



STATE OF NEVADA

State Administrative Manual



State Administrative Manual (SAM)

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~~Nevada Department of Administration~~
~~Director's Office~~ Governor's Finance
Office
Budget Division

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0222

STATE ADMINISTRATIVE MANUAL

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0202 Reimbursement of Travel Expenses

NRS [281.160](#) outlines the State's statutes regarding travel and subsistence for State officers, [board and commission members, contractors,](#) and employees, [hereinafter referred to collectively as "employees"](#). ~~References to employees in this section include State officers, board and commission members, and contractors.~~

0204 Board of Examiners' Travel Policy

In accordance with NRS [281.160\(7\)](#) the Board of Examiners² shall establish the rate of reimbursement ~~State officers and~~ employees are entitled to receive while transacting public business. This rate must be the same as the comparable rate established for employees of the Federal Government. [H](#); however, certain State policies may differ and supersede the established federal guidelines or policy. It is the Board of Examiners' policy that travel should be by the least expensive method available when such factors as total travel time, salary of ~~traveller~~[traveler](#)~~employee,~~ availability of agency cars or Fleet Services Division cars, and costs of transportation are considered.

~~State officers and e~~Employees are eligible for per diem, [lodging and/or vehicle](#) ~~reimbursements~~[rental reimbursements only](#) if they are 50 miles or more from their official work station. ~~Exceptions to the 50 miles may only be approved by the Board of Examiners, except in emergency situations as defined by NRS 414.0345.~~ [The Board of Examiners must approve the policy for any department that permits travel reimbursements within 50 miles of the assigned duty station.](#)

Advanced planning for travel will allow for the purchase of airline tickets at discounted rates. ~~Air coach is recommended to all areas serviced.~~

~~0206 Agency Policies~~[y](#) Regarding Travel

Because of the variety of situations faced by State agencies, it is important for State agencies to adopt agency-~~s~~pecific policies. The Board of Examiners instructs all agencies to carefully review travel requirements and to adopt detailed policies consistent with the Board of Examiners' travel policy and within the legislatively approved travel budget authority. These policies should ~~include~~[address](#), but ~~are~~ [may be](#) not ~~be~~ limited to, [the following situations](#):

1. The hours and conditions during which an employee will be allowed to claim meals~~;~~
- ~~2. Overnight lodging within fifty miles of principle station.~~
- ~~3. 50-mile requirement prior to eligibility of travel status per Diem;~~
- ~~4.~~[2.](#) Combining State business and personal travel~~;~~
- ~~5.~~[3.](#) Out-of-State travel requests~~;~~
- ~~6.~~[4.](#) Employees traveling as members of non-state agencies~~;~~
- ~~7.~~[5.](#) Use of private aircraft~~;~~ ~~and~~

6. The conditions under which an employee will be allowed to claim mileage while using the employee's personal ~~vehicl~~vehicle/e., including when an employee works from home and is required to attend a meeting at the agency's office; and
7. The conditions under which an employee will be allowed to claim reimbursement for camping outside of established campgrounds while on official State business and the daily reimbursement allowed.
- 8.
9. ~~Conditions under which incidentals may be claimed.~~

-0208 Agencies' Adoption of Lesser Travel Reimbursement Rate

NRS 281.160 (6) allows an agency to adopt a rate of reimbursement less than the amounts specified in NRS 281.160 (1) where unusual circumstances make that rate desirable. An agency adopting such rates, must submit their proposed policy to the Board of Examiners for approval. The lesser rates may not be adopted until such approval.

A person employed by an agency that has adopted a lesser reimbursement rate shall be reimbursed in accordance with the agency's regulations. ~~Members of boards, contractors, and commissions will be reimbursed at the State rate.~~

-0210 Agency Accounting forof Travel Expenses

All travel expenses of State employees will be charged to the budget account specifically appropriated or authorized to provide for the employees' salary and/or travel expenses. Department directors must approve exceptions to ~~The~~ Budget Division ~~must approve all exceptions to~~ this rule in advance of the travel.

~~-0212 Travel Status -- In-State~~

~~Employees~~ ~~People in travel status shall receive reimbursement at a rate comparable that matches to the rates established by the US General Services Administration (GSA) for the State of Nevada. Maximum per diem reimbursement rates for Nevada's lodging, meals and incidental expenses are established by city/county and vary by season. Receipts are required for all lodging expenses. In addition to the reimbursable lodging rates, employees may be reimbursed for lodging taxes and fees. Lodging taxes are limited to the taxes on reimbursable lodging costs. For example, if the maximum lodging rate is \$50 per night, and you elect to stay at a hotel that costs \$100 per night, you can only claim the amount of taxes on \$50 which is the maximum authorized lodging amount. Meals will be reimbursed in accordance with the meals and incidental expense (M&IE) allowance listed by the GSA. State employees are directed to the GSA's website <http://gsa.gov> and the link "Per Diem Rates" under the "Travel" drop-down menu to locate the most current rates. Receipts are not required for the M&IE allowance. Pursuant to SAM 0206~~

~~the hours and conditions to which employees are allowed to claim meals should must be included within each agency's travel policy. State employees are directed to the GSA's website <http://gsa.gov> and the link "Per Diem Rates" for the most current rates. Employees may receive reimbursement for breakfasts even though continental breakfasts are provided. Employees are to deduct meals furnished to them during a conference or meeting from their reimbursement request in accordance with the rates within the GSA breakdown for the breakfast, lunch and dinner components. The M&IE rates vary by season, for guidance on deducting these amounts employees should refer to the "Meals and Incidental Expense Breakdown" link on the GSA website.~~

~~1. Upon approval of the agency head, agencies may make exceptions to the rate of reimbursement for lodging when the following applies:~~

- ~~a. Lodging is procured at a prearranged place such as a hotel when a meeting, conference or training session is held or;~~
- ~~b. Costs have escalated because of special events; lodging within prescribed allowances cannot be obtained nearby; and costs to commute to/from the nearby location exceed the cost savings from occupying less expensive lodging.~~

~~If the condition(s) above exist, agencies may apply the following rules to the rate of reimbursement for in-state travel:~~

- ~~c. 150% of the standard continental United States (CONUS) federal per diem rate for non-surveyed in-state sites; or.~~
 - ~~d. As otherwise approved by Budget Director of the Governor's Finance Office.~~
- ~~2. Employees will be reimbursed for actual expenses incurred for parking or vehicle storage fees for private automobiles and commercial transportation costs (i.e., taxi, shuttle, etc.). Receipts are required.~~
 - ~~3. Other miscellaneous reimbursable business related expenses are: use of Internet services, computers, printers, faxing machines, and scanners; conference room rentals, official telephone calls/service. Receipts are required.~~
 - ~~4. Employees will be reimbursed for laundry cleaning/pressing services if the employee's official business related hotel stay is four consecutive nights or longer. Receipts are required.~~
 - ~~5. An employee using his own personal vehicle for the State's convenience will be reimbursed at the standard mileage reimbursement rate for which a deduction is allowed for travel for federal income tax. The Department of Administration Governor's Finance Office, Budget Division, shall issue ~~aann~~ All Agency Memorandum periodically reflecting the current rate in effect at that time.~~
 - ~~6. An employee using his/her own personal vehicle for the employee's convenience will be reimbursed at one-half the standard mileage reimbursement rate.~~
 - ~~7. An employee using his/her own personal vehicle will be compensated for any miles driven in excess of their normal commute. An employee's normal commute is the roundtrip mileage between the employee's residence and their official duty station.~~

0214 Travel Status ~~–~~Out-of-State

~~People~~ Employees in travel status shall receive reimbursement ~~at a rate comparable to that matches~~ the rates established by the US General Services Administration ~~US General Services Administration~~ ((GSA)) for the employee's ~~is~~ primary destination. Maximum per diem reimbursement rates for lodging, meals, and incidental expenses are established by ~~the~~ city/county and vary by season. ~~Receipts Hotel folios noting the employee name, date(s) of stay, and breakdown of costs by day are required for all lodging expenses. If lodging was paid for through a travel website (Expedia, Travelocity, etc), the travel website receipt shall accompany the hotel folio. In addition to the reimbursable lodging rates, employees may be reimbursed for lodging taxes and fees. Lodging taxes are limited to the taxes on reimbursable lodging costs. For example, if the maximum lodging rate is \$50 per night, and you elect to stay at a hotel that costs \$100 per night, you can only claim the amount of taxes on \$50 which is the maximum authorized lodging amount. Meals will be reimbursed in accordance with the meals and incidental expense (M&IE) allowance for the primary destination. Receipts are not required for the M&IE allowance. Pursuant to SAM 0206 the hours and conditions to which employees are allowed to claim meals should must be included within each agency's travel policy.~~ State employees are directed to the GSA's website <http://gsa.gov> and the link "Per Diem Rates" under the "Travel" drop-down menu to locate ~~for~~ the most current rates. Employees may receive reimbursement for breakfasts even though continental breakfasts are provided. Employees ~~are to deduct~~ shall not claim full meals furnished to them during a conference, ~~or~~ meeting, or other work function ~~from on~~ their reimbursement request, ~~in accordance with the rates within the GSA breakdown for the breakfast, lunch and dinner components. The M&IE rates vary by season, for guidance on deducting these amounts employees should refer to the "Meals and Incidental Expense Breakdown" link on the GSA website.~~

For out-of-state travel, employees are required to submit a Travel Request for approval prior to making any travel arrangements.

†. Upon approval of the agency department head, agencies may make exceptions to the rate of reimbursement for lodging when the following applies:

- a. Lodging is procured at a prearranged place such as a hotel ~~when~~ where a meeting, conference or training session is held or;
- b. Costs have escalated because of special events; lodging within prescribed allowances cannot be obtained nearby; and costs to commute to/from the nearby location exceed the cost savings from occupying less expensive lodging.

~~b.~~

- c. If the condition(s) above exist, agencies may apply the following rules to the rate of reimbursement for out-of-state travel:

In-State Travel

1. 150% of the standard Continental United States (CONUS) federal per diem rate for non-surveyed sites; or
2. As otherwise approved by the Director of the Governor's Finance Office.

Out-of-State Travel

- ~~1.~~ 175% of the federal per diem rate for surveyed out-of-state sites ~~or;~~
- ~~2.~~ 300% of the standard CONUS federal per diem rate for non- surveyed out-of-state sites; or;
3. As otherwise approved by ~~Budget~~ the Director of the Governor's Finance Office.

e. ~~Employees may be reimbursed for the following:~~

- ~~2. Employees will be reimbursed for actual expenses incurred for parking or vehicle storage fees for private automobiles and commercial transportation costs (i.e., taxi, shuttle, etc.). Receipts are required.~~
- ~~3. Other miscellaneous reimbursable business related expenses are including: use of Internet services, computers, printers, faxing machines, and scanners, conference room rentals, and official telephone calls/service. Receipts are required.~~
- ~~4. Employees will be reimbursed for laundry cleaning/pressing services if the employee's official business related hotel stay is four consecutive nights or longer. Receipts are required.~~
- ~~5. A meal rate approved by the Board of Examiners has approved a meal rate for employees traveling outside the United States, commensurate with the U.S. Department of State's meal allowances for foreign cities as listed in the U.S. Department of State's publication, Maximum Travel Per Diem Allowance for Foreign Areas. The current foreign per diem rates can be accessed at the U.S. Department of State's website.~~
- ~~6. An employee using his/her own personal vehicle for the State's convenience will be reimbursed at the standard mileage reimbursement rate for which a deduction is allowed for travel for federal income tax. The Department of Administration Governor's Finance Office, Budget Division, shall issue an All Agency Memorandum All Agency Memorandum periodically reflecting the current rate in effect at that time.~~
- ~~7. An employee using his/her own personal vehicle for the employee's their his/her own convenience will be reimbursed at one half the standard mileage reimbursement rate.~~
- ~~8. An employee using his/her own personal vehicle will be compensated for any miles driven in excess of his/her their normal commute while on official State business. An employee's normal commute is the roundtrip mileage between the employer's residence and their his/her official duty station.~~

~~0216 Air Transportation between Las Vegas and Reno~~

State agencies travelling between Reno and Las Vegas are to use the Southwest Airlines corporate Internet booking tool, [SWABIZ](#). State agencies can obtain information about SWABIZ from the State Purchasing Division's website ~~at~~ <http://purchasing.state.nv.gov>. Due to the fluid nature of the travel industry, changes to the State's travel program will be announced to State agencies via [All Agency Memoranda](#) ~~as well as postings on all agency memorandums, in addition to being posted on~~ the State Purchasing Division's website.

