected by the president from a list of nominations submitted by the appropriate vice president.
2. Council members selected by the president, and prior to appointment, will be subjected to a police background check in order to determine their suitability to serve on the Council and receive information that may be law enforcement sensitive. Felony convictions will be cause for disqualification. All other arrests or convictions may be cause for disqualification. The final decision on suitability for service shall rest with the president upon recommendation of the department head.
3. Nominees will be solicited no later than April 15 of odd numbered years and additionally as needed.
4. Members shall not be current or former members of any law enforcement agency, with the exception of the department head, who will serve in an ex-officio, non-voting capacity.

#### **IV. Membership-University of Nevada, Reno**

1. The director of police services will serve in an ex-officio, non-voting capacity.
2. One classified employee from two nominated by the staff employees' council.
3. The Associated Students of the University of Nevada, Reno (ASUN) president or his/her designee.
4. One non-police member from the police advisory board, who is nominated by the Advisory Board.
5. One administrative faculty member who holds the title director, associate vice president, assistant vice president, or vice president, nominated by the president's council.
6. One member of the academic faculty from two nominated by the faculty senate.

#### **V. Membership-University of Nevada, Las Vegas**

1. No fewer than five members of the UNLV Public Safety Advisory Board who are not in law enforcement shall sit as members of the Council. The Public Safety Advisory Board includes students, faculty, professional staff, classified staff, and at-large community members.

**VI. Membership-Truckee Meadows Community College**

1. The chief of police shall serve in an ex-officio, non-voting capacity.
2. The vice president for finance & administration shall serve in an ex-officio, non-voting capacity.
3. One classified employee (from two nominated by the staff employees' council.)
4. One student government member (the president of ASTM or his/her designee.)
5. One non-police member from the police advisory board (nominated by the advisory board.)
6. One administrative faculty member (must hold the title of: director, associate dean, or dean nominated by the president's cabinet.)
7. One member of the academic faculty (from two nominated by the faculty senate.)
8. One community representative appointed by the president.

**VII. Membership-College of Southern Nevada**

1. Chief of police, (ex-officio, non-voting).
2. One classified employee (from two nominated by the classified council).
3. One student government member (president of ASCSN or designee)
4. One non-police community member appointed by the president.
5. One administrative faculty member (from two nominated by the cabinet usually dean or above).
6. One member of the academic faculty (from two nominated by the faculty senate).
7. Chief campus administrator for West Charleston Campus, Cheyenne Campus and Henderson Campus

**VIII. Terms of Office**

1. Non-student members will serve two-year terms; student members will serve one-year terms.
2. Nominations will be solicited by April 15, with the terms in office to begin the day after Spring Commencement and ending on the day of Spring Commencement after the appropriate term has been served.
3. Solicitations for nominations to replace vacancies will be sought without delay.



4. Members who show lack of interest, or who fail to complete the training requirements, may be replaced at the request of the department head after discussions with the council. Such a recommendation shall be approved by the president.

**IX. Organization of the Council**

1. The council will select by vote of those present at the first meeting of each newly appointed council, a chair and a vice-chair.
2. The chair, or in his/her absence, the vice-chair, will convene the council at the request of the department head, president, or other council member, set the agenda, preside at meetings, and serve as spokesperson for the council.
3. A secretary, provided by the department head, will record and distribute meeting notes and maintain the council's files and records.
4. There shall be no provisions for proxy. A majority of voting members constitutes a quorum that is necessary for the council to take action and conduct business. A simple majority of those present shall be required to pass a motion.
5. In the event of a tie, a motion shall be tabled until such time as all five members are present to vote.

**X. Duties of the Council**

- A. To fulfill the charge as outlined in II above:
  1. Present written recommendations, with supporting narrative, to the department head and to the president.
  2. Prior to the end of each Spring Semester, issue a written report summarizing the complaints made against officers, including any allegations of police misconduct and other board activities and actions, along with any recommendations, to the department head and the president, and to the Chancellor.
  3. Maintain the files and records of the council pursuant to NRS 239.073 and make them available to each successive council.

**XI. Training Requirements**

1. Council members shall be required to attend training provided by the respective department. Training shall consist of at least the following:
  - a. A four (4) hour ride-a-long with a sworn patrol officer of the department.

- b. Three (3) hours of departmental orientation, familiarization with department policies, procedures, general orders, organizational makeup and authorized equipment. In addition, board members will receive orientation regarding the provisions of Chapter 284 of *NRS*, the regulations adopted pursuant thereto and *NRS* 289.010 to 289.120, the applicable sections of *NRS* 396.3291, *NRS* 179A, Chapter 239, and Board of Regents policy.
- c. One (1) hour of orientation with policies and procedures of the NSHE personnel manual and the terms and conditions of employment of members of the department.

## **XII. Effective Date and Amendments**

Nominations for council members will be solicited and appointments made in order for each council to commence their initial terms of office on the day after Spring 2003 commencement.

Amendments to this document are recommended by the council through the respective department head and president to the Chancellor. Amendments are effective immediately after review by legal counsel and approval by the Chancellor. Changes to this document shall be reported to the Board of Regents and brought to the Board for discussion if the changes are substantive.

(Added 6/05; A 10/08)

## **Section 8. System Expectations for Inter-Institutional Relationships (formerly CM 96-01)**

The ways in which the institutions within the NSHE interact with each other define, to a large degree, the collegial and collective character of the System. Establishment and maintenance of proper codes of behavior for the conduct of inter-institutional relationship are the responsibility of the Chancellor.

The following principles shall establish a foundation for the System expectations:

### **1. Institutional Comparisons**

Public statements by responsible institutional officers and official publications or other media releases by an NSHE institution shall contain no invidious comparisons about any other institution within the NSHE.

### **2. Resolution of Perceived Inequities**

Perceptions of inequity in funding or other treatment, whether by region of the State or by type of institution, shall be referred to the Chancellor for analysis, explication and, if necessary, resolution. Such allegations should be supported by appropriate data, documentation and argument.

