

Retirement Board

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Memorandum

To: Retirement Liaison Officers
Employee and Employer Associations

From: Tina Leiss, Operations Officer

Date: March 26, 2008

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 hearings on the revised policies will take place no earlier than 11:00 a.m. on April 16, 2008, and on May 21, 2008. The April meeting will be held in the PERS' Board Room, 5820 S. Eastern Avenue, Suite 220, **Las Vegas**. The May meeting will be held in the PERS' Board Room, 693 West Nye Lane, **Carson City**. Any person wishing to testify should be in attendance at either meeting. The revised policies may be adopted at the May 21, 2008, meeting and become effective July 1, 2008.

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

286.025(2) 1.10 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.

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.

286.025(2) 1.10 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 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 1.10, “emergency” means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services.

~~b. c.~~ 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.

~~e. d.~~ d. 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.

e. This policy applies to all members with an effective date of membership on or after July 1, 2008.

PUBLIC EMPLOYERS

- 286.110(4) 12.20 The respective participating public employers are not liable for any obligation of the System.
- 286.367(1) 12.2~~2~~1 The volunteers of a regularly organized and recognized fire department may, by the joint application of a majority of such volunteers addressed to the Board, become members of the System. A volunteer firefighter who joins the fire department in which he volunteers have become members of the System becomes a member of the System. The volunteers of a participating fire department may withdraw from the System by the joint application of a majority of such volunteers addressed to the Board.
- 286.370(1) 12.2~~3~~2 Excluded or new public employers may obtain membership status by:
- a. Making written request to the Board for consideration for enrollment in the System.
 - b. Holding an election among all eligible employees in which at least two-thirds elect membership.
 - c. Providing applicable state statute or other authority which establishes the public employer as a state agency or political subdivision.
 - d. Receiving Board approval as a public employer.
- [Policy 286.486](#) 12.2~~4~~3 A public employer must withdraw from Social Security or any other retirement plan before it may become a member of the System.
- 286.288 12.2~~1~~4 On an approved form, the Chief Administrator of a public employer may select an employee to serve as Retirement Liaison Officer to certify retirement records, receive information, and coordinate matters pertaining to retirement between the System and members or the public employer. The employee selected must be a member of the System through his employment with a public employer.
- a. The Liaison Officer may designate on an approved form up to three employees as Deputy Liaison Officers to serve in the same capacity as a Liaison Officer.
 - b. The Liaison Officer may designate on an approved form additional employees who will have signature authority for the agency. These employees may only access information provided from their public employer to the System, such as enrollment, termination and wage and contribution information.
 - c. The Liaison Officer is ultimately responsible for all actions taken by any designated Deputy Liaison Officer, and any employee with signature authority, on all matters pertaining to retirement between the System and members or the public employer.

CERTIFICATION

Policy
[286.015](#)
[286.200](#)

- 12.25 Each public employer shall certify to the System the regular daily, weekly, and biweekly full-time work schedule for their employees, except that:
- a. A school district may certify a separate full-time work schedule for teachers and non-teaching employees and classified employees.
 - b. The University may certify a separate full-time work schedule for classified employees and professional staff.
 - c. Employers, other than the University and school districts, may certify a separate full-time work schedule for regular employees, police and firefighters.
 - d. For employers who certify a standard full-time work schedule of at least 8 hours daily, 40 hours weekly, and 80 hours biweekly for regular employees under (c) above, but have employees who work greater than 8 hour daily schedules, their employer shall certify a second full-time work schedule if the employees who work greater than 8 hour shifts also work more than the regular weekly or biweekly hours in the given full-time work schedule. The base hours reported on the monthly report of wages and contribution shall be the same as for the standard workweek certified by the public employer with actual hours worked not to exceed base hours for the reporting period. The employer must report compensation at the straight time or base pay rate.
 - e. Employers may not certify a second full-time work schedule if the hours of employees who work other than the 8 hour day do not meet or exceed the hours of the regular work schedule as set forth above.