~~0217 Bonus Flight Points~~

~~Most~~ ~~Several~~ commercial airlines [maintain customer loyalty programs which](#) allow [for](#) the accumulation of free bonus flight points to travelers based on miles flown or [the amount of the fare](#) as an inducement to travel with that airline. Any ~~flight~~-bonus [flight](#) points received by State agencies or State employees as a result of State-paid air travel shall, whenever possible, be used by the agency to meet State travel needs.

~~0218 Use of Rental Cars~~

The Fleet Services Division must be used for all in-state motor vehicle travel when an agency car is not available ~~and when it does not make sense for an employee to use their own vehicle.~~ ~~Employees~~ ~~Agencies~~ should not independently rent vehicles for in-state use; instead, agencies they they must should utilize the Fleet Services Division. When traveling out-of-state, rental cars are to be rented from the State-~~contracted~~ companies. Visit the Purchasing Division's website for the names of these companies and the guidelines on how to access these contracts. When renting from these companies, it is not necessary to purchase collision damage waivers, as these protections are already included in the negotiated overriding agreement. Should an employee be required to rent a vehicle outside of these agreements, he/she should, if possible, rent the vehicle using the State sponsored credit card, which provides coverage for physical damage to the rented car.

~~-0220 Filing Travel Claims~~ Travel Reimbursement

All claims for travel reimbursement to an individual should be filed on a ~~TE~~ "Travel Expense Reimbursement Claim" (TE) form, as developed by each department. TE forms may not contain claims for expenses associated with travelers other than the traveler indicated on the form, even if the traveler paid for the other travelers' expenses. All ~~relevant~~ areas of the TE form must be completed, including, at a minimum: the

- start and end times of journey;
- destination;
- purpose of trip;
- official station; and

Hotel folios bills noting the employee name, date(s) of stay, and breakdown of costs by day are required for all lodging expenses. If lodging was paid for through a travel website (Expedia, Travelocity, etc), the travel website receipt shall accompany the hotel folio bill. In addition to the reimbursable lodging rates, employees may be reimbursed for lodging taxes and fees. Lodging taxes are limited to the taxes on reimbursable lodging costs. For example, if the maximum lodging rate is \$50 per night, and you elect to stay at a hotel that costs \$100 per night, you can only claim the amount of taxes on \$50 which is the maximum authorized lodging amount. Meals will be reimbursed in accordance with the meals and incidental expense (M&IE) allowance for the primary destination. Receipts are not required for the M&IE allowance. Pursuant to SAM 0206 the hours and conditions to which employees are allowed to claim meals must be included within each agency's travel policy.

Employees may be reimbursed for the following:

1. Actual expenses incurred for parking or vehicle storage fees for private automobiles and commercial transportation costs (i.e., taxi, shuttle, etc.). Receipts are required.
2. Other miscellaneous reimbursable business related expenses including: use of Internet services; computers and other business machines; ~~printers, fax machines, scanners,~~ conference room rentals, and official telephone calls/service. Receipts are required.
3. Laundry cleaning/pressing services if the employee's official business related hotel stay is four consecutive nights or longer. Receipts are required.
4. A meal rate approved by the Board of Examiners for employees traveling outside the United States, commensurate with the U.S. Department of State's meal allowances for foreign cities as listed in the U.S. Department of State's publication, Maximum Travel Per Diem Allowance for

Foreign Areas. The current foreign per diem rates can be accessed at the U.S. Department of State's website.

5. Using his/her own personal vehicle for the State's convenience, at the standard mileage reimbursement rate for which a deduction is allowed for travel for federal income tax. The Governor's Finance Office, Budget Division, shall issue an All Agency Memorandum periodically reflecting the current rate in effect at that time.
6. Using his/her own personal vehicle for his/her own convenience at one-half the standard mileage reimbursement rate.
7. Using his/her own personal vehicle for any miles driven in excess of his/her normal commute while on official State business. An employee's normal commute is the roundtrip mileage between the employer's residence and his/her official duty station.

The claimant's signature on the TE form~~should sign~~ attests~~ing~~ to the accuracy of the claim. A supervisor, manager, or designee must sign the TE form approving the appropriateness of the travel. Travel claims ~~should~~must be submitted within one month of completion of travel unless prohibited by exceptional circumstance. An employee cannot sign as the authorizing signature on any travel voucher made out in his/her own name unless that employee~~he~~ is the head of the agency. All TE forms~~s~~ must be retained either by the travelers' agency or fiscal agency if electronic or facsimile copies are used for payment purposes pursuant to SAM 2616 (Supporting Documentation for Expenditures).

Alternate documentation and/or procedures which provide at least the level of control described in this section are acceptable, but the documentation must be specified in the agency's approved travel policy.

-0222 Reimbursements for Meals Purchased for Firefighters, Patients, Wards, or Inmates

The Nevada Division of Forestry, when providing firefighters meals per NRS 472.110, may request reimbursement for tips that are directly related to the provision of fire meals for firefighters when the cost of the meal in total is less than or equal to the State per diem rate.

State officers or employees who purchase meals for people in their custody are entitled to reimbursement for the actual cost of such meals, within the limits established for State employees. A receipt for each meal purchased must accompany claims for reimbursement. If a State agency sends an unchaperoned or unguarded client to an institution for treatment or care by public conveyance, an employee of the agency may advance an allowance for meals at the same rate allowed State employees. Reimbursement for such advance shall be made upon a regular travel claim, with the receipt waived.

Agencies may, with the approval of the Clerk of the Board of Examiners, which is appealable to the Board of Examiners, set up petty cash accounts to reimburse employees for meals purchased for firefighters, patients, wards or inmates~~-. A receipt for each meal purchased must accompany claims for reimbursement to the petty cash account.~~

-0226 Travel Advances from the Agency Budget Account

In the event an advance is not available through the use of the State sponsored~~facilitated charge credit~~ card, a State employee may be advanced money to cover anticipated travel expenses from the agency

budget account at the discretion of the agency or, in the case of a temporary budget restriction, the State Controller.

Only State officers and employees may receive a travel advance. Independent contractors are not eligible to receive travel advances. The agency head, or his/[her](#) designee, must approve employees' written requests. The amount advanced must be justified by the circumstances. Travel advances constitute a lien upon the accrued wages of the requesting employee. ([NRS 281.172](#), [281.173](#))

The procedure for obtaining a travel advance through the [a](#)Agency budget is:

1. If the administrative head or his/[her](#) designee approves the request, [the agency](#)he shall process a voucher for a cash advance for travel in the approved amount in the same manner as other claims against the State are processed.
2. Unless approved by the Budget Division in advance, all cash advances for travel issued by the administrative head or his designee must be charged to the budget account to which money was appropriated or authorized for expenditure for the travel.
3. If the administrative head or his/[her](#) designee cannot process a cash advance for travel because of a temporary budget restriction, the administrative head may, with the approval of the Budget Division, forward a copy of the request and approval to the State Treasurer.
4. The administrative head or his/[her](#) designee must reconcile cash advances to actual travel taken.

0230 State Sponsored Credit Cards for Official Travel [Only](#)

The State Department of Administration has contracted with a provider of credit card services for travel related expenses. [The State sponsored credit card is for official State travel only.](#) The credit cards are for official use only, and they should only be used; ~~whenever possible,~~ to pay for travel related expenses. ~~Only State officers and employees who travel more than 4 times in a year may be eligible to receive a State sponsored credit card, subject to their agencies' internal policies and procedures.~~ Employees must contact their agency's designated Travel Card Administrator (TCA) to request approval. The payment of the credit card bill is the responsibility of the individual to whom the card is issued and payment in full is due monthly. It is the State agency's responsibility to monitor employees' credit card activity on a monthly basis. [Detailed information regarding the State sponsored credit card program can be found on the Purchasing Division's website under the "Credit Card Programs](#)~~contract~~[Information" link within the "State Contracts" section.](#)

~~0232 Cash Advances -- State Sponsored Credit Cards for Official Travel~~

~~The primary method of obtaining a cash advance using a State sponsored credit card is through an authorized Automated Teller Machine (ATM). [The State sponsored credit card is for official State travel only.](#) The payment of the credit card bill is the responsibility of the individual to whom the credit card is issued and payment in full is due monthly.~~

~~Cash advances for official State travel expenses obtained through the State sponsored credit card are subject to the following restrictions:~~

- ~~1. The cash advance is available for any normal, reimbursable out of pocket expense incurred by the traveler, such as meals or incidentals.~~
- ~~2. The dollar amount of any cash advance is limited to \$100 per bank established billing cycle.~~

- ~~— 3. The standard credit card fee for cash advance transactions is reimbursable by the State to the employee for every authorized advance obtained through the use of an ATM. Said expense should be treated for budgeting purposes as any other travel expense.~~
- ~~— 4. Additional bank ATM facility charges related to obtaining an authorized advance from an ATM are also reimbursable by the State to the employee~~
- ~~— 5. The maximum number of withdrawals per billing cycle is subject to restrictions established by the traveler's agency but should be limited to one (1) per authorized trip.~~
- ~~— 6. In the event an employee incurs interest charges related to late payment of a credit card bill on which only authorized charges occur and the employee has submitted the request for reimbursement ("Travel Claim") within five (5) days after returning from the trip to which the interest charge relate, the State will reimburse the employee for the interest charge incurred. Prior to requesting reimbursement, however, the employee shall inform the employee's agency Travel Card Administrator of any extenuating circumstances that might be used to request the Business Service Representative of the credit card Contractor to eliminate any accrued interest charges. Reimbursement of eligible interest should be treated for budgeting purposes as any other travel expense.~~
- ~~— 7. The Director of the Department of Administration may determine on a case by case basis, whether exigent circumstances permit deviation from these regulations.~~

~~0234~~ **Claims and Payments When Charge-Credit Cards Have Been Used**

When an employee who has used a State sponsored charge credit card for State travel expenses submits a claim for reimbursable expenses, all agencies ~~concerned should~~ must ~~exercise haste in~~ processing the claim timely to preclude the employee from incurring an interest charge on the charge-credit card account. Claims ~~should~~ must be filed by the traveler within five days after returning from travel status. The employee's agency should take no more than two working days to process the claim. Interest charges incurred due to delays beyond the control of the traveler will be travel expenses reimbursable by the ~~traveler~~ employee's agency.

Whenever an ~~officer or~~ employee uses a State sponsored charge credit card issued ~~at the request of the by the State~~ for authorized cash advances and/or travel expenses and the receipt of his/her travel reimbursement may be delayed more than five working days after the date of the initial submission of the travel reimbursement claim, the administrative head or his/her designee ~~shall immediately~~ may issue to the ~~officer or~~ employee, for payment to the issuer of that credit card ~~issued at the request of the State,~~ a cash advance in the amount of the total travel expenses charged on the State sponsored charge credit card.

Payment of the credit card bill is the responsibility of the employee to whom the credit card has been issued and payment is due in full monthly.