### 3. Presidential Authority

Presidents are accountable to the Chancellor for the ways in which their institution and its executive officers conduct their proper business with the other members of the NSHE and with the System Administration.

(Added 6/05)

## **Section 9. Computing Resources Procedures and Guidelines**

Title 4, Chapter 1 of the Board of Regents' Handbook directs the Chancellor to establish procedures and guidelines governing computing resources, including but not limited to, circumstances in which access to a user's email may be accessed when the user is absent without notice or leaves the employment of NSHE or in emergency situations.

1. The definitions set forth in Title 4, Chapter 1, Section 22 apply to this section. In addition:
  - a. "IT" means an NSHE institution's Information Technology unit/department and NSHE Computing Services.
  - b. For purposes of this section, "department/unit" means a department or unit at an institution and "Unit" as defined under Title 4, Chapter 1, Section 22 includes the combined administrative unit consisting of the Chancellor's Office and the NSHE Computing Services.
  - c. "President" means the chief executive officer of a member institution, and the term shall also include the Chancellor where the context of this policy requires with respect to the Unit or the special units.
2. When a user leaves the employ of NSHE, the content of any emails or files remaining on NSHE owned equipment or networks, including but not limited to the user's NSHE computer, may be reviewed as reasonably necessary, as determined by the President or his or her designee(s).
3. In the event a user is absent from work for more than 3 working days without notice, and the supervisor/department chair attempted to contact the user without success, upon the written request of the department/unit, IT may establish an automatic reply on the user's NSHE email account, informing senders that emails should be directed to another employee or office in the department/unit.
4. In the event a user is absent from work for more than 5 working days without notice, the supervisor/department chair attempted to contact the user without success, it is reasonably necessary to access the user's email and/or computer files to conduct the regular business of the department/unit, and the institution or Unit is unable to obtain written or electronic authorization from the user to access the user's email and/or computer files due to the user's health condition, including but not limited to prolonged injury or disability or death, or other circumstances then, upon the written request of the department/unit, the President or his or her designee(s) may, upon a showing of

reasonable need and in the absence of reasonable alternatives as determined by the President or his or her designee(s), authorize IT, in writing, to examine the content of the user's emails and/or computer files solely for the purpose of addressing the department/unit's need to conduct regular business. Upon such written authorization, IT shall retrieve the emails and/or computer files reasonably believed to be necessary for the department/unit to conduct its regular business and provide them to the head administrator of the department/unit. Examination of emails and/or files shall be limited to the matter necessary to conduct the regular business of the department/unit.

5. In the event that an institution or the Chancellor's Office receives a public records request, valid subpoena, or a court order, the institution Office of the General Counsel (General Counsel) or the System General Counsel may request that IT preserve a user's email and/or computer files for review by the General Counsel or System General Counsel and production of email and/or files as required by law. In the event that the General Counsel or System General Counsel determines that production is required by law, the General Counsel or System General Counsel shall provide the user an electronic or hard copy of the production, unless prohibited by law from so doing.
  6. In the event that during the course of litigation in which NSHE or a NSHE employee or official volunteer is a party, the institution Office of General Counsel (General Counsel) or the System General Counsel determines that it is reasonably necessary, in order to comply with state or federal law or court rule, to preserve a user's email or computer files for the purposes of review and production, the General Counsel or System General Counsel may request that IT preserve a user's NSHE email and/or computer files for review by the General Counsel or System General Counsel and production of email and/or files as required by law or court rule. In the event that the General Counsel or the System General Counsel determines that production is required by law or court rule, the General Counsel or the System General Counsel shall provide the user an electronic or hard copy of the production, unless prohibited by law or subpoena from so doing.
  7. If in the event of exigent circumstances as reasonably determined by the President or his or her designee(s), it is necessary for the protection of life, limb, or property or for the maintenance of order to examine the content of emails or computer files of a user, the President or his or her designee(s) may authorize IT to examine and retrieve emails and/or computer files solely for the purpose of protecting life, limb, or property or for the maintenance of order, and provide them to the President or his or her designee(s). Examination of emails and/or files shall be limited to the matter necessary for the protection of life, limb, or property or for the maintenance of order.
  8. If, in order to comply with federal or state law or an executive order concerning national security, it is necessary to access a user's emails and/or computer files as determined by the President or his or her designee(s), the President or his or her designee(s) may authorize IT to examine and retrieve emails and/or computer files solely to comply with the federal or state law or executive order. Examination of emails and/or files shall be limited to the matter necessary to comply with the federal or state law or executive order.
- (Added 6/05; A. 12/17)

## **Section 10. HIPAA Guidelines**

The purpose of this section is to outline the basics of HIPAA. It may be useful to information technology, accounting, payroll, human resources and auditing staff who are not regularly involved in handling health care records. For more detailed information, you may contact one of the HIPAA Privacy Officers for University of Nevada, Reno, University of Nevada, Las Vegas or the College of Southern Nevada, or the Vice Chancellor for Legal Affairs Office of the NSHE.

### **What is HIPAA?**

The Health Insurance Portability and Accountability Act (HIPAA) was enacted by Congress on 21 August 1996 to combat waste, fraud and abuse, improve portability of health insurance coverage, and simplify health care administration. HIPAA is intended to promote efficient electronic transmission of health information, enhance patient rights, and provide standards to protect the privacy and security of health information. There are two primary rules at issue. The Privacy Rule protects individually identifiable health information in all forms – verbal, written or electronic. The Security Rule concerns only individually identifiable health information that is maintained, transmitted or received in electronic form.

### **Who is covered?**

The institutions within NSHE are not primarily health care providers. We are called a Hybrid Covered Entity under HIPAA, which means that we are allowed to designate which parts of NSHE are covered. Those entities and programs that are covered are free to share health care information with each other for legitimate purposes. Those entities or programs that are not covered may not receive or obtain access to identifiable health information unless authorized by the patient. As an example, most of the University of Nevada, Reno School of Medicine and University of Nevada, Las Vegas School of Medicine are covered; their Human Resources Departments are not. It would not be appropriate for the University of Nevada, Reno School of Medicine and University of Nevada, Las Vegas School of Medicine to share a clinical record of an employee/patient with Human Resources unless the patient authorizes the disclosure. The Chancellor of NSHE has designated the covered programs and departments. This may be changed from time to time. Any program or department that is not covered is not required to follow any aspect of the Privacy or Security Rules.