Policy
[286.015](#)
[286.200](#)

- 12.26 All public employers shall certify as part of their regular workweek, any hours worked for which overtime is paid in accord with the Fair Labor Standards Act (FLSA) if the overtime hours are not in excess of the full-time work period for the position as certified by the public employer to the System. All overtime hours payable as a result of the FLSA, which are not in excess of the normal full-time work period, must be reported and contributed on at the "base-pay" or "straight-time" rate.

[286.421](#)

- [12.27](#) The public employer shall certify the mechanism by which the member's portion of the employer pay contribution rate is being paid to the System no later than July 1 in a year when there is a contribution rate change to the employer pay plan.

- a. In the event of a contribution rate decrease, the public employer must certify that the member's portion of the decrease is reflected in the member's pay schedule.
- b. In the event of a contribution rate increase, the public employer must certify that the member's portion of the increase is 1) in lieu of equivalent basic salary increases or cost-of-living adjustments; or 2) counterbalanced by equivalent reductions in employees' salaries.

COORDINATION OF RETIREMENT MATTERS

- 286.015 12.28 The public employer shall timely and accurately complete and submit all forms necessary to enroll a new hire in the System. Prior to submission of an enrollment form, a public employer whose employees have a choice of contribution plan must confirm the member's eligibility to select the employee/employer contribution plan if that member has previously been enrolled in the System.
- 286.200
- 286.425

- 286.520 12.29 A public employer must develop and maintain procedures to ensure compliance with Policy 10.28 et. seq. prior to the employment of, or independent contract with, a retired employee, including but not limited to, procedures to notify the System of the employment or contract, monitoring of any applicable earnings limitations, and determining eligibility for enrollment.
- 286.523
- 286.525

- 286.460 12.30 A public employer must develop and maintain procedures to ensure all wage and contribution reports are timely, contain accurate information, and are in compliance with Policy 4.1 et. seq.

- 286.015 12.31 The public employer shall distribute communications from the System to the members employed by that agency, including but not limited to, member newsletters, member statements, notification of informational programs, informational bulletins, and forms to be executed by the member. All such communications must be distributed within 15 days of receipt by the public employer.
- 286.200
- 286.288

- 286.200 12.32 The public employer shall post all notices from the System regarding proposed rules or policies of the System immediately upon receipt on a bulletin board or in a conspicuous place in or near its headquarters. The public employer shall post all other notices from the System in a similar manner.

- 286.015 12.33 The public employer shall timely and accurately complete and submit all forms necessary to change the status of a member, including but not limited to, contribution plan changes, fund changes, leave without pay, and terminations.
- 286.200

286.015
286.288 12.34 The public employer shall ensure that each employee designated as a liaison officer or a deputy liaison officer, or whose duties include completing and submitting wage and contribution reports, providing information or forms to the System, or providing information from the System to members has appropriate training within six months of designation or assumption of such duties. Appropriate training may include attendance at employer conferences sponsored by the System or training by System employees.

REVIEW OF EMPLOYER BY SYSTEM

286.015
286.200
286.460 12.35 Each public employer is subject to review by the System with or without prior notice on all matters pertaining to the Retirement Act and these Official Policies.

286.015
286.200
286.460 12.36 The public employer shall comply with all written requests for information pertaining to the Retirement Act and these Official Policies, including but not limited to, personnel forms and payroll records, within 15 days of request.

286.015
286.200
286.460 12.37 The public employer shall provide auditors employed or retained by the System with full and immediate access to all information pertaining to the Retirement Act and these Official Policies while such auditors are conducting field reviews at the public employer's location.

286.015
286.200
286.460 12.38 The public employer shall make all adjustments to wage and contribution reporting within 90 days of notice by the System to the public employer of the necessary adjustments, except all adjustments pertaining to retired employees must be made within 45 days of such notice.