0236 Disposition of State Sponsored Credit Cards upon Employee's Change of Employment Status

When an employee who has been issued a credit card for official State travel expenses transfers to a different agency or leaves State service, the employee's agency's ~~shall:~~

~~1. If the employee transfers within State service, the employee's agency~~ Travel Card Administrator shall ~~immediately cancel~~ suspend the card, within ~~24-5 days~~ hours and cancel the card after the current statement cycle. If the employee is moving to a new agency, rather than leaving State service altogether, it is at the discretion of the employee's new agency to determine if a travel card will be required in their new position.

~~—2. If the employee leaves State service, the employee's agency~~ Travel Card Administrator shall ~~immediately cancel~~ suspend the card, within 24 hours and cancel the card after the current statement cycle.

0238 Travel, & Moving Expenses on Transfer or Hireing of Employee

NRS 281.167 outlines ~~defines~~ the State's ~~statutes regarding~~ minimum requirements for authorizing reimbursement of travel and moving expenses ~~on~~ with regard to the transfer or hireing of State employees. All requests for payment of travel expenses, subsistence allowances and moving expenses must be submitted to the Clerk of the Board of Examiners before obligations are incurred. An estimate of costs to be incurred must be provided with the request and include the following, at a minimum.

1. A listing of the individual(s) being considered for reimbursement.;
2. An explanation of t~~The~~ purpose of the reimbursement including;

- For new hires:

~~if moving expenses, a~~

~~2-a)~~ an explanation detailing ~~of~~ the position's critical need and why this need cannot otherwise be filled;

- For transfers, one of two criteria must be met:

a) An explanation of how the transfer is for the convenience of the State and not for the convenience of the employee, or

b) An explanation of the critical need being met by the transfer, including an explanation of why this need cannot otherwise be filled.

- A statement of the consequences of not hiring the prospective employee or initiating the transfer of the current employee must also be provided.

3. The dates the obligations will be incurred. ~~;~~ and
4. A detailed estimate of the total expenses including an itemization of travel costs, per diem rates and moving expenses.

Upon approval by the Clerk of the Board, claims are submitted for payment in the same manner as other travel claims against the State from the agency's funds and must include a copy of the approved request. Receipts must support all moving expense reimbursements. Agencies must ~~assure~~ ensure that funds are available within their existing budgets.

0240 Reimbursement Eligibility

To be eligible for reimbursement, the following conditions must be met:

1. The transferring or hiring agency head must approve moving reimbursement, or in the case of a permanent employee who is transferring between State agencies, the head of the agency, board or commission accepting the employee.
2. The payment of moving expenses must be justified. For transfers, it must be less expensive for the agency to pay moving expenses than to pay the employee per diem and travel expenses for new duty station assignments of short duration.
3. The relocation must occur within six months of transfer or appointment.
4. Except for people newly hired due to critical need, the employee must have achieved permanent status within the agency, ~~at some point in time,~~ thus being permanent to the agency rather than permanent in position classification.
5. Where citing “convenience of the State” as justification for the transfer or hire pursuant to SAM 0238, the agency must show that ~~the transfer is~~ must be for the convenience of the State and not for the convenience of the individual.
6. The move must be for more than fifty (50) miles between duty station or home address, whichever is less.
7. Subject to all other conditions of eligibility, the State may, on behalf of those current State employees with demonstrated financial hardship, pay a vendor directly for moving expenses incurred. For example, the State may pay the common carrier directly for moving of household goods in lieu of reimbursement to the employee. All requests for a direct payment to a vendor shall be submitted as part of the request for payment to the Clerk of the Board of Examiners before obligations are incurred.

-0242 Allowance for Moving Household Goods by Common Carrier

Allowances for moving household goods by common carrier are as follows:

1. Up to 18,000 pounds of household goods.
2. Up to sixty days storage in transit. Storage may be paid at point of origin, destination point, or both but shall not exceed a total of sixty days.
3. The employee may secure and be reimbursed for transit insurance up to a maximum of \$75,000 coverage on such household goods.
4. The reimbursement rate for packing material and labor will be the actual cost for the household up to the maximum of \$750.00.
5. Reimbursement may not be claimed on the following items: Animals, excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, foodstuffs subject to spoilage, building materials, fuel or other similar non-household articles and goods not the property of the employee.

-0244 Allowance for Moving Household Goods by Rental Truck or Trailer

An employee may elect to move his household goods in a rental truck or trailer:

1. The maximum allowable moving costs using rental equipment may not exceed the cost of moving 18,000 pounds of household goods by common carrier plus the maximum rate for packing material and labor. These costs must be compared between the same origin and destination.
2. A mileage allowance for towing a trailer by personal automobile may be paid at the rate established for use of a private vehicle at the State's convenience.

-0246 Allowance for Moving Mobile Home

Allowable moving expenses may be paid for a mobile home that is the primary residence of the employee.

1. Allowable mobile home moving expenses may not exceed the cost of moving 18,000 pounds of household goods by common carrier plus the maximum rate for packing material and labor. These costs must be compared between the same origin and destination. Two extra days of per diem will be allowed if the employee moves the mobile home him/herself.
2. Allowable moving costs may include a combination of costs resulting from moving household goods by common or other carrier and moving the mobile home by a professional mover. Items excluded for allowable costs are: wrecker services necessary to place the unit in position for over-the-road movement, tire failure, temporary carriage or the installation of a removable undercarriage and any costs incurred to bring the mobile home up to safety requirements for over-the-road movement.

-0248 Per Diem and Subsistence Allowances for Moving

Allowable per diem and subsistence allowances:

1. Per Diem will be paid for the actual days in transit not to exceed six days. The employee may elect to utilize a portion of the total day allocation to locate suitable housing before the move, with prior approval from the agency head.

Per Diem and mileage rates allowable for location of housing will only apply to the employee and spouse and will be reimbursed at the established in-State rates.

2. Allowable per diem shall be equal to regular travel status for the employee and family members.
3. Allowable lodging will be approved as follows:
 - a. For the employee: Established in-State rates per the GSA schedule.
 - b. For the spouse: Three-fourths (3/4) the amount allowed the employee up to the actual.
 - c. For each additional member of the family: Age twelve or over, three fourths ~~of~~ (3/4) of the employee allowance up to the actual; under age twelve, one-half (1/2) of the employee allowance up to the actual.
4. Receipts are required for lodging if the family accompanies the employee.

-0250 Mileage Allowance

In addition to the allowances for moving household goods, an agency may pay one-way personal vehicle mileage from the old to the new place of residence for a maximum of two personal vehicles. The actual miles travelled are reimbursable at the rate established for use of a personal vehicle at the State's convenience.

~~0252~~ Maximum Allowance

The specified allowances ~~should not be~~ not considered ~~to as entitlements~~ be entitlements. An agency may, with the approval of the Board of Examiners, establish a rate of reimbursement less than the amounts specified.

~~0254~~ Transfers without Reimbursement

~~Transfers without reimbursement cannot be used to harass or discipline an employee.~~

0256 Interview Expenses

[NRS 281.169](#) allows an agency to pay for the travel and per diem expenses of the three most highly rated applicants, for a permanent position with that agency, incurred while those applicants interview for that position. All requests for travel and per diem expenses must be submitted to the Clerk of the Board of Examiners before obligations are incurred. An estimate of the costs to be incurred must be included with the request and include:

1. A list of the individual(s) being considered for reimbursement;
2. The purpose of the reimbursement;
3. The dates the obligations will be incurred; and
4. A detailed estimate of the total expenses including an itemization of travel costs and per diem rates.

Upon Board of Examiners' approval, claims are submitted for payment in the same manner as other travel claims and must include a copy of the approved request. Agencies must ~~assure~~ ensure that funds are available within their existing budgets.

No reimbursement may be made to an applicant who has been offered the position and declined.

1300 State Vehicles

1302 Policy

All State-owned vehicles shall be used only for authorized official business and driven by qualified and authorized personnel in a safe and courteous manner. Smoking in State-owned motor vehicles, is strictly prohibited, ~~except in those vehicles assigned to an individual employee for his/her exclusive use.~~

To avoid violations of State policy prohibiting the use of State vehicles for non-State use, agency ~~department heads and division administrators~~ are urged to remind their employees who utilize State-owned motor vehicles of the provisions of [NRS 204.080](#). ~~This section provides that:~~

~~It shall be unlawful for any individual, individuals, or groups of individuals, whether an employee or employees of the State of Nevada or not, to use any automobile, truck, or other means of mechanical conveyance, property of the State of Nevada, for their own private use.~~

~~The executive officer of any State office, agency, department, commission or institution to which such auto, truck or other means of mechanical conveyance is assigned, and the operator of such equipment, shall be jointly and severally responsible to the State for the unauthorized use of such equipment while so assigned, used or operated.~~

~~A violation of any provision of this section by any person other than an officer or employee of the State of Nevada is a misdemeanor.~~

~~A violation of any provision of this section by an officer or employee of the State of Nevada shall constitute malfeasance in office.~~

When using Fleet Services vehicles in the course of State business, employees must be aware that Fleet Services will not be responsible for reimbursement of vehicle expenses resulting from running out of fuel; charges for lost or misplaced keys; parking charges; towing, when not a result of mechanical failure; failure to obtain fuel at designated State fuel facilities (except for emergencies) or citations issued for violations of traffic laws or parking ordinances.

Agencies assigned vehicles on a monthly basis must submit a Fleet Services Monthly Trip report form MP-3 to the Carson City Fleet Services Office within five working days after the end of the month. Failure to submit timely reports will result in a late fee assessment for each day late. In the event circumstances prevent timely submission, contact the Fleet Services Administrator in advance and request a time extension.

1303 Authorized operators of State Vehicles

A State-owned vehicle will be covered for **a**Auto **p**Physical **d**Damage when driven by **any** State employee, temporary employees, board members, commissioner, volunteers, contracted employees and those working in conjunction with the State of Nevada while conducting official State business and within the course and scope of employment.

The Defensive Driving course is required for all “Executive” branch employees whose job functions require driving a State-owned vehicle for State business. ~~Reference~~ [Employees and other authorized drivers should refer to](#) the Risk Management Division’s website for further details ~~and exceptions~~ at ~~<http://risk.state.nv.us>~~<http://risk.nv.gov/>.

1304 Complaint Procedure

Direct all complaints concerning misuse of State automobiles to the Fleet Services Division Administrator who will then notify the agency head regarding possible misuse of a State vehicle. The agency head, [together with the Fleet Services Division](#), shall investigate the complaint, discuss the complaint with the offender's supervisor, ascertain that all facts are obtained and ~~request~~ [take any](#) appropriate supervisory action.

The agency head will promptly communicate with the complaining ~~party to~~ [party to](#) assure him that the State appreciates his/her interest and desires to take action where ~~indicated~~ [warranted](#).

1305 Insurance

1. The State of Nevada is ~~self insured~~ [self-insured](#).
2. Please access the Risk Management website for a [matrix](#) illustrating the different levels of insurance coverage, ~~located here~~.
3. Insurance questions should be directed to the Risk Management Division.

1306 Home Storage of State Vehicles

It is the policy of the Board of Examiners, that the home storage of State ~~v~~ehicles be authorized [in certain circumstances](#); ~~H~~however, ~~this~~ approval will be limited by individual justification based on convenience and benefit to the State, [rather than the authorized driver](#). The department ~~head~~ [director](#) or ~~his/her~~ ~~their~~ designee is ~~granted the authority~~ [authorized](#) to approve home storage of State vehicles for ~~his/her~~ ~~their~~ respective department. ~~Each~~ ~~The~~ department ~~head~~ [director](#) shall establish policies outlining the process and the justification for the approval. The department must retain all documentation relevant to the policy per their department’s records retention schedule. In general, home storage may be authorized only when less costly to the State or when a State vehicle must be used by the employee because the vehicle is specially marked or equipped.