### **Who must be covered?**

Any program or department that provides a health related service and engages in certain electronic transactions related to payment must be covered. Those programs and departments that provide health related services, but do not engage in any of the specified electronic transactions may choose to be covered as it may assist them in interacting with patients and other providers in the health care industry. The specified electronic transactions include: health care claims, health care payment and remittance advice, coordination of benefits, health care claim status, enrollment and disenrollment in a health plan, eligibility for a health plan, health-plan premium payments, and referral certification and authorization.

### **Individually Identifiable Health Information**

HIPAA protects only certain information that may identify a patient. This includes demographic information such as name, address, phone number, age over 70, dates of service and account numbers of all types (social security, date of birth, driver's license, etc.), as well as treatment and billing records.

## **Basic Privacy Rule Requirements**

The Privacy Rule requires:

- Provision of information to patients about their privacy rights and how their information can be used;
- Adoption of clear privacy procedures;
- Training of employees so they understand the privacy procedures;
- Designating an individual to be responsible for ensuring that the privacy procedures are adopted and followed;
- Securing patient records containing individually identifiable health information so they are not readily available to those who do not need them.

## **Privacy Rule Limitations on Use**

In general, treating professionals are allowed to freely exchange patient information as necessary for treatment without the necessity of obtaining patient authorization. In addition, a health care provider may use and submit information to obtain payment (but not for insurance underwriting), and for internal operations purposes (such as a peer review committee), without patient authorization. If outside non-treating vendors will require access to patient health information in order to perform a service for a covered program (e.g. computer technician, copy service, record storage company, etc.), patient authorization is required unless a business associate agreement is in place. Apart from certain disclosures that may be required in response to subpoenas and other law enforcement measures, any other disclosure outside the covered department requires written patient approval.

## **Privacy Rule Patient Rights**

Patients are required to be informed of their rights under HIPAA, which include rights related to access to records, correction of records, and accounting for disclosures. There must be a mechanism in place to receive complaints. Civil and criminal penalties are in place for violations of the law. For example, improperly providing patient data for material gain could result in a criminal violation.

## **Security Rule Applicability**

The Security Rule applies to all covered programs that receive, transmit or store health care records electronically.

## **Basic Security Rule Provisions**

### **Administrative Procedures**

Policies and procedures must be implemented and documented in each of these eight areas:

- Training programs in security management and process issues;
- Formal protocols for controlling access to data;
- Internal audit procedures;
- Contingency plan to ensure continuity and preservation of data in an emergency;

- Security features for initial clearance of all personnel who have access to health information along with ongoing supervision, training and monitoring;
- Security configuration management procedures such as virus checking, hardware and software systems review, and documentation;
- Specific procedures when personnel terminate employment;
- Security management structure that maintains continual risk assessment and sanction policies and procedures.

### **Physical Safeguards**

Data and data systems must be physically protected from intrusion and environmental hazards with specific attention to the following:

- Designation of a specific person for responsibility of security;
- Controlling access to and altering of computer hardware;
- Implementation of work station security activities;
- Development of disaster/intrusion response and recovery plans;
- Maintenance of security records;
- Implementation of identity verification procedures to physically access sites.

### **Technical Security Services**

Software control and procedures regarding stored data include these requirements:

- Providing for internal audits and controls within data systems;
- Controlling access by users through authentication;
- Ensuring that stored data is neither altered nor inappropriately accessed/processed;
- Allowing data access during crises.

### **Technical Security Mechanisms**

These requirements relate to accessed data and the transmission of stored data, to ensure that data cannot easily be accessed, intercepted or interpreted by unauthorized third parties. (Added 6/05; A. 3/18, 9/18)

## **Section 11. HIPAA Health Care Components of NSHE**

As of August 31, 2016, NSHE, a hybrid covered entity, designates its health care components as follows:

### **UNLV**

- University of Nevada, Las Vegas School of Medicine, as a hybrid covered entity, and as an Organized Health Care Arrangement with its affiliated practice clinics;

- University of Nevada, Las Vegas Ackerman Center for Autism and Neurodevelopment Solutions;
- Dental School and any associated clinics;
- The Student Wellness unit which includes: Student Health Center, Pharmacy and Laboratory, Counseling and Psychological Services (CAPS); and Faculty and Staff Treatment Center (FAST);
- Athletic Training Department;
- Center for Individual and Family Counseling;
- Center for Health Information Analysis;
- National Supercomputing Center for Energy and the Environment;
- The PRACTICE (a community mental health training clinic);
- Marriage and Family Therapy clinic;
- Nevada Institute of Personalized Medicine

#### **UNR**

- University of Nevada, Reno School of Medicine as a hybrid covered entity, and as an Organized Health Care Arrangement with its affiliated practice clinics MedSchool Associates South, MedSchool Associates North, and NFPRP (*Mojave Health*), but excluding from its designation the following Programs/Departments: Department of Geriatric Education, Southern Nevada AHEC, Facilities Management and Human Resources, Craniofacial Clinic, Sexual Abuse Medical Evaluation Clinic, and Medical Students Free Standing Clinic;
- University of Nevada, Reno School of Medicine Integrated Clinical Services, Inc.;
- Psychological Service Center;
- Counseling and Testing;
- CEP-Downing Clinic;
- Athletic Training Department;
- Student Health Center;
- Pharmacy.

#### **CSN**

- Dental Hygiene Clinic
- Dental Faculty Practice
- Diagnostic Medical Sonography

#### **NSC, DRI, GBC, TMCC, WNC**

- No departments or programs are included.

