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JACK ROBB
Board Chair

February 9, 2023

Posted online at pebp.nv.gov

To Whom It May Concern:

In accordance with Executive Order 2023-003, the Public Employees' Benefits Program (PEBP) is drafting changes to its regulations under NAC 287. Prior to adopting a regulation, the PEBP must determine whether the regulation would have a direct and significant burden upon small businesses or directly restrict the formation, operation, or expansion of small businesses. For reference, NRS 233B.0382 defines a small business as "a business conducted for profit which employs fewer than 150 full-time or part-time employees." Enclosed please find a copy of a preliminary draft of a regulation proposed by the PEBP.

At this time, the PEBP does not believe that the proposed regulated will have a direct and significant burden upon small businesses or directly restrict the formation, operation, or expansion of small businesses within the State of Nevada; however, the PEBP would appreciate your input in this regard.

Please review these regulations and let me know if you believe that these regulations may have an impact on small businesses in the State of Nevada as described above.

Please feel free to contact me directly at 775-684-7004 or tlindley@peb.nv.gov if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "T. Lindley".

Tim Lindley
Quality Control Officer
Nevada Public Employees' Benefits Program

Enclosures

**PROPOSED PERMANENT REGULATION TO
AMEND CHAPTER 287 OF THE NEVADA ADMINISTRATIVE CODE**

INTRODUCTION

This proposed regulation was prepared by the Public Employees’ Benefits Program to facilitate discussion and feedback by interested stakeholders at an appropriate workshop pursuant to NRS 233B.061(2). The proposed amendments set forth below were not drafted or reviewed by the Legislative Counsel Bureau (LCB).

After at least one workshop to discuss the proposed amendments, the proposed regulation, which may be significantly revised depending on the workshop discussion, will be submitted to the LCB for its examination and potential additional revision pursuant to NRS 233B.063. After the LCB’s review, PEBP will conduct at least one additional public hearing to solicit written and verbal comments, data, and views on the draft regulation.

The amendments are proposed pursuant to Executive Order 2023-003 and the PEBP Board’s resulting direction at its March 23, 2023, meeting. The proposed amendments consolidate essential Board procedures into a single regulation, specifically, revised NAC 287.172, and repeal NAC 287.170, NAC 287.174, NAC 287.176, NAC 287.178, NAC 287.3125, NAC 287.318, NAC 287.319, NAC 287.510, and NAC 287.515.

Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

PROPOSED AMENDMENTS

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Board of the Public Employees’ Benefits Program

- ~~[NAC 287.170—[Chair: Duty; voting]. (NRS 287.043)~~
- ~~—1. The Chair shall preside over the meetings of the Board.~~
 - ~~—2. Unless the Chair is required to abstain from voting or is otherwise disqualified from participating in a matter before the Board:
 - ~~—(a) If the Chair does not vote on the matter, it will be presumed that the Chair voted with the prevailing majority of members of the Board who voted on the matter.~~~~

~~—(b) The Chair shall vote in the case of a tie.]~~

NAC 287.172 Election of Vice Chair~~[: Election; duty]~~ ; *procedure for meetings.* (NRS 287.043)

1. At the first meeting of each plan year, the Board will elect from its members a Vice Chair, *who shall serve as the Chair in the Chair's absence.*

2. ~~[The Vice Chair shall serve as the Chair in the absence of the Chair.]~~ *The Chair shall:*

(a) *Determine the agenda of a meeting of the Board;*

(b) *Preside over the meetings of the Board.*

3. *Any member of the Board may submit to the Executive Officer, or in the Executive Officer's absence, the Operations Officer of the Program, a request for a matter to be placed on the agenda of a meeting of the Board.*

4. *Any motion made by a member of the Board requires a second to the motion for consideration of the motion by the Board.*

~~[NAC 287.174 Meetings: Agenda. (NRS 287.043)~~

~~—1. The Chair shall determine the agenda of a meeting of the Board.~~

~~—2. Any member of the Board may submit to the Executive Officer, or in his or her absence, the Operations Officer of the Program appointed pursuant to NRS 287.0426, a request for a matter to be placed on the agenda of a meeting of the Board.]~~

