

**Retirement Board**

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**Memorandum**

To: Retirement Liaison Officers

From: Cheryl Price, Operations Officer

Date: March 5, 2019

Re: Public Employees' Retirement System Official Policies

The Public Employees' Retirement Board has approved for notice the **adoption of new policies and the re-adoption of all previously adopted policies** of the Board in accordance with NRS 286.200(2)(b), which states:

As soon as a public employer receives a copy of the proposed rule, the public employer immediately shall cause the copy to be posted on a bulletin board or in some conspicuous place in or near its headquarters.

Please comply with this statute.

The public hearing on the revised policy will take place no earlier than 1:00 p.m. on March 21, 2019, in the PERS' Board Room, 693 W. Nye Lane, **Carson City** and will be videoconferenced to the PERS' Las Vegas Board Room, 5740 S. Eastern Avenue, Suite 120, Las Vegas. Any person wishing to testify should be in attendance at the meeting. The revised policies may be adopted, as proposed or as modified by the Retirement Board, at the March 21, 2019, meeting and become effective July 1, 2019.

The following pages include the proposed changes to the policies; additions are underlined and deletions have a strikethrough line.

286.025(2) 1.7 CALL-BACK PAY –

- a. Except as it may conflict with the Nevada Administrative Code at 284.214, call-back pay is defined as compensation earned for returning to duty after a member has completed his regular shift, is off duty for any period of time, and is requested to return to duty with less than 12 hours' notice. For reporting purposes, the call-back period must not exceed the duration of the initial call-back shift or extend beyond the beginning of the member's next regularly scheduled shift.
- b. Scheduling the 12-hour rule set forth in subsection (a) will be activated by the electronic call-out required for the shift scheduling from the public employer. Any electronic response system must comply with the 12-hour rule and not allow the employee call-in response to govern notification for purposes of the 12-hour rule.
- c. An employer may not convert what would otherwise be an overtime shift to a call-back shift by waiting until there is less than 12 hours' notice to request a return to duty, if the employer has knowledge more than 12-hours before the start of the shift to be staffed, either through notification or through normal staffing policies, of the staffing need.
- d. This policy applies to all members with an effective date of membership on or before June 30, 2008 December 31, 2009.

~~286.025(2)~~ 1.7 ~~CALL BACK PAY~~

- ~~a. Except as it may conflict with the Nevada Administrative Code at 284.214, call back pay is defined as compensation earned for returning to duty after a member has completed his regular shift and is requested to return to duty with less than 12 hours' notice to respond to an emergency, except for any member who is (1) called into work while on standby status, (2) not required to leave the premises where he is residing or located at the time of notification in order to respond, or (3) called back to work if the work begins 1 hour or less before or after his scheduled work shift.~~
- ~~b. For the purposes of this Policy 1.7, "emergency" means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate the endangerment of lives, health, or property. Such an emergency must be declared by the governing body or chief administrative officer of the public employer.~~
- ~~c. Scheduling the 12 hour rule set forth in subsection (a) will be activated by the electronic call out required for the shift scheduling from the public employer. Any electronic response system must comply with the 12 hour rule and not allow the employee call in response to govern notification for purposes of the 12 hour rule.~~
- ~~d. An employer may not convert what would otherwise be an overtime shift to a call back shift by waiting until there is less~~

286.025

1.7 CALL-BACK PAY –

- ~~than 12 hours' notice to request a return to duty, if the employer has knowledge more than 12 hours before the start of the shift to be staffed, either through notification or through normal staffing policies, of the staffing need.~~
- e. ~~This policy applies to all members with an effective date of membership on or after July 1, 2008.~~
- a. Returning to duty within 12 hours after one's regular working hours to respond to an emergency. For reporting purposes, the call-back period must not exceed the duration of the initial call-back shift or extend beyond the beginning of the member's next regularly scheduled shift.
- b. As used in this Policy 1.7(a), "emergency" means a sudden, unexpected occurrence that is declared by the governing body or chief administrative officer of the public employer to involve clear and imminent danger and require immediate action to prevent and mitigate the endangerment of lives, health or property.
- c. This policy applies to all members with an effective date of membership on or after January 1, 2010.