Per the Internal Revenue Service (IRS) home storage of a state vehicle ~~is~~ ~~may be~~ considered a form of compensation [in some circumstances](#); ~~A vehicle that is used by an employee exclusively for business purposes is treated as a working condition fringe benefit. If an employer-provided vehicle is used for both business and personal purposes, the personal use is considered taxable wages to the employees. therefore, the IRS has rules in place for the home storage of employer-owned vehicles.~~

~~As a result, agencies are encouraged to access~~ [should review](#) the IRS website for current IRS rules. ~~The following link~~ http://www.irs.gov/pub/irs-tege/fringe_benefit_fslg.pdf ~~will take you to the~~ [In particular,](#)

IRS Publications 15-B and 5137 (the ~~IRS-Taxable~~ Fringe Benefit Guide), should be consulted. ~~Please reference the employer provided vehicle section.~~

Home storage of State vehicles may be authorized only if the following apply:

1. The department has verified that the justification meets IRS guidelines for non-taxable fringe benefits.
2. The agency is unable to provide adequate, secure storage for the vehicle and, ~~due to special equipment or other circumstances~~; the vehicle is at substantial risk if not stored at an employee's home during non-working hours; ~~or-~~
3. The officer or employee is directed, in writing, by the head of the agency to which the vehicle is assigned, or his/her designee, to keep the vehicle at his/her residence because his/her duties include responding to conditions that regularly require an immediate response; ~~or-~~
4. The employee operates out of his/her home.

Authorization may be given for items three and four only if demonstrated, to the satisfaction of the department head or his/her designee, that it is less costly to the State to assign a State vehicle than to reimburse the employee for the use of his/her personal vehicle. This requirement does not apply for items three and four if the vehicle carries or is equipped with special equipment needed to perform duties directly related to the employee's job and the employee is in an emergency response capacity after normal working hours.

The department director or his/her designee must give written approval for the permanent assignment of vehicles to an employee for home storage and a list of those approvals, with justification, must be submitted to the Director of the Governor's Finance Office on or before January 1 of each year together with a report on the value, for federal income tax purposes, of commuting trips made by employees in State vehicles. This report will be made on a form designated by the Director of the Governor's Finance Office. In order to have a complete record, a response from the agency is required even if there are no vehicles authorized for home storage. ~~This report will be made on a form designated by the Director of the Governor's Finance Office.~~

Special Note for Law Enforcement Agencies:

IRS policy indicates that use of clearly marked police, fire, or public safety officer vehicles by public safety officers is a qualified non-personal use vehicle if, among other stipulations, the employee must always be on call and the employer prohibits personal use other than commuting. Unmarked law enforcement vehicles may be qualified non-personal use vehicles if the vehicle is used by a full-time law enforcement officer authorized to carry firearms, execute warrants, and make arrests, among other requirements. Any State law enforcement agency is responsible for consulting the IRS policies in the development of its own agency policy, and for conforming to those federal policies. ~~Note: Per IRS: Any officer that is required to carry a firearm whether in uniform or undercover, in a marked or unmarked vehicle, as long as they are within their jurisdiction are exempt from declaring the use of a State vehicle as income.~~

~~Authorization may be given for items three and four only if demonstrated, to the satisfaction of the department head or their designee, that it is less costly to the State to assign a State vehicle than to reimburse the employee for the use of his/her personal vehicle. This requirement does not apply for items three and four if the vehicle carries or is equipped with special equipment needed to perform~~

~~duties directly related to the employee's job and the employee is in an emergency response capacity after normal working hours.~~

~~The department head or their designee, must give written approval for the permanent assignment of vehicles to an employee for home storage and a list of those approvals, with justification, must be submitted to the Director of the Department of Administration on or before January 1 of each year together with a report on the value, for federal income tax purposes, of commuting trips made by employees in State vehicles. In order to have a complete record, a response from the agency is required even if there are no vehicles authorized for home storage. This report will be made on a form designated by the Director of the Department of Administration.~~

1307 Transfer of State Vehicles

1. Agencies must obtain prior written approval from their assigned budget analyst with the Budget Division before transferring a vehicle to another budget account, unless the transfer is included in the agency's legislatively approved budget.
2. Reference **SAM 1540** if disposing of a vehicle and **SAM 1535** to excess a vehicle.

1308 Purchase of State Vehicles

1. Agencies must follow [NRS 334.010](#) and **chapter 1500** of this manual when purchasing vehicles, including ~~, but not limited to, chapter 1511 through 1514.~~
2. ~~Any options not included on the Vehicle Directive issued by the Purchasing Division for the current year requires special justification.~~
3. ~~2.~~ State fleets based in Clark County and Washoe County may be subject to alternate fuel vehicle acquisition requirements per [NAC 486A](#). Agencies are responsible for ensuring all vehicle purchases meet the requirements of [NAC 486A](#) if applicable. Law enforcement and emergency vehicles are exempt from [NAC 486A](#). Fleets based in Clark County may also be subject to the alternative fuel vehicle purchase requirements of the federal Energy Policy Act of 1992 ([Public Law 102-486](#)). ~~(EPAet)~~. The Nevada State Office of Energy reports [on Energy Policy Act](#) compliance for [the State's](#) fleets to the U.S. Department of Energy and ~~can~~**will** provide guidance on meeting vehicle purchase requirements.
4. ~~3.~~ Vehicles with a police package are recommended for all law enforcement work. Agencies should reference [NRS 484A.480](#) prior to purchasing emergency lights to ensure lights are authorized.
5. ~~4.~~ Agencies purchasing new passenger sedans with a vehicle classification size of either compact or intermediate are required to purchase vehicles that have achieved the "Smart-Way or Smart-Way Elite" ~~designation of "Federal" as published in the~~ "certification pursuant to the ~~F~~federal Green Vehicle Guide". A listing of approved vehicles can be viewed on the Purchasing Division website at: ~~http://purchasing.state.nv.us~~<http://purchasing.nv.gov/>. Agencies may also view the federal green vehicle guide at ~~http://www.epa.gov/greenvehicles/Index.do~~<http://www.epa.gov/greenvehicles/Index.do> [Green Vehicle Guide | US EPA](#). The Board of Examiners must approve any exemptions to this requirement.
6. ~~5.~~ Law ~~e~~**E**nforcement vehicles are exempt from the Smart-Way and Smart-Way Elite requirement. Other agencies requesting an exemption for a specific vehicle purchase must request the exemption by submitting a [Vehicle Order Justification Sheet](#) with their requisition to Purchasing.

1309 Vehicle Replacement Policy

1. State vehicles shall be at least 107 years old or have a minimum of 100,000 miles (for sedans)/125,000 miles (for SUVs, vans, and trucks) at the time of replacement.
2. Because of the variety of situations faced by State agencies, agencies may adopt an alternative policy where unusual circumstances justify replacing a vehicle sooner. An agency adopting an alternative policy must submit their proposed policy and justification for the change to its budget analyst within the~~the Board of Examiners~~Governor's Finance Office for review and approval. The alternative policy may not be adopted until such approval. Alternative replacement policies shall be attached to an agency's budget request during each budget building cycle.

1310 Identification of State Vehicles

All State owned or leased motor vehicles must be labeled with the words "State of Nevada" and "For Official Use Only" in plain lettering. The following requirements are the minimum standards:

1. Exempt license plates or a license plate that identifies the vehicle as a State vehicle; for example, a "DOT" plate.
2. Vehicles equipped with exempt plates must have at a minimum one of the following: window decals or decals placed on the outside of the vehicle; or license plate frames labeled with the words "State Vehicle" and "For Official Use Only."
3. Window decals must be placed in an appropriate area of the front and rear window that ensures the decals do not obstruct the drivers view.
4. Refer to~~ence~~ **Section 1312** for exemptions.

1312 Provision for Unmarked Automobiles

1. The approval for and use of unmarked motor vehicles by Sstate employees² shall be granted to the director of each respective department. Such requests are only authorized to be granted for vehicles used in law enforcement activities. All other requests must be submitted to and approved by the ~~Board of Examiners~~department head. The director of each ~~respective~~ department shall establish policies that define the approval process within their respective department and retain that documentation per ~~the~~ department's records retention schedule.
2. Exemptions: unmarked vehicles are exempt from the labeling requirements outlined in **Section 1310**.

New undercover cars are to be purchased from existing contracts, but options may be approved ~~to~~so as to avoid ~~an~~the institutional look.

1314 Maintenance

All ~~S~~state-owned and/or Fleet Services Division leased vehicles must be maintained at a level that ~~either~~ meets or exceeds the vehicle manufacturer's recommended maintenance schedule.

1316 Records

Agencies are required to maintain vehicle maintenance records. Records must be established and maintained for each vehicle the agency owns and/or leases from an outside vendor. Agencies are

required to maintain the manufacturer's maintenance requirements ~~and~~/or schedules for agency-owned and leased vehicles. Agencies leasing vehicles from Fleet Services Division are exempt from this requirement.

1318 Disposal

SAM 1540 defines the guidelines for disposal of Sstate vehicles.

1320 Texting While Driving a State Vehicle

1. Pursuant to NRS 484B.165, ~~A~~a person ~~shall not~~shall not drive ~~a state a~~ motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Furthermore, hand-held mobile phone conversations and accessing the Internet are also prohibited.

~~a.~~ As used in this section "write, send, or read a text-based communication" means using an electronic wireless communications device to manually communicate with any person using a text-based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail.

~~b. For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text-based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.~~

2. This does not apply to a driver who is:

- a. ~~Receiving messages related to the operation or navigation of a motor vehicle; safety-related information including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio~~Reporting a medical emergency, safety hazard, or criminal activity;
- b. ~~Using a device or system for navigation purposes~~voice operated navigation system affixed to the vehicle or those riding in autonomous vehicles;
- c. Using citizen band or other two-way radios that require a license and have a separate hand-held microphone;
- ~~b.d.~~A law enforcement officer, firefighter, or emergency medical professional acting within the scope of his/her employment;
- e.e. Conducting hands-free wireless interpersonal voice only communication that does not require manual entry, except to activate, deactivate, or initiate a feature or function.

1322 Vehicle Utilization Requirements

The utilization policy is applicable to any motor vehicle which is self-propelled (but not operated on rails), used upon a highway for the purpose of transporting persons or property with a gross vehicle weight rating (GVWR) of 8500 pounds or less. GVWR is the maximum allowable total mass of a road vehicle or trailer when loaded – i.e., including the weight of the vehicle itself plus fuel, passengers, cargo, and trailer tongue weight

Agencies are required to assign each vehicle that is operated within the span of their control to a specific utilization group. This policy applies to all vehicles that are owned or leased by the department, division or agency.