#### **NSHE**

- NSHE Accounting and Auditing
- NSHE Vice Chancellor for Legal Affairs office,



- UNLV, UNR, and CSN Disbursement offices
- NSHE, UNLV, UNR, and CSN health and insurance plans
- NSHE, UNLV, UNR, and CSN Information Technology Departments

(Added 6/05; A. 4/15, 9/16, 3/18, 9/18)

## **Section 12. Internal Procedures for Telephone Charges**

### Telephone Use:

Sound internal control procedures require that each institution be responsible for creating policies that provide adequate review of its telephone charges on a monthly basis. The telephone charges should be filed either at the department level or with accounts payable for at least three years. Charging personal toll calls to institutional funds is strictly prohibited.

Where assigned, access codes or pin numbers should not be shared. These codes should always be cancelled when an employee terminates his/her employment.

### Cell Phone Use:

Employee Owned Cell Phone Used For Business Purposes: The System will reimburse employees for the cost of all Institution business calls placed from their personal cellular telephone. The Institution will not reimburse any portion of the monthly service charges associated with personal cellular telephones nor will the Institution accept any fiscal or legal liability for a personal cellular telephone used for business. Institutions may develop policies limiting or prohibiting employees from making business calls on personal cellular telephones.

Institution Owned Cell Phone Used For Personal Purposes: Employees are discouraged from making or receiving personal telephone calls or cellular phone text messages using institutional resources. NSHE does recognize that under certain circumstances, however, an employee will need to make or receive a telephone call or text message from an institutional phone (including institutional long distance charges and institutional cellular phones and/or other wireless devices) of a personal nature. When those personal telephone calls or cellular text messages incur an additional charge to the institution, it is the employees' responsibility to reimburse the institution for that charge promptly. In addition, when personal calls or cellular text messages are made and/or received on institutional cellular phones, the employee is responsible for reimbursement of the prorated share of the charges for personal use of the cellular or wireless devices. In addition, the employee must reimburse any purchase of specialized ring tones, video games, or software programs on institutional or corporate liable cellular phones to the institution.

Cell Phone Allowance Program: For institutions that adopt a cell phone allowance program, those employees who have a documented business need for a cellular telephone may receive an allowance for the devices and the monthly services. The intent of this policy is to be at least revenue neutral, meaning that it is anticipated that the cost of necessary cell phone service will be no more than the amounts being paid currently, but the policy change will improve efficiency by minimizing the time in processing cell phone bills. This policy is also not intended to expand the number of cell phone users/allowances.

(Added 6/05; A. 11/05, 3/13)

## **Section 13. Annual and Sick Leave Record Keeping Guidelines**

Per Title 4, Chapter 3 of the *Board of Regents Handbook* each appointing authority must keep accurate and complete records of earned and used leave for each NSHE employee. Such records will be kept as designated by the appropriate Human Resource office. Leave records are subject to examination by those persons in the employee's chain of command, by Human Resource officials, and by internal or external auditors.

Insofar as possible, all leave must be requested and approved in advance by the supervisor or other appropriate administrative officer according to the policies for each type of leave as contained Title 4, Chapter 3 of the Handbook. The approval and recording of unanticipated leave must occur immediately after use of the leave.

Sick Leave: Full-time professional staff members on an "A" or "B" contract shall be granted sick leave as required, up to 30 working days at full salary, available at any time during the initial 12 months of service. Part-time professional staff members on an "A" or "B" contract shall be granted a pro rata amount as appropriate.

Beginning one year after the starting date of his or her initial contract, each full-time staff member will begin to accrue additional sick leave at the rate of two days for each full month of paid service, to be added to any remaining balance of unused sick leave from the first 12 months of service. Sick Leave may be cumulative from year to year, not to exceed 96 days as of the first day of each fiscal year, and any sick leave in excess of 96 days is forfeited on that date. Part-time staff members will earn a pro rata amount of sick leave for each calendar month worked.

Paid sick leave shall not be granted in excess of sick leave earned except as provided in the extended salary sick leave policy as outlined in Title 4, Chapter 3 of the *Handbook*. The employee shall not be paid for any unused sick leave upon termination of employment.

Annual Leave: All professional staff members on a full-time 12-month appointment ("A" contract) earn annual leave at the rate of two working days for each full calendar month of service. Prorated credit shall be earned for partial months of service. Professional staff members on a part-time 12-month appointment earn pro rata annual leave credit.

Annual leave may be cumulative from year to year, not to exceed 48 days as of the first day of each fiscal year, and any annual leave in excess of 48 days is forfeited on that date. No compensation will be authorized for unused or excess leave at the end of each fiscal year. Earned annual leave shall be taken at a time approved or directed by the supervisor or other appropriate administrative officer. Insofar as possible, approval to use annual leave must be secured in advance, in accordance with the provisions contained in Title 4, Chapter 3 of the *Handbook*.

Employees shall be given an opportunity to use accumulated annual leave in excess of 48 working days prior to the last day of the fiscal year provided a request for leave is given by the employee no later than April 1 to the supervisor or other appropriate administrative officer.

Professional staff on an “A” contract appointment who resign or retire shall be entitled to be paid for unused accumulated annual leave up to the maximum of 48 days, unless the supervisor or other appropriate administrative officer directs the employee, in writing, to use all or a portion of the accumulated leave prior to the final date of employment.  
(Added 6/05; A. 12/05)

## **Section 14. Phase-in Retirement Program**

This program allows faculty and professional staff to phase-in their retirement (generally between a .50 and .75 FTE course load or work assignment) over an agreed-upon period of time, not to exceed five years. During the phase-in, the institution and employee will continue contributing to their retirement plan as if they were employed 100percent FTE.

The phase-in process is governed by a formal contract between the employee and the NSHE. The basic provisions of the program are outlined below. If you have further questions about the phased-in retirement program, please contact the Human Resources Office on your campus.

### **Eligibility**

The employee must have attained the age of 65 and completed at least five years of service with the institution at the expiration of the term of the agreement;

OR

have attained the age of 60 and completed at least 10 years of service with the institution at the expiration of the term of the agreement;

OR

at any age have completed 30 or more years of service with the institution at the expiration of the term of the agreement.