~~[NAC 287.176 Meetings: Approval of actions; motions; rules of conduct. (NRS 287.043)~~

~~—1. All action by the Board must be approved by a majority of the members of the Board who are present at the meeting. A tie vote constitutes a rejection of the question or matter before the Board.~~

~~—2. Any motion made by a member of the Board requires a second to the motion for consideration of the motion by the Board.~~

~~—3. Robert's Rules of Order govern the general conduct of meetings of the Board.]~~

~~[NAC 287.178 Meetings: Minutes; transcript. (NRS 287.0415, 287.043)~~

~~—1. The minutes of each meeting of the Board must be distributed to each member of the Board.~~

~~—2. A transcript of a meeting posted to the Internet website of the Board pursuant to NRS 287.0415 will remain posted on the Internet website of the Board for at least 6 months after posting. During the period in which the transcript of the meeting is posted on the Internet website of the Board, a person may request a hard copy of the transcript.~~

~~—3.— The Board may charge the person a fee for the transcript that does not exceed the actual cost of the Board to provide the copy of the transcript.]~~

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~~[NAC 287.3125 Dependents: Terms and conditions of certain changes. (NRS 287.043) Except during a period of open enrollment, the right to change coverage or insurance for a dependent or to add or change dependents is governed by the terms and conditions of any applicable plan, insurance policy or law.]~~

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~~[NAC 287.318 Enrollment forms: Required information. (NRS 287.043) Enrollment forms that are submitted to the Program must include, without limitation:~~
~~—1.— The name, address, social security number, if any, and signature of the person who is enrolling in the Program; and~~
~~—2.— The name and social security number, if any, of any dependent that the person chooses to cover under the Program.]~~

~~[NAC 287.319 Notification of change of address by participant to Program. (NRS 287.043) A participant shall notify the Program within 30 days after a change of address of the participant.]~~

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~~[NAC 287.510 Coverage of persons returning to work with previous employer within 1 year after leaving employment. (NRS 287.043, 287.045) If a person other than a retired officer or employee returns to work for a participating public agency with which the person was previously employed within 1 year after leaving employment:~~
~~—1.— The person may select any coverage and insurance offered to participants in the Program at the time that the person returns to work; and~~
~~—2.— Coverage and insurance for the person is effective:~~
~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~
~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.]~~

~~[NAC 287.515 Coverage of retired participants upon reemployment with participating public agency. (NRS 287.043, 287.045)~~

~~—1.— Except as otherwise provided in this section, a person who participates in the Program as a retired officer or employee and who returns to full-time employment with a participating public agency is eligible to participate in the Program as an active officer or employee:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~—2.— If a person who participates in the Program as a retired justice or judge accepts reemployment as a justice of the Supreme Court or district judge pursuant to NRS 1A.370, the person is eligible to participate in the Program as an active justice or judge, as applicable:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~—3.— Except as otherwise required by federal law, a retired officer or employee who returns to full-time employment with a participating public agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who continues to receive allowances under the retirement system of which he or she is a member is eligible to participate in the Program in the same manner as he or she participated before returning to full-time employment. Except for a retired officer or employee who was enrolled in the Program on November 30, 2008, and continues his or her participation in the Program, coverage of a retired officer or employee who returns to full-time employment with a participating local governmental agency pursuant to this subsection terminates on the date on which the participating local governmental agency terminates its participation in the Program.~~

~~—4.— A retired officer or employee who returns to full-time employment with a participating state agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who discontinues receiving allowances under the retirement system of which he or she is a member is eligible to participate in the Program as an active officer or employee:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~—5.— A retired officer or employee who returns to full-time employment with a participating local governmental agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who discontinues receiving allowances under the retirement system of which he or she is a member is eligible to participate in the Program as an active officer or employee:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~↳ Except for a retired officer or employee who was enrolled in the Program on November 30, 2008, and continues his or her participation in the Program, coverage of a retired officer or employee pursuant to this subsection terminates on the date on which the participating local governmental agency with which the retired officer or employee returns to full-time employment terminates its participation in the Program.]~~

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