The utilization table and agency fleet assessment worksheet are available by accessing the following links: [Fleet Assessment Worksheet](#) and [Vehicle Utilization Table](#)

~~Group 1 – Pooled Administrative Vehicles~~

~~Description: A vehicle that is not assigned to a specific driver or function. Vehicles utilized by multiple drivers should be assigned to this group.~~

~~Vehicle Types: Sedans, sport utility vehicles, minivans and pick-up trucks that are primarily used to transport people and general cargo to conduct routine state business~~

~~Minimum Usage: Vehicles in this category must be used a minimum of 80% of the available time or be driven a minimum of 8400 miles annually.~~

~~Group 2 – Individually Assigned Administrative Vehicles~~

~~Description: Vehicles assigned to an individual driver or function.~~

~~Vehicle Type: Sedans, sport utility vehicles, minivans and pick-up trucks that are primarily used to transport people and general cargo to conduct routine state business~~

~~Minimum Usage: Vehicles in this category must be used a minimum of 75% of the available time or be driven a minimum of 4800 miles annually.~~

~~The department / agency must maintain documentation why the vehicle is assigned to an individual driver or function.~~

~~Group 3 – Maintenance and Support / Contractors Equipment~~

~~Description: This category is intended for vehicles that are primarily stationed at a specific location and will not get a lot of public road travel.~~

~~These vehicles are generally used by maintenance / support personnel at a campus, large facility, park, prison etc~~

~~Minimum Usage: Vehicles in this category must be used a minimum of 50% of the available time during the season of usage.~~

~~The department / agency must establish and document the season of usage.~~

~~Group 4 – Public Safety~~

~~Description: Vehicles in this category are used to protect life or public property and must have specialty equipment installed to support public safety operations or have official markings identifying them as an official public safety vehicle.~~

~~Minimum Usage Exempt~~

~~Group 5 – Specialty~~

~~Description: Vehicles in this category are specialty vehicles that are not suitable for general use. They are basically a “mobile tool box” or “mobile work station”. Vehicles in this category perform a specific function and / or have specialty equipment installed e.g., truck mounted tool boxes, cranes / hoists, welders, water tanks, telecommunications equipment, laboratory equipment etc.~~

~~Minimum Usage Exempt~~

~~Exemptions~~

~~Exemption requests must be approved by the Clerk of the Board of Examiners. Departments are required to maintain authorized exemptions per their respective records retention schedule. Exemptions may be granted for vehicles that are mission critical as determined by the respective department head.~~

~~Vehicles purchased or acquired with grant funds may be exempt with the approval of the Clerk [JEMH] of the Board of Examiners if the grant specifically requires the vehicle to only be used for programs approved by the grant.~~

~~Documentation and Justification~~

~~Departments / agencies must maintain per their respective records retention schedule documentation illustrating they have:~~

- ~~1. Ensured each vehicle has been assigned to a utilization group per the utilization table~~
- ~~2. Justified assignment / ownership of each individual vehicle assigned to their department / agency~~
- ~~3. Documentation to support any exemptions granted~~
- ~~4. Yearly review of each vehicle(s) annual utilization and justification for assignment or ownership.~~

~~Miscellaneous Information~~

~~1. Fleet Services Division Website <http://fleetservices.nv.gov>~~

~~2. Fleet Services will not be responsible for reimbursement of vehicle expenses resulting from running out of fuel; charges for lost or misplaced keys; parking charges; towing, when not a result of mechanical failure; failure to obtain fuel at designated State fuel facilities (except for emergencies) or citations issued for violations of traffic laws or parking ordinances.~~

~~3. Agencies assigned vehicles on a monthly basis must submit a Fleet Services Monthly Trip report form MP-3 to the Carson City Fleet Services Office within five working days after the end of the month. Failure to submit timely reports will result in a late fee assessment for each day late. In the event circumstances prevent timely submission, contact the Fleet Services Administrator in advance and request a time extension.~~

1700 Attorney General

1702 General Responsibility

The Attorney General and his/her duly appointed deputies are the attorneys for all State elected and appointed officials, boards, departments, agencies, commissions and institutions except when other counsel is specifically authorized by special legislation. (NRS 228.110). [The authority and duties of the Attorney General are generally set forth in NRS Chapter 228 but can be found throughout the Nevada Revised Statutes and common law. \[HYPERLINK TO <http://www.leg.state.nv.us/NRS/NRS-228.html>\]](#) Prior to the imposition of any suspension, demotion or termination of an employee, an appointing authority must first consult with the Attorney General regarding the proposed discipline.

1704 Services Available

~~The Attorney General's office will give oral and written legal advice, issue official opinions at the request of constitutional officers, heads of State agencies, boards and commissions, district attorneys and city attorneys, prosecute and defend litigation against State employees and officers, prepare legal documents such as contracts and leases and conduct administrative hearings. (NRS 228.150)~~

[The Office of the Attorney General provides a broad range of legal services pursuant to its legal authority. State agencies should be proactive in consulting the Attorney General on potential legal issues and requesting general legal advice.](#)

[Unlike general legal advice, formal attorney general opinions issued pursuant to Nevada Revised Statute 228.150 are issued on behalf of the State. They are not designated for exclusive use by a specific organization or governmental official and may therefore be published at the Attorney General's discretion. These requests may only be made by the Governor; the Secretary of State; the State Controller; the State Treasurer; the Director of the Department of Corrections; the head of a state department, agency, board or commission; a district attorney; or a city attorney. A request for a formal opinion may not be withdrawn after the formal opinion process has begun.](#)

[The Attorney General also publishes numerous manuals, resource materials, and official opinions on questions of law. These materials are available at the Attorney General's website. \[HYPERLINK TO \[www.ag.nv.gov\]\(http://www.ag.nv.gov\)\]](#)

[State officers and employees should not seek legal advice or representation in personal matters from the Attorney General. Nevada law generally prohibits the Attorney General and deputy attorneys general from engaging in the private practice of law. \(NRS 228.070\(3\); NRS 228.080\(3\)\). Limited exceptions exist for \(1\) the Attorney General's Office of Military Legal Assistance, which facilitates pro bono legal assistance in civil matters to current and former](#)

military personnel in this state (NRS 288.660); and (2) the uncompensated representation of indigent persons in non-criminal legal matters (NRS 7.065; 7.105).

1706 Requests for Services

Requests for any service requiring a written statement by the Attorney General should be made in writing. All facts should be included as clearly and concisely as possible. Be clear as to what service is requested.

1708 Reimbursement for Services

The Attorney General may charge all State agencies not supported by the State General Fund for all service and costs his/her office provides to those agencies. This is accomplished either through the Attorney General Cost Allocation Plan or through direct billings to the agency. (NRS 228.113)

~~Each State agency which has a Deputy Attorney General assigned to it shall:~~

- ~~1. Make payments for legal services to the Attorney General's administration budget as required, but at least annually;~~
- ~~2. Pay the Deputy Attorney General's travel expenses and subsistence allowances as provided by law for State officers and employees and furnish office space with appropriate equipment, supplies and clerical assistance satisfactory to the Attorney General and the head of the agency.~~

1710 Service of Process ~~Investigation and Prosecution~~

~~The Attorney General has primary jurisdiction to investigate and prosecute criminal offenses committed by State officers or employees in the course of their duties or arising out of circumstances related to their positions. (NRS 228.175)~~

~~A District Attorney may investigate an offense if:~~

- ~~1. The Attorney General has stated in writing to the District Attorney that the Attorney General does not intend to act in the matter; or~~
- ~~2. The District Attorney has inquired in writing of the Attorney General whether the Attorney General will act in the matter, and: a. The District Attorney has not received an answer in writing to the inquiry within 30 days after making it; or~~
~~b. The Attorney General has stated in writing to the District Attorney that he will act in the matter and has not filed a criminal action in the matter within 90 days after making the statement.~~
- ~~3. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court, and he has exclusive charge of the conduct of the prosecution.~~
- ~~4. The fact that the Attorney General or a District Attorney has not complied with any provision of this section is not a defense in a criminal action. (NRS 228.175).~~

~~The Attorney General investigates and prosecutes inmates and those who assist inmates in committing criminal acts. (NRS 228.170).~~

~~The Attorney General may prosecute offenses committed by county officers or employees. (NRS 228.177)~~

Fraud

~~The Attorney General has jurisdiction to investigate and prosecute Medicaid fraud (NRS 228.410), insurance fraud (NRS 228.412), and workers' compensation (industrial insurance) fraud (NRS 228.420)~~

Miscellaneous

~~The Attorney General has jurisdiction over proceedings involving public water, public land, dams and power plants. (NRS 228.190 et seq.)~~

~~The Attorney General has various responsibilities concerning domestic violence, including appointing the members of the Committee on Domestic Violence and appointing the Domestic Violence Ombudsman. (NRS 228.430 et seq.)~~

~~The Bureau of Consumer Protection is located within the Office of the Attorney General, and has powers concerning public utilities, telecommunications, and consumer protection. (NRS 228.300 et seq.) The Bureau is administered by the Consumer Advocate, who is appointed by the Attorney General for four-year terms.~~

The Attorney General should be immediately notified whenever any State department, agency, board or commission is served with a complaint in federal or state court, or served with a petition for judicial review, or otherwise presented with legal documents, since service must be effected in strict compliance with all applicable rules and statutes, including FRCP 4(j)(2), NRCP 4, NRS 41.031(2), and NRS 233B.130(2), which includes service upon the Attorney General. This is necessary to allow a prompt determination of any counterclaims and defenses that may be asserted and to ensure a timely response and/or appearance.

1800 Printing

1802 General

Nevada Revised Statutes ([Chapter 344](#)) ~~as amended by SB 504 of the 2003 Legislative Session, which~~ provides that all State printing and binding may be done on a competitive basis. It is in the best interest of the State of Nevada to do business with the ~~State Printing Unit~~[State Printing Office](#) of the Legislative Counsel Bureau whenever possible. State Printing offers all services ~~previously available~~, including complete offset printing, digital printing, copying, binding and finishing operations.

For all jobs with an expected expense of \$999.99 and under, the using agency may utilize the services of any printing vendor, including State Printing. For all jobs with an expected expense between \$1,000.00 and \$4,999.00, the using agency must obtain at least three (3) quotes, one of which must be State Printing. If a using agency so chooses, ~~it~~[they](#) may directly utilize State Printing at any amount under \$4,999.99 without obtaining outside quotes. For anticipated amounts above \$5,000.00, the using agency must direct their purchase through State Purchasing. In soliciting quotes or bids, State Purchasing must always solicit a quote or bid from State Printing. ~~State agencies that currently operate their own print shops will retain their exemption.~~

1804 Ordering

When ordering, ~~please try to~~[agencies should](#) place orders as far in advance as possible. If orders are ~~to be on a rush basis or are~~ time-sensitive, ~~please be sure~~[agencies should](#) ~~to~~ specify the date requested for completion of the order. Printers typically charge a premium for “rush orders.”

In order to prevent delays in processing and producing printing orders, please include a completed State Printing Specification Form with your order and a sample of the product when ordering from State Printing. Use the [State Printing Specification Form](#) as a guide when ordering from outside printers.

The submission of clear copy with the order will help to avoid delays and errors in production of your printed project. If there is a State Printing form number on the form, please include it with the order when ordering from State Printing. ~~For use by all state agencies, State Printing maintains a “guest office” with computers loaded with common graphic and publishing programs and has CD video training programs for PageMaker™, QuarkXpress™, PhotoShop™, InDesign™, and other software. State Printing will make available experts to help agencies using the guest office produce the best possible end result. There is no charge for use of the office or assistance you receive while using it.~~ Contact State Printing at 775-684-6950 [or printing@lcb.state.nv.us](mailto:printing@lcb.state.nv.us) for additional information ~~or to reserve the guest office.~~

On jobs canceled before completion, printers will typically bill to cover the cost of labor and material used before the cancellation notice.

1820 Preparation of Materials

Proper preparation of materials and copy can mean less expensive corrections, more accurate estimates and faster printing service regardless of the vendor. The following are suggestions to help agencies keep ~~their~~ printing costs down.

1. Edit the copy and not the proof. The most expensive item in the cost of printing occurs when corrections are made in the galley or page proof. The actual cost of alterations will increase the printing ~~bill; therefore~~ bill. Therefore, make all "author's alterations" in the manuscript before it is set in type.
2. Typed copy or digital file is preferred, preferably in the finished size of the product.
3. Be certain copy will fit the allotted area when space is limited.
4. Check carefully for uniform style, punctuation, spelling, capitalization, figures, ~~—such as—~~ names, dates, amounts of money and statistics.
5. Furnish all copy, black and white, digital files, photographs, pictures, drawings and negatives together when possible.
6. Give complete specifications, including sample when possible, and date desired.
7. If uncertain as to publication practices, please call 775-684-6950 with any questions.