### **Process**

- The employee requests an application form from the institution’s Human Resource office.
- The employee completes the application and forwards it through the chain of command for signatures from the employee’s chairperson, dean, provost/vice president, and president.
- The completed and signed form is sent to the campus Human Resources office, which officially determines eligibility.
- Human Resources notifies the employee of the status of their application.
- If the application is approved, the Human Resources office types the formal agreement and sends the agreement through the chain of command for signatures.
- No contract exists until such time as the agreement has been fully executed by the president of the institution.
- Any changes to the agreement, once executed, must be endorsed by the president and approved by the NSHE Chancellor.

## **Enrollment Period and Application Deadline**

- Completed applications for consideration of phased-in retirement will be due on February 1 of each year for the following Fall semester. The form must contain all required signatures by that date.

(Added 6/05; A. 12/05)

## **Section 15. Conference/Training Policy**

All System professional staff are eligible to request attendance annually for one out-of-state conference/meeting, to be paid for by the System that is applicable to their job duties and is approved by their supervisor. Any exceptions to this policy must be approved by the Chancellor.

(Added 7/06)

## **Section 16. System Administration Cellular Phone, Personal Digital Assistant (PDA), and Data Plan Guidelines**

1. The NSHE System Administration Office, including its units, shall not purchase cellular phones or Personal Digital Assistants (PDA) or enter into monthly cellular phone, PDA or data plan contracts, except as provided in this section.
2. Allowance for Cellular Phone, PDA or Data Plan
  - a. Employees who have a documented business need for a cellular phone or PDA may receive an allowance for a portion of the monthly services as provided in this section.
  - b. Employees who have a documented business need for a data plan for Internet access for a tablet, laptop or similar device may receive a allowance for the data plan as provided in this section.
  - c. An employee may not receive more than one allowance as provided in this section unless the employee's direct supervisor determines there is a documented business need for a cellular phone/PDA allowance and a data plan allowance.
  - d. An employee cannot request an allowance greater than the cost of the plan. The employee may be asked for documentation showing he or she is not being reimbursed over the cost of the plan.
3. Procedure. All employees with a regular business-related need for a cellular phone, PDA, or data plan allowance must complete the "Cellular Phone / PDA / Data Plan Allowance Request Form." This form must be approved by the employee's direct supervisor as well as by the appropriate vice chancellor.

- a. Once completed, the original, signed form should be sent to the vice chancellor of Finance to be processed through the appropriate controller/payroll unit. Once received and processed, a monthly allowance will be added to the employee's paycheck each month. This allowance amount will be charged to the appropriate departmental operating budget as indicated on the request form.
  - b. Neither the employee's purchasing card nor the departmental purchasing card may be used to pay for cellular phones/PDA devices or the monthly charges unless an exception is granted to issue an NSHE phone.
  - c. The stipend will terminate effective with the employee's last day of employment, regardless of the employee's cell-phone contract length.
4. Amount of the Cellular/PDA Service Allowance. The amount of the monthly allowance represents a sharing of the cost of a typical contract necessary to meet business related needs for voice and data services for a cellular phone or PDA. The System offers a monthly allowance for voice and data plans for cellular and PDA service based on usage level. An average usage level is based on the expectation that approximately 25 percent or more of the monthly minutes and data used are work related. A high usage level is based on the expectation that 50percent or more of the monthly minutes and data usage are work related. No extra allowance will be provided for text message services.

Usage Level	Voice and Data Allowance for Cellular or PDA Service
Average Usage	\$50 per month
High Usage	\$75 per month

- a. This allowance does not represent an increase in base pay.
  - b. The allowance will continue until the Chief Financial Officer's Office is notified in writing either by the employee or the supervisor that the allowance is to cease.
  - c. The Chief Financial Officer will maintain a list of employees who receive this stipend and will provide this list to the responsible vice chancellors for a review on an annual basis. A yearly review of the need for a cellular phone or PDA or data plan will be conducted by the appropriate vice chancellor.
  - d. No additional reimbursement will be provided to those receiving a monthly allowance even if the monthly charges to the employee exceed the allowance amount. When contracting for services, the employee should inquire as to the availability of any discounts that may be available to NSHE employees.
5. Amount of the Data Plan Allowance for Internet Access. The amount of the data plan allowance for Internet access for a device such as a tablet or laptop is based on the amount of data usage for the device. This allowance does not cover any costs related to the use of a System-issued laptop for the purpose of checking email messages after hours or out of the office.

Data	Data Plan Allowance
6 GB	\$20 per month
12 GB	\$45 per month

6. Equipment Allowance Prohibited. No allowance will be made towards the purchase of personally owned cellular, PDA, tablet, or laptop equipment. Likewise, System funds may not be used to pay for accessories or applications/ software without prior written authorization.
  
7. Policy Regarding Use of a Personal Cellular Phone, PDA or Other Device. Because the cellular phone, PDA, tablet, laptop or similar device for which a monthly allowance is approved is owned by the employee, the device may be used by the employee for both personal and business-related purposes. The employee may also use the allowance as he or she sees fit in order to obtain cellular or PDA service or a data plan, and may freely use it to purchase an individual cellular plan, a so-called “family” plan, or data sharing plan.
  - a. All contracts for service or a data plan must be taken out in the name of the employee receiving the allowance and may not be taken out in the name of NSHE.
  - b. As a condition of receiving the allowance, the employee understands and agrees that the employee may be contacted through his or her personal cell phone number for work-related matters as reasonably necessary during regular or after business hours. Special rules may apply to contacting hourly employees for substantive work issues after hours.
  - c. As a condition of receiving the allowance, the employee understands and agrees to maintain an active cellular phone, PDA or data plan, as applicable, as long as an approved allowance is in place.
  - d. Federal law may allow an employee to deduct the business-related portion of the bill for cellular phone/PDA service or for a data plan on the employee’s federal income tax return. If applicable, the employee is responsible for any required documentation.
  