1822 Manuscripts

Manuscript sheets should be of uniform size, preferably the size of the product. All pages should be numbered consecutively.

1824 Electronic or Digital Copy

Digital copy files can be submitted via e-mail or on computer disk: Zip disks, ~~3-1/2 floppy~~, or CD ROM disks can be accepted by most printers. Files should be provided in EPS, TIF, or PDF format with all fonts, graphics and/or resource files eimbedded. If fonts or resource files are not included, ~~on the disk~~ the order will be delayed. Most printers support PC and MAC platforms. ~~If you have any questions, please call 775-684-6950 for more information.~~

1834 Reading Proofs

Proofs should be read, signed and returned promptly. Holding proofs for an extended period of time will delay the completion of your printing order. It is the customer's responsibility to make sure proofs are correct, as the order will be printed per the proof.

1836 Billing

Printing charges for agencies utilizing State Printing will be based on quote or bid, where applicable, or where no quote or bid was requested on established hourly rates.

1840 Specifications

To complete State Printing order form, fill in all applicable specifications on the Printing Specification Sheet or Quick Print order form. Other printers will normally have similar forms ~~---;~~ if they do not, use the State Printing forms as a guide. Regardless of the vendor, the following information must be indicated on your order form:

1. Finish size of completed job (state width of form first, then length; example: letterhead is 8 1/2 x 11 inches not 11 x 8 1/2 inches)
2. Color and Weight of Stock (bond, cover, index, ledger, Bristol, NCR, and gummed stocks)
3. Page Count
4. Color of Ink (provide a sample of the color or select a color at the vendor)
5. Fold (Size)
6. Binding
7. Perforated (Indicate Position)
8. 1 or 2-Sided
9. Punching (indicate position, space between holes, center to center and size of holes)
10. Padding (how many sheets or sets in each pad)
11. Quantity (express in pieces or sets - multiple forms; do not express the quantity in the number of pads)
12. Cover (where a publication requires a separate cover, paper color should be specified; cover samples are normally available at the vendor upon request)
13. Numbered jobs (checks, receipts, etc.) must have the starting number and the ending number provided

Completion of work will normally be facilitated and duplication of efforts avoided if each department will arrange for one person to make all inquiries concerning work in progress.

1846 Other Services

Printers perform various finishing work, including assembling, stapling, drilling, folding and various binding procedures. While folding equipment will execute most types of basic folds, it is advisable to contact the printer for advice on specific folding ~~problems~~needs.

1850 Printing Authorization

Normal departmental authorization procedures should be followed when ordering printing services.

~~1864 Vendor Commodity Agreements~~

~~In cooperation with the Purchasing Division, State Printing negotiates annual commodity agreements with certain reliable copier vendors. Beneficial price breaks for equipment and supplies are realized through these agreements. All terms of these agreements are extended to State agencies and, in many instances, to political subdivisions.~~

3600 Retirement

3602 General

The Public Employees' Retirement System ([PERS](#)) is open to employees of State agencies, political subdivisions, irrigation districts and entities classified as "public employers" under statute ([NRS 286.070, 286.290-293](#)). The retirement program includes benefits for service retirement, disability retirement and benefits for survivors. ~~This section~~[chapter provides a brief overview of PERS membership requirements and benefits. Detailed information should be obtained at the PERS website in order to understand the benefits, rights and responsibilities of each State member. In addition, NRS 286 and NAC 286 cover public employee benefits, and may also be consulted.](#)

3604 Membership

[Only employees of a public employer are eligible to participate in the Public Employees' Retirement System \(NRS 286.290\). Persons employed on or after July 1, 1977 in positions considered to be half time or more according to the full-time work schedule established for that public employer, must become members of the System \(NRS 286.293\). People elected or appointed to elective positions after July 1, 1975 except to boards or commissions, unless otherwise excluded, and members of the Nevada Gaming Commission appointed on or after July 1, 1999, are required to be members. A person who is employed by the Legislature or the Legislative Counsel Bureau on or after January 1, 1981, and who is already vested or contributing to the System, is required to participate \(NRS 286.293\).](#)

[An employee's membership in the System terminates upon the member's death, withdrawal of the member's personal contributions and/or distribution of the portion of mandatory employer-pay contributions submitted on his behalf, or receipt of retirement or disability allowances by the member.](#)

3606~~24~~ Employee Defined

[For this section ~~An employee is a~~public officer of the State or its political subdivisions; any person whose compensation is provided by the public employer and who is under the direction or control of officers of the public employer is an employee.](#)

["Employee" does not include independent contractors or persons rendering professional services to an employer on a fee, retainer or contract basis. The Public Employees' Retirement Board shall determine who is an employee under this definition.](#)

360~~8~~4 Public Employees' Retirement Board

A seven-member board, appointed by the Governor to four-year terms, governs the Public Employees' Retirement System ([NRS 286.120-130](#)).

3606 Rules and Regulations

~~The Board can establish rules and regulations for the operation and administration of the System. (NRS 286.200)~~

~~3608 Rule Requirements~~

~~No rule made by the Board is effective until these conditions have been met:~~

- ~~1. A copy of any proposed rule must be delivered to all public employers concerned within 30 days after the Board proposes it;~~
- ~~2. The public employer must post the rule as soon as possible after receiving it;~~
- ~~3. If, because of length or other cause, posting is not feasible, then the Board must provide summaries for similar handling;~~
- ~~4. A hearing is necessary at least 15 days after receipt of the proposed rule (notice of hearing must be posted in a manner similar to the rule; it shall set forth the time and place of the hearing and all interested parties must be given an opportunity to be heard at the hearing);~~
- ~~5. The Board may adopt the rule as originally proposed or with amendments proven necessary at the hearing; and~~
- ~~6. A copy of the formal rule must be filed with the Secretary of State. (NRS 286.200)~~

3610 Retirement Fund

All funds received as employee/employer and employer-pay retirement contributions, except for police officers and firemen, are deposited in the Public Employees' Retirement Fund. ([NRS 286.220](#))

3612 Police and Firemen's Fund

All funds received as employee/employer and employer-pay retirement contributions for police officers and firemen are deposited in the Police and Firemen's Retirement Fund ([NRS 286.225](#)).

3614 Individual Accounts

The Board provides individual accounts for each member. Each account shows the member's contributions to the Fund, ~~service credit to the end of the prior fiscal year~~ and any legally authorized changes in the amount. ([NRS 286.260](#))

~~3616 Audits and Reports~~

~~An independent certified public accountant annually audits the system, including the administrative fund. An annual report is provided to the Governor, each member of the Legislature, each participating public employer and each participating employee and employer association. The report is available to all members upon request. (NRS 286.190) An independent actuary prepares an annual actuarial report or review of the actuarial soundness of the System based upon data compiled and supplied by employees of~~

~~the System. The Board shall adopt actuarial tables and formulas prepared and recommended by the actuary.~~

~~3618 Membership~~

~~Only employees of a public employer are eligible to participate in the Public Employees' Retirement System. (NRS 286.290) People employed on or after July 1, 1977, in positions considered to be half time or more according to the full time work schedule established for that public employer, must become members of the System. (NRS 286.293) People elected or appointed to elective positions after July 1, 1975, except to boards or commissions, unless otherwise excluded, and members of the Nevada Gaming Commission appointed on or after July 1, 1999, are required to be members. A person who is employed by the Legislature or the Legislative Counsel Bureau on or after January 1, 1981, and who is already vested or contributing to the System, is required to participate. (NRS 286.293)~~

~~3620 Cancellation of Membership~~

~~An employee's membership in the System terminates upon the member's death, withdrawal of the member's personal contributions and/or distribution of the portion of mandatory employer pay contributions submitted on his behalf, or receipt of retirement or disability allowances by the member.~~

~~3622 Persons Ineligible for Membership~~

- ~~1. Independent contractors or persons rendering professional services on a fee, retainer or contract basis;~~
- ~~2. Substitute teachers and students who are employed by the institution that they attend;~~
- ~~3. Retired employees who are employed by a participating public employer, except as provided in NRS 286.525;~~
- ~~4. Members of boards or commissions of the State or its political subdivisions when such boards or commissions are advisory or directive and when membership is not compensated except for expenses incurred;~~
- ~~5. Inmates of State institutions even though they may be receiving compensation for services performed for the institution;~~
- ~~6. District Judges and Supreme Court Justices who are first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment;~~
- ~~7. Members of the professional staff of the Nevada System of Higher Education who are employed on or after July 1, 1977 except as provided in NRS 286.520;~~
- ~~8. People assigned to intermittent or temporary positions unless the assignment exceeds six months, except as provided in NRS 286.293;~~
- ~~9. People employed on or after July 1, 1981, as part time guards at school crossings (NRS 286.297);~~
- ~~10. Nurses who are not full time employees, are paid an hourly wage on a daily basis, do not receive the employee benefits received by other employees of the same employer and do not work a regular schedule or are requested to work for a shift at a time.~~

~~3624 Employee Defined~~

~~A public officer of the State or its political subdivisions; any person whose compensation is provided by the public employer and who is under the direction or control of officers of the public employer is an employee. "Employee" does not include independent contractors or persons rendering professional services to an employer on a fee, retainer or contract basis. The Public Employees' Retirement Board shall determine who is an employee under this definition.~~

36126 Amount of Contributions

Contributions made by the State for members, as well as members' own contributions (if the employee has chosen the "shared" contributions option) ~~contributing under the employee/employer contribution plan shall be as follows:~~ are actuarially determined for both police/fire members and regular members, and the contribution is approved each biennium by the Legislature. If a State employee chooses the employee/employer shared contribution plan, the State shall match the employee's contribution.

First Pay Period Beginning on or After	Regular Members	Police/Fire Members
July 1, 2005	10.5%	16.5%

~~All participating public employers shall file payroll reports no later than 15 days after the end of the reporting period and remit the amount due the System. The 15-day limit is extended one working day for each legal holiday recognized by the public employer that falls within the 15-day period. Payroll reports shall contain accurate information deemed necessary by the Board. Delinquent submittal of reports or delinquent payment of contributions shall be assessed a penalty of 4% more than the prime rate of interest as published in the Wall Street Journal prorated.~~

~~If a public employer is delinquent by more than 90 days in submitting a report or paying an amount due pursuant to subsection 3 of NRS 286.460, the System shall submit a written complaint to the Department of Taxation asking it to take such actions as are necessary to correct a condition of financial difficulty in accordance with NRS 354.650 to 354.720, inclusive.~~

3618 Vesting

Vesting refers to the timer period necessary for a member to work in order to earn the right to receive a PERS benefit. Any participating member employed for five or more continuous years is considered vested. If an employee leaves employment before retirement age, he/she may leave the accrued contribution with the System. Then, when the employee reaches retirement age, he/she may receive the benefits earned during public employment.

3620 Benefits Calculation

The amount of retirement allowance received is based upon three factors: (1) service credit years; (2) average compensation of the highest 36 consecutive months of salary; and (3) selection of retirement option and age of employee (and/or beneficiary) at retirement.

For members who have an effective date of membership before January 1, 2010, the retirement formula is determined by calculating a member's average compensation multiplied by years of service multiplied by 2.5% for each year of service earned before July 1, 2001, and 2.67% for each year earned thereafter. However, for employees who have an effective date of membership on or after January 1, 2010, the retirement allowance formula uses 2.5% for each year of service. For regular (non-police and fire) members whose effective date of membership is on or after July 1, 2015, the retirement allowance formula uses 2.25% for each year of service credit earned (NRS 286.551).

Employees should note that there are different Summary Plan Descriptions for PERS members based upon hire date. Employees should consult the PERS website and click on Publications to review the Summary Plan Description pertinent to the employee's membership date cohort to better understand their own benefits.

362240 Purchase of Service

Any member who has at least five service credit years of creditable ^[CB2] service may purchase up to five years of service. The member must pay the full actuarial cost as determined by the actuary of the purchased years of service, as actuarially determined for the employee's age and average compensation at the time of purchase. ~~(NRS 286.300-3007-(2))~~ Payment for purchased years of service credit may be made in a lump sum or by installment agreement.

362428 Termination of Service

If a member's employment is terminated, he may withdraw his personal contributions and/or receive a distribution of the mandatory employer-pay contributions submitted on his behalf by his public employer to the Public Employees' Retirement Fund. No withdrawal or distribution may be made while on leave without pay.

362306 Refund of Contributions

If an employee participates in PERS under the employee/employer shared contributions plan, an employee may withdraw his/her contributions if that employee terminates all employment for which a contribution is required. A refund cancels all rights to PERS membership. ~~A member's contributions to the Public Employees' Retirement Fund or the Police and Firefighter's Retirement Fund may be refunded after the System has received:~~

- ~~1. A properly completed application for refund;~~
- ~~2. A notice of termination or a certification that the member has transferred to a position for at least 90 days for which no contribution is required; and~~
- ~~3. All contributions withheld from such member's compensation, except as otherwise provided.~~

~~If a member applies for a refund before all contributions that were withheld have been remitted, the System may refund the portion of the member's contributions that it has received. After initial refund, an additional amount due the member of less than \$10 need not be paid.~~

~~Refund checks shall be mailed to the address specified by a member in his application for refund. Under no circumstances may refund checks be picked up at the Retirement System office.~~

~~3628~~ **32 Repayment of Refunded Contributions**

Whenever a member who withdrew the amount credited to him/her returns to the service of a public employer participating in the System and remains a contributing member for six months, ~~he~~ that employee may:

1. Make repayment in a lump sum plus the actuarially assumed interest rate per annum, from the date of withdrawal of the contributions to the date of repayment; or
2. With the approval of the Executive Officer, enter into a payroll deduction agreement containing a schedule of payments to repay the withdrawn contributions ~~plus interest from the date of withdrawal to the date of repayment. Payments shall not be less than \$10 per month.~~

~~Upon re-depositing withdrawn contributions with interest, the member restores completely all previously relinquished service credits. If a member fails to follow an agreed repayment schedule, he is entitled to service credit for previous service in the proportion to his repayment of withdrawn contributions, or he is entitled to a complete refund of all payments made under the repayment agreement for all agreements before July 1, 2001. For any agreement after that date, the member may only receive a portion of service credit. No refund is available.~~ Service credit will not be restored until payment is made in full by the employee.

~~3634 Public Employer Contributions~~

~~The public employer shall match contributions for members under the employee/employer contribution plan. (SAM 3626)~~

~~3636 State Contributions~~

~~Each participating public employer which pays its officers or employees in whole or in part from funds received from sources other than the State's General Fund, shall pay public employer contributions or the proper proportion thereof, to the System from the funds of the agency.~~

~~3638 Credits for Legislative, County, and City Service~~

~~Elected officials may receive full credit for all service for which contributions are made.~~

~~3640 Purchase of Service~~

~~Any member who has at least five years of creditable service may purchase up to five years of service. The member must pay the full actuarial cost as determined by the actuary. (NRS 286.300 (2))~~

~~3642 Eligibility for Service Retirement~~

~~Members who are policemen or fire fighters are eligible to retire with five years of service at age 65, with 10 years of police/fire service at age 55, with 20 years of police/fire service at age 50, with 25 years of police/fire service at any age or with 30 years of service at any age. All other members are eligible to retire with five years of service at age 65, 10 years of service at age 60, or with 30 years of service at any age. Any member who has the years of creditable service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A retirement benefit under this section shall be reduced by 4% of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33% for each additional month that the member is under the appropriate retirement age. Any option selected under this subsection shall be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. These reductions shall be in effect for the remainder of the retiree and beneficiary's lifetime.~~

~~3644 Employment Prohibited~~

~~A person receiving a retirement allowance cannot be employed by a participating agency in a position normally eligible for membership in the System, without forfeiture of allowance for the duration of employment, except in cases outlined in SAM 3646 (NRS 286.520) and A.B. 555 (2001).~~

~~3646 Exceptions -- Re-Employment~~

~~A retired employee will forfeit his retirement benefit for the duration of any employment he accepts with a public employer during the first 90 calendar days of retirement. If a retired employee accepts employment in a position with a public employer that would normally be eligible for membership in the System, then:~~

- ~~1. Both the retired employee and the public employer must notify the System within 10 calendar days of the beginning date of employment.~~
- ~~2. The retired employee forfeits all retirement benefits for the duration of that employment.~~
- ~~3. The retired employee, at time of employment, may enroll in the System and contribute on compensation earned only if he does not have 36 years of service. If he elects to enroll, he must contribute on all compensation subject to contribution earned for the duration of that employment, even though it may later exceed the 36-year service limit.~~
- ~~4. Upon termination, if employed less than six months, he will receive a refund of all contributions made during the employment. If employed at least six months, but less than five years, he may receive an additional benefit calculated separately from the initial benefit. The same option and beneficiary must be designated when he again retires.~~
- ~~5. A retired employee who is re-employed and enrolled in the System for at least five years may elect to have his additional credit for service added to his previous credit for service. If he chooses to do so, he shall be deemed a continuing employee with a break in service. This election must not apply to more than one period of employment after the original retirement.~~
- ~~6. A retired employee who returns to employment and contributes to the System for a period of five or more years may receive an additional benefit calculated separately from the initial benefit. He may designate a different option or beneficiary for the additional benefit only.~~
- ~~7. The survivor of a deceased member, who had previously retired and was rehired and enrolled in the System, who qualifies for benefits pursuant to NRS 286.671 to 286.6793, is eligible for the~~

~~benefits based on service accrued through the second period of employment if the member elected to receive his service retirement allowance without modification.~~

~~Except as provided in NRS 286.520, a retired employee who accepts employment in a position not normally eligible for membership, such as a position that is temporary or less than half time, then:~~

- ~~1. Both the retired employee and the public employer must notify the System within 30 calendar days of the beginning date of employment.~~
- ~~2. The retired employee may earn an amount equal to one half of the actuarially assumed average salary for participating public employers who are not police officers or fire fighters.~~
- ~~3. A retired employee who exceeds the limitation in any fiscal year shall have his retirement benefit suspended for the duration of that employment or any subsequent employment commencing during that fiscal year, even if it extends into the next fiscal year.~~

~~A retired employee may serve in an elected capacity and continue receiving a retirement allowance provided he does not serve in the same elected or appointed position in which he earned retirement eligibility.~~

~~The System can waive any employment penalty for a retired employee who returns to emergency employment for up to 30 days where the public employer certifies in advance that this is an emergency situation where no other qualified person is available.~~

~~The provisions in SAM 3646 do not apply to a retired employee who accepts employment or an independent contract with a public employer under the system if:~~

- ~~1. He/she fills a position for which there is a critical labor shortage; and~~
- ~~2. At the time of his/her reemployment, he/she is receiving:
 - ~~a. An unreduced benefit; or~~
 - ~~b. A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which he could have retired with an unreduced benefit.~~~~

~~A retired employee who is reemployed in a position for which there is a critical labor shortage may enroll in the system as provided in NRS 286.525.~~

~~Positions for which there are critical labor shortages must be determined as follows:~~

- ~~1. Except as otherwise provided in this subsection, the Board of Examiners shall designate positions in State government for which there are critical labor shortages. It is the policy of the Board to review their determination, of those positions designated for critical labor shortages, bi-annually.~~
- ~~2. The Supreme Court shall designate positions in the judicial branch of State government for which there are critical labor shortages.~~
- ~~3. The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.~~
- ~~4. Employers must review and re-designate positions as critical labor shortage at least every 2 years, if in the opinion of the employer the reasons for the designation still exist.~~

~~In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall give consideration to:~~

- ~~1. The history of the rate of turnover for the position;~~
- ~~2. The number of openings for the position and the number of qualified candidates for those openings;~~
- ~~3. The length of time the position has been vacant; and~~
- ~~4. The success of recruiting persons in other states to fill the position.~~

~~If a retired employee accepts employment or an independent contract with a public employer under the system in a position for which there is a critical labor shortage and elects not to reenroll in the system pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the system in an amount not to exceed the amount of the contributions that the public employer would pay to the system on behalf of a participating public employee who is employed in a similar position.~~

~~The provisions of AB 555 relating to employment in a position for which there is a critical labor shortage expire June 30, 2005.~~

~~3648 Benefits~~

~~The retirement formula shall be a member's average compensation times years of service times 2.5% for each year of service earned before July 2001 and 2.67% for each year earned thereafter.~~

~~A member receives 2½% of average compensation for the first through 36th year with a maximum of 90% of average compensation, if he was an active member before July 1, 1985. A person who became a member on or after July 1, 1985, receives 2½% of average compensation for the first through 30th year with a maximum of 75% of average compensation. Portions of a year are prorated. Average compensation for regular members shall be computed on the highest consecutive 36 months of compensation reported.~~

~~3650 Procedure~~

~~Members should request retirement estimates three to six months before anticipated retirement date. The following information must be supplied:~~

- ~~1. Name, social security number, public employer, proof of birth date and proof of all name changes (such as copies of marriage certificates).~~
- ~~2. If member plans to select an option, beneficiary's name, social security number, proof of birth date and proof of all name changes.~~
- ~~3. Estimated date of retirement.~~

~~3652 Vesting~~

~~Any participating member employed for 5 or more continuous years who leaves employment before retirement age may leave his contribution with the System. Then, when he reaches retirement age, he may receive the benefits earned during his public employment.~~

~~3654 Evidence of Date of Birth~~

~~Proof of date of birth may be any one of the documents listed in Group 1 or any 2 of the documents listed in Group 2.~~

~~Group 1~~

- ~~1. Birth certificate.~~
- ~~2. Infant baptism certificate.~~
- ~~3. Delayed certificate of birth.~~

~~Group 2~~

- ~~1. School age record.~~
- ~~2. Military service record.~~
- ~~3. Marriage record, if date of birth is shown.~~
- ~~4. Naturalization certificate if member's age is stated.~~
- ~~5. Transcript of record from U.S. Bureau of the Census.~~
- ~~6. Copy of the family records in the family Bible.~~
- ~~7. Passport.~~
- ~~8. Notarized statement of knowledge of birth date.~~
- ~~9. Motor vehicle records.~~
- ~~10. Hospital record of birth.~~
- ~~11. Social Security records.~~
- ~~12. Voter registration records.~~
- ~~13. Any document over 10 years old if birth date is shown.~~

~~Name changes for member and/or beneficiary may be documented by providing one or more of the following documents:~~

- ~~1. Marriage certificates.~~
- ~~2. Adoption papers.~~
- ~~3. Divorce papers if prior name is shown.~~
- ~~4. Driver's license if prior name is shown.~~

~~3656 Retirement Options~~

~~Prospective retirees may elect one of the following:~~

~~Regular Member~~

~~Unmodified retirement allowance that pays full monthly benefit to retired employee for life, but provides no protection for beneficiary.~~

~~Police and Firefighter's Members Covered under Employer Paid Retirement Plan~~

~~Unmodified retirement allowance pays full monthly benefit to retiree for life. A retired employee whose service or disability retirement allowance is payable from the Police and Firefighter's Retirement Fund is entitled to receive his allowance without modification. Upon the death of such a person, a person who was his spouse at the time of his retirement is entitled, upon attaining the age of 50 years, to receive a benefit equal to 50 percent of the allowance to which the retired employee was entitled.~~

~~Regular and Police/Firefighter's Members~~

- ~~1. **Option 2**—Actuarially reduced allowance for lifetime of retired employee. After retired employee's death, same allowance to continue for lifetime of beneficiary.~~
- ~~2. **Option 3**—Actuarially reduced allowance for lifetime of retired employee. After retired employee's death, 50% of the allowance to continue for lifetime of beneficiary.~~
- ~~3. **Option 4**—Actuarially reduced allowance for lifetime of retired employee. After retired employee's death and when beneficiary reaches age 60, allowance to continue for lifetime of beneficiary.~~
- ~~4. **Option 5**—Actuarially reduced allowance for lifetime of retired employee. After retired employee's death and when beneficiary reaches age 60, 50% of allowance to continue for lifetime of beneficiary.~~
- ~~5. **Option 6**—Reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, not exceeding the monthly allowance paid to the retired employee, be paid after his death to the surviving beneficiary whom he nominates by written designation duly acknowledged and filed with the Board at the time of retirement.~~
- ~~6. **Option 7**—Reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, not exceeding the monthly allowance paid to the retired employee, be paid after his death to the surviving beneficiary whom he nominates by written designation duly acknowledged and filed with the Board at the time of election, beginning when the beneficiary reaches age 60. If a surviving beneficiary dies after the date of the retired employee's death, but before attaining age 60, all contributions of the retired employee which have not been returned to him or his beneficiary must be paid to the estate of the beneficiary.~~

363058 Disability Retirement Allowances

A member with at least five years of creditable service who becomes totally unable to perform his/[her](#) current job or any comparable job for which he/[she](#) is qualified, because of injury or mental or physical illness of a permanent nature, is eligible to apply for a disability retirement allowance. The member must be employed by a public employer at the time of application for disability retirement.