8. Support for Cellular Phones, PDAs, and Data Plans. All support for cellular phones, PDAs, and data plans is provided by the cellular or mobile service company chosen by the employee. System Computing Services (SCS) cannot offer any support for individually owned cellular phones, PDAs, tablets, laptops, or similar devices. However, SCS will provide support for NSHE provided software that is used on those devices to synchronize them with NSHE email accounts, calendars or other NSHE systems and services if available for the particular device and if reasonable security protocols can be established. If an employee intends to try to link a personal device to NSHE systems and services, the employee should contact SCS before purchasing a particular device in order to ascertain the extent to which such linkage is feasible.
  
9. Changes to Service Contracts. NSHE reserves the right to change or terminate this policy regarding allowances for cellular phone or PDA service or data plans at any time. Individuals eligible for receipt of an allowance should understand that they are personally liable for monthly charges or termination fees, regardless of employment status or any change in this reimbursement policy.

10. Special Procedures for NSHE owned cellular phones and PDAs. In some situations, it may be necessary or advantageous for NSHE to own and pay the monthly service charges for cellular phones or PDAs. The purchase and use of such devices must be approved in advance by the supervisor and appropriate vice chancellor. In those cases where NSHE directly pays for the cellular voice or PDA contract, the cellular phone or PDA may not be used for personal purposes, and the monthly bills may be audited for such personal use. Violation of this policy may result in disciplinary action. NSHE-owned cell phone records are subject to public records review and disclosure, with limited exceptions, as provided under Nevada law.

(Added 3/13)

## **Section 18. Fees for Public Records**

### **A. POSTING; DESIGNATION OF RECORDS OFFICIALS; ADOPTION OF INSTITUTION POLICIES**

This policy must be posted in a conspicuous place at the NSHE System Administration offices (Reno and Las Vegas) and at the office of the president of each NSHE institution. Each institution and the Chancellor's office shall post the policy on its website. The president of each institution and the Chancellor shall designate one or more employees to act as records officials. (NRS 239.008). Each institution may establish its own policy in compliance with NRS Chapter 239, to be followed in lieu of this policy, subject to the prior review of institution general counsel and approval of the president.

### **B. PROCEDURE AND FEES**

The following fees are to be charged by all NSHE institutions or units in responding to all requests for copies of public books or records pursuant to NRS Chapter 239 (Nevada Public Records Act). The fees set forth in this schedule are solely applicable to public records requests. Requests for copies of public books or records may be oral or in writing. NOTE: The Nevada Public Records Act does not require the creation of documents or customized reports in response to requests for information.

1. Fees for Copies of Public Records on Letter Size or Legal Size Paper (NRS 239.052). Ten cents (\$.10) per page after the first twenty (20) pages will be charged for a copy of a public book or record on standard letter size or legal size paper. Additional fees may be charged for oversized, difficult to copy or color records, or for the cost of a DVD/CD on which the record is provided. The requester must be informed of any such additional charges before the copies are made and such charges must not exceed the actual cost of providing the copies. The per page copy fees are separate and in addition to any fee to be charged for extraordinary use of personnel or technology.
2. Fees for Requests Requiring Extraordinary Use of Personnel or Technology (NRS 239.055). If extraordinary use of personnel or technological resources is required to comply with a public books or records request, the requester must be charged a reasonable fee, not to exceed fifty (50) cents per page, for the extraordinary use of personnel or technological resources.

- a. Extraordinary Use of Personnel. Extraordinary use of personnel means time in excess of two (2) hours per employee reasonably and necessarily required to provide cost estimates, locate, format, retrieve, compile, review of confidentiality, research, redact, copy requested documents, provide required notices, or other work related to responding to the request. The rate charged must be reasonable, based on the actual cost incurred and must not exceed fifty (50) cents per page. The estimate of the cost shall take into consideration, but not necessarily be limited to, the gross hourly wages of each of the staff member(s) reasonably available and qualified to respond to the request. The time must be the actual time required to respond to the request. The extraordinary use of personnel fee must not include the first two (2) hours of each employee's time.
  - b. Extraordinary Use of Technological Resources. Should extraordinary use of technology be required to comply with a public books or records request, the requester must be charged the actual cost for the use of the technology, exclusive of overhead, and not to exceed fifty (50) cents per page.
3. Prior Notice of Extraordinary Fees (NRS 239.055). Prior to preparing information which requires extraordinary use of personnel or technology, the employee who is responding to the request must prepare an estimate of the time required to comply and must inform the requester of the anticipated charge based upon those estimates. The estimated fee must be collected before the work begins to prepare the requested copy of the public record. If the requester objects to the prior payment of all or part of the estimate, counsel should be consulted. NSHE will not charge an additional fee as provided herein if subsequent requests for the same documents do not require the extraordinary use of NSHE personnel or technological resources to fulfill the additional or subsequent requests. If the actual cost is less than the estimate, the balance must be returned to the requester.
4. Fees for Copies of Public Records in Other Media (NRS 239.010(4)). A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has custody of a public record must not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium. In the event a request is made for a public record maintained in a readily available medium other than letter size or legal size paper or the readily available medium of the public record cannot be accurately reproduced on a standard copier to letter size or legal size paper, the requester must be charged the actual cost for reproducing the record.
5. Fees for Records from Geographic Information Systems (NRS 239.054). A fee for public information maintained and retrieved from a geographic information system may include the reasonable costs related to:
  - a. The gathering and entry of data into the system;
  - b. Maintenance and updating of the database of the system;
  - c. Hardware;
  - d. Software;



- e. Quality Control;
- f. Consultation with personnel of the governmental entity.

Prior to retrieving the record from the geographic information system, the processing employee must obtain estimates of the costs required to comply and must inform the requester of the estimated fee. The estimated fee must be collected before the work begins to prepare the requested copy of the public record. If the actual cost is less than the estimate, the balance must be returned to the requester.

6. Additional Fee for Copy of Transcript of Administrative Proceeding (NRS 239.053). If the public records request is for a copy of a transcript by a certified court reporter of an administrative proceeding, in addition to the actual cost of the medium in which the copy of a transcript is provided, the requester must be charged the per page fee set forth in the contract with the court reporter.
7. Public Meetings; Providing Copies of Agenda and Supporting Material (NRS 241.020(5) & (6)). Upon any request, a public body must provide at no charge at least one copy of:
  - a. An agenda for a public meeting;
  - b. A proposed ordinance or regulation which will be discussed at the public meeting; and
  - c. Any other supporting material provided to the members of the body except materials:
    - i. Submitted to the public body pursuant to a nondisclosure or confidentiality agreement;
    - ii. Pertaining to the closed portion of such a meeting of the public body; or
    - iii. Declared confidential by law or by application of appropriate legal standards.

If the requester has agreed to receive the information and material set forth above subsection 5 by electronic mail, the processing employee must, if feasible, provide the information and material by electronic mail.

8. Certification of Public Records (NRS 239.030). Upon request, each NSHE department having custody of a public record must certify that the copies provided are true and correct copies of the records on file in the office as of the date provided. NRS 240.100 authorizes notary fees of \$2.50 for certification of copies. No additional fee for certification will be required, unless otherwise established in state or federal law.

(Added 6/14)

## **Section 19. Affordable Care Act Compliance Policy**

**Purpose:** To comply with the employer shared responsibility requirements included in the Patient Protection and Affordable Care Act, the Health Care and Education Reconciliation Act, and associated federal regulations and state laws (collectively the “Affordable Care Act”).

**Statement of Policy:** It is the policy of NSHE that all full-time employees of NSHE, as defined by the Affordable Care Act and this Policy, should be offered the opportunity to enroll themselves and their dependents in NSHE sponsored health coverage.

**Limitation of Policy:** This policy is not a statement of benefits offered or a description of any health coverage program. Rather, it sets forth the procedures NSHE and its institutions should use to comply with the Affordable Care Act.

**Full-Time Employee under the Affordable Care Act:** A “full-time employee” of NSHE for the purposes of the Affordable Care Act is any employee of NSHE that provides one hundred and thirty (130) or more hours of service per calendar month.

### **Determining Full-Time Status:**

#### **I. New Employees**

- A. **New Employees Reasonably Expected to Be Full-time Employees** – New employees hired for positions that are reasonably expected to be full-time positions should be offered the opportunity to enroll in health coverage on the first day of the first full calendar month of employment. “Reasonably expected to be full-time” is defined as an employee hired for a position that at the time of hire is expected to average 130 or more hours of service per month.
  
- B. **Initial Measurement Period for New Employees Not Expected to Be Full-time** – NSHE will utilize a ten (10) month initial measurement period to determine the status of new employees who are not reasonably expected to be full-time employees. The initial measurement period will begin on the first day of the month following the new employee’s first day of employment. If an employee averages more than 130 hours of service per month for the initial measurement period that employee should be offered the opportunity to enroll in health coverage starting the first day of the calendar month following the end of the initial measurement period. Such coverage shall be available to the employee for a period of ten (10) months or the length of employee’s employment with NSHE, whichever is shorter. “Not reasonably expected to be full-time” is defined as an employee hired for a position that at the time of hire is not expected to average 130 or more hours of service per month.

#### **II. Ongoing Employees**

- A. **Ongoing Employee Definition** “Ongoing Employee” is defined as a current employee of NSHE that is: (1) employed by NSHE at the time this policy is adopted; (2) hired by NSHE for a position that is reasonably expected to be full-time; or (3) hired by NSHE for a position not reasonably expected to be full-time and has completed the initial measurement period.

## B. Salaried Employees

- a. Monthly Review Period – Ongoing Employees who are paid on a salary basis will have their hours of service reviewed on a monthly basis. If an Ongoing Employees who is paid on a salary exceeds 130 hours of service in a month she/he shall be entitled to receive and should be offered the opportunity to enroll in health coverage. Health coverage ends at the earlier of: (a) the employee ceases to work 130 hours or more in a month; (b) the termination of employment; or (c) declination of health coverage.

## C. Hourly Employees

- a. Use of Standard Measurement Period/Stability Safe Harbor— Ongoing Employees who are paid on an hourly basis will use the standard measurement period/stability safe harbor available under the Affordable Care Act to determine full-time employee status. Under this method, the total number of “hours of service” for each hourly employee are averaged over a “standard measurement period” to determine which employees are full-time employees for purposes of the subsequent stability period.
- b. Standard Measurement Period—NSHE will utilize a ten (10) month standard measurement period beginning on July 1<sup>st</sup> of each year.
- c. Administrative Period – Each NSHE institution may take a period of sixty-one (61) days between the end of each Standard Measurement Period and the beginning of the Stability Period to notify employees of eligibility and enroll those employees that elect to be covered through NSHE.
- d. Stability Period – NSHE will utilize a ten (10) month stability period from July 1<sup>st</sup> of each year until April 30<sup>th</sup> of the following year.
- e. Coverage in the Stability Period –An hourly employee who is determined to be a full-time employee during a Standard Measurement Period is entitled to be offered health coverage for the subsequent stability period. Health coverage ends at the earlier of: (a) the end of the subsequent stability period; (b) the termination of employment; or (c) declination of coverage health coverage.

## III. Calculating “Hours of Service”

- A. Salaried Employees - Salaried employees are credited with 8 hours of service for each day in which the employee is paid or entitled to be paid. Salaried employees working a half day or less shall be credited 4 hours of service in each half day or part thereof for which the employee is paid or entitled to be paid.
- B. Hourly Employees - Hourly employees are credited for 1 hour of service for each hour in which the employee is paid or entitled to be paid.
- C. Instructional Letter of Appointment Faculty – Letter of Appointment and other temporary faculty who teach classes and are not paid on a salaried or hourly basis are credited with 2.25 hours of service for each hour of class time. Letter of Appointment and other temporary faculty will be credited 1 hour for each hour of office hours and 1 hour for each hour of meetings which the faculty member is required to attend.

- D. Other Employees not Paid on an Hourly or Salaried Basis– Each NSHE institution must adopt reasonable policies and procedures for counting the hours of service of employees, other than Instructional Letter of Appointment Faculty, that are not paid on an hourly or salaried basis. These reasonable procedures must take into account the time necessary for the employee to meet their employment duties.
- E. Independent Contractors - Hours worked by Independent contractors, employees of NSHE vendors/contractors, volunteers, and employees of employee leasing organizations are not “hours of service” and do not count towards eligibility for NSHE sponsored health coverage.
- F. Federal Work Study Program - Hours worked pursuant to a federal work study program do not count as “hours of service.”
- G. Annual Leave – Time spent on paid annual leave counts towards hours of service and should be credited in accordance with how the employee is paid (e.g. salaried, hourly, LOA, etc.)
- H. Sick Leave - Time spent on paid sick leave counts towards hours of service and should be credited in accordance with how the employee is paid (e.g. salaried, hourly, LOA, etc.).
- I. Other Paid Leave – Time spent on other types of paid leave counts towards hours of service and should be credited in accordance with how the employee is paid (e.g. salaried, hourly, LOA, etc.).
- J. FMLA Leave – If an employee uses annual and/or sick leave while on FMLA the rules for annual and/or sick leave apply. Unpaid time spent on FMLA should be excluded from the calculation of hours worked over the Standard Measurement Period. For example, an employee that spends one month on FMLA leave during the Standard Measurement Period would have their total hours of service averaged over nine (9) months (rather than 10) to determine full-time employee status.
- K. Other leave/Unpaid leave – Time on leave not otherwise described in this policy does not count as towards hours of service.
- L. Tracking and Reporting “Hours of Service” – NSHE institutions should track the hours of service of all employees and monitor these hours on at least a monthly basis.

#### IV. Breaks in Employment

NSHE will treat an employee as a “new” employee for purposes of the Affordable Care Act if either:

- a. The period which the employee provides 0 hours of service for NSHE is 26 weeks; OR
- b. The period which the employee provides 0 hours of service for NSHE is at least 4 consecutive weeks and the employee was employed for less than the total number of weeks in which 0 hours of service was provided.

**Application of ERISA:** Nothing in this policy should be interpreted as consent or acknowledgement that the Employee Retirement Income Security Act of 1974 (ERISA) applies to NSHE or any health coverage offered by NSHE to its employees.

**Reporting:** NSHE institutions are authorized to complete all reports required by the Affordable Care Act in accordance with this policy and applicable law.

(Added 9/15)

## **Section 20. Furlough Policy for NSHE Faculty and Employees Due to COVID-19 Budget Shortfall for Fiscal Year 2021**

### **1. Amount of Furlough Leave**

Pursuant to Assembly Bill (AB) 3 passed by the Nevada State Legislature during the 31st Special Legislative Session, employees of the Nevada System of Higher Education will be required to take the following amount of furlough leave from December 1, 2020, through June 30, 2021, and a corresponding 4.6 percent reduction in monthly compensation from January 1, 2021, through June 30, 2021.

- a. Academic and administrative faculty on a 12-month contract (Contract A) will be required to take 6 furlough days (48 hours).
- b. Academic faculty on a 9-month contract (Contract B) will be required to take 4 furlough days (32 hours).
- c. A full or part-time faculty member or employee who does not fall within the above categories will be required to take an amount of furlough leave based upon the number of hours worked during an average day multiplied by the number 6 and a proportional reduction in compensation as determined by the institution's human resources department.
- d. A faculty member or employee hired after December 1, 2020, will be required to complete an amount of furlough leave that is based upon the number of pay dates that remain as of their employment start date. This number shall be calculated by their institution's human resources department.

### **2. Use of Furlough Leave**

On December 1, 2020, faculty members will receive upfront in Workday the total amount of furlough leave they are required to take. Furlough leave may be taken in full or half-day increments and shall be requested by the faculty member through the normal Workday process. Furlough leave will be subject to supervisor approval. Academic faculty may not take furlough leave during instruction times. It is not required that any set amount of furlough leave be used in a given month; however, the faculty member's compensation will automatically be reduced every month whether or not furlough leave is used by the faculty member during that month.

All furlough leave must be used by the faculty member by June 30, 2021. Unused furlough leave has no monetary value, and a faculty member will not be entitled to payment or compensation for unused furlough leave if the faculty member separates from employment or leave remains unused at the end of June 30, 2021. If a faculty member's amount of furlough leave exceeds the number of monthly salary reductions and the faculty member separates from employment, the exceeded amount of furlough leave may be deducted from the faculty member's annual leave balance.

### **3. Exempt Positions**

Positions that may be exempt from this policy are for identified areas of critical need and are limited to those positions that are necessary to the protection of public health, safety, and welfare. Before any position may be exempt, the Board of Regents must make findings on the record at a public meeting of the following:

- a. The position is necessary to the protection of public health, safety, or welfare;
- b. Public health, safety or welfare will be significantly diminished if mandatory furlough leave is implemented for this position; and
- c. No alternatives exist to provide for the protection of public health, safety, or welfare.

If the position is determined not to be subject to furlough leave pursuant to these criteria, the compensation of the employee must still be reduced by 4.6 percent for the portion of the period beginning on January 1, 2021, and ending on June 30, 2021. The Board of Regents shall report to the Interim Finance Committee on a quarterly basis all positions that have been determined not to be subject to furlough leave pursuant to the above criteria and the reasons for such determinations.

#### 4. Student Academic Positions

This policy does not apply to undergraduate students, graduate students, and fellows employed in temporary positions for the purpose of completing certification, licensure, or specific experience requirements. Positions must be temporary in duration and employment ends after completion of the requirement(s).

#### 5. Classified Employee Positions

This policy does not apply to employees who are within the classified system of the State. Furlough policies for classified employees will be established by the Nevada Department of Administration and/or other appropriate State agency.

#### 6. Implementation

Human resource departments of each institution shall be responsible for applying and implementing this policy in a fair and consistent manner in accordance with the intent of the Board of Regents and the Nevada State Legislature, and any ambiguity in its interpretation or unforeseen circumstance should be resolved in consultation with the NSHE Chief General Counsel.

#### 7. Expiration

This policy shall expire on June 30, 2021.  
(Added 12/20)