~~3660 Disability Payments~~

~~The disability allowance is calculated the same as service retirement but age then is not a condition of eligibility. A disability retiree may name a beneficiary and select a retirement option.~~

~~Alternative to Receipt of Disability Payments – Police and Fire Members~~

~~A police officer or firefighter who is approved for disability retirement on account of a job related injury may, rather than receive a disability retirement allowance, accept a job with the same public employer and continue to receive credit for service in the police and firefighter's retirement fund even if the new position would not otherwise be eligible to receive police and fire benefits. The police officer or firefighter must accept the position within 90 days after the Board approves his application for disability retirement. Contributions shall be paid at the rate actuarially determined for police officers and firefighters until the member is fully eligible to retire (NRS 286.510).~~

~~3662 Medical Examination for Disability~~

~~The Retirement Board requires medical examinations of all applicants for retirement under disability. It may discontinue any disability retirement allowance if it is determined that the member is no longer disabled or if the member refuses to submit to a medical examination at the request of the Retirement Board. The Board has the final decision for eligibility under disability retirement, but must allow the applicant one reconsideration. (NRS 286.630)~~

~~3664 Additional Disability Retirement Rules~~

~~All applications for disability must be accompanied by a statement from the applicant's personal doctor on a form prescribed by the Board. A Board appointed doctor reviews applications. The applicant may be required to submit to further examination. The System pays the medical fees for this examination. The public employer files an official statement certifying the member's employment record, work evaluations, record of disability and absences that have occurred because of the disability. The immediate supervisor of the member files an official statement regarding the disability and its effect upon the work of the member, job functions that can no longer be performed because of the disability and whether or not there are related activities that can be performed by the member.~~

~~Disability retirees shall appear for re-examination at times and before doctors as may be designated by the System. The System pays the medical fees for re-examination.~~

~~A disabled retired employee, if otherwise eligible, may change from a disability retirement to a service retirement. As long as he remains a disabled retired employee, a copy of his income tax return or a Statement of Earnings form must be filed with the System by May 1 of each year.~~

~~Failure to comply with the requirements as directed by the Executive Officer shall be good reason for rejecting an application for disability retirement allowance and for immediate cancellation of an allowance then being received.~~

~~3668 Cancellation of Allowance~~

~~When the Board determines a disabled retired employee can perform his duties, then the allowance is canceled immediately. Upon reinstatement with a participating employer, he shall be credited with the amount in his account at the time he retired for disability, less 15% of benefits received, and credited with all creditable service at retirement time.~~

~~3670 Death before Retirement, Disposition of Money~~

~~If a member dies before retiring and eligibility has not been established or there are no survivors eligible for benefits, the amount credited to his account at the time of his death is paid directly, and without probate or administration to the designated beneficiaries. If more than one beneficiary is named, then the amount is distributed equally, unless specifically directed otherwise. Should no beneficiaries survive or none be named, then the amount shall be paid directly to the estate of the deceased.~~

~~3672 Money Protected~~

~~The pension, annuity, retirement allowance, return of contributions or any optional benefit shall:~~

- ~~1. Be exempt from all State, county and municipal taxes;~~
- ~~2. Not be subject to execution, garnishment, attachment or any other process;~~
- ~~3. Not be subject to the operation of any bankruptcy or insolvency law; and~~
- ~~4. Not be assignable by power of attorney or otherwise. (NRS 286.670)~~

~~The System may withhold money from a refund or a benefit if the person applying for the refund or receiving the benefit owes money to the System.~~

~~363274 Survivor Benefits~~

~~There are numerous options for PERS members to reduce their lifetime retirement benefit in order to provide a benefit to a named beneficiary after the primary member's death. Again, members should consult the Summary Plan Description to evaluate their options.~~

~~If an active member dies with at least two years of service credit, that member's spouse/domestic partner and/or children are paid monthly survivor benefits based upon the primary member's years of service credit at the time of death. Dependent children are paid their benefit until age 18 or age 23 if the children remain unmarried, full-time students.~~

~~Survivors must apply on the appropriate form, accompanied by copies of birth certificates, marriage certificates and death certificates. Application may be submitted by surviving spouse, guardian of surviving children, the "survivor beneficiary of an unmarried deceased member," or by surviving parents.~~

~~3676 Requirements~~

~~If a deceased member had two years of accredited contributing service in the 2½ years immediately preceding his death, or was a regular, part-time employee who had two or more years of creditable contributing service before and at least one day of contributing service within six months immediately~~

~~preceding his death, certain of his dependents are eligible for survivor benefits. If member's death resulted from a mental or physical condition that required him to leave or commence leave without pay from the employ of a participating public employer, his eligibility extends for 18 months after such termination.~~

~~If the death of a member occurs while he is on leave of absence granted by his employer for further training, and if he met the requirements listed above at the time such leave began, certain of his dependents are eligible for survivor benefits.~~

Benefits to eligible survivors shall be as follows:

- ~~1. \$400 per month for each surviving child or incapacitated child. These benefits may be extended or reinstated up to age 23 if the child is a full-time student in a bona fide high school, vocational technical school, college or university. The Board shall establish requirements for determining whether or not the child is a full-time student and may discontinue benefits under this section at any time that the child fails to comply.~~
- ~~2. The spouse, or in the case of an unmarried member, the **survivor beneficiary**, of a deceased member who had less than 10 years of service but met the minimum requirements specified in the first paragraph of this section, is entitled to receive the sum of \$450 per month. Such payments must begin upon the first day of the month immediately following the death of such member, and must cease on the last day of the month in which the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, dies. If payments cease before the total amount of contributions made by the deceased member have been received by the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, the surplus of contributions over payments received shall be paid to the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**.~~
- ~~3. The spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, of a deceased member who had at least 10 years of credited service is entitled to receive a monthly allowance equivalent to that provided in Option 3. For purposes of applying the provisions of Option 3, the deceased member shall be deemed to have retired on the date of his death immediately after having named the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, as beneficiary under Option 3. The benefits provided by this subsection shall be paid to the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, for the remainder of such spouse's life, or in the case of an unmarried deceased member, the **survivor beneficiary** for the remainder of the **survivor beneficiary's** life. The spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, is entitled to receive the benefits provided by this subsection or by subsection (2), whichever provides the greater benefit.~~
- ~~4. The spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, of a deceased member who was fully eligible to retire both as to service and age at the time of death or who had 15 or more years of service, may elect to receive one of the following:
 - ~~a. A monthly benefit of \$450 paid for life.~~
 - ~~b. The benefit provided by Retirement Option 2 for a beneficiary calculated as if the deceased member retired on the day of death and named the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, as beneficiary with no reduction for the deceased member's age. This benefit is paid for the remainder of the spouse's life, or in the case of an unmarried deceased member, for the life of the **survivor beneficiary**,~~~~

- ~~c. The benefit provided by Retirement Option 3 for a beneficiary calculated as if the deceased member retired on the day of death and named the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, as beneficiary with no reduction for the deceased member's age. This benefit shall be paid for the remainder of the spouse's life, or in the case of an unmarried deceased member, for the life of the **survivor beneficiary**,~~
- ~~d. If there are no other eligible survivors, the spouse, or in the case of an unmarried deceased member, the **survivor beneficiary**, may waive the monthly benefit listed in A, B or C above and receive a refund of the deceased member's employee contributions plus any contributions made by the employer in lieu of the employee's contributions, but if more than one person is eligible for benefits on account of the contributions of any one deceased member, no such lump sum payment may be made.~~
- ~~5. If there are no other eligible survivors, a dependent parent of a deceased member is entitled to receive \$400 per month. If there are two such dependent parents, each is entitled to receive \$400 per month.~~

~~3678 Investment of Funds~~

~~The Retirement Board may invest and reinvest its monies and may employ investment counsel for such purpose. The Board may also employ investment supervisory services, trust audit services and other related investment services, which it deems necessary to invest effectively and safeguard the monies in the system's funds.~~

~~It is the investment objective of the Public Employees' Retirement System of Nevada (System) to:~~

- ~~1. Produce a total return from investments which exceeds the rate of inflation (CPI) by 4.5% over rolling five year periods by generating market returns as defined within each asset class; and~~
- ~~2. Only make investments that can reasonably be expected not to jeopardize the principal or potentially provide such inconsistent, fluctuating returns that they could detrimentally influence the return of the total fund from year to year and invest the funds of the System so that the diversity of the performance characteristics will reduce the volatility of the returns of the total fund from year to year.~~

~~3682 Employer Pay~~

~~After January 1, 1984, an employee under the employee/employer contribution plan may elect to have his portion of the contributions paid by his employer in the manner provided in NRS 286.421. An employee, who makes such an election, may not, thereafter, convert to the employee/employer contribution plan.~~

~~Employees who were mandated to participate under the employer pay contribution plan beginning July 1, 1985, by virtue of their hire date or their attainment of 10 or more years of service after that date, shall be entitled to a distribution of the portion of mandatory employer pay contributions submitted on their behalf by their public employer.~~

~~A member is eligible for the distribution:~~

- ~~1. Upon termination of service for which contributions are required; or~~
- ~~2. When a member has been employed for at least 90 days in a position that would not entitle them to membership in the System.~~

~~Payment of the portion of the employer pay contributions submitted on behalf of the employee shall be:~~

- ~~1. Made in lieu of equivalent basic salary increases or cost of living increases or both; or~~
- ~~2. Counterbalanced by equivalent reductions in employee salaries.~~

Payment of Distributions

~~The System shall provide an initial distribution of the portion of mandatory employer pay contributions submitted on the member's behalf:~~

- ~~1. When the System has received a properly completed application and a notice of termination from the member's public employer, or certification from the employer that the member is no longer employed in a position which would entitle him to membership and that the member has been in the ineligible position for at least 90 days; and~~
- ~~2. Provided the member has not made application to receive, or is receiving, benefits from the System.~~

~~The System shall:~~

- ~~1. Provide an initial distribution of the portion of employer pay contributions submitted on behalf of the member as of the next distribution date after receipt of the distribution request and termination of employment.~~
- ~~2. Forward a final distribution of any balance remaining in the account after contributions through the termination date have been submitted by the public employer.~~
- ~~3. Record any contributions received after the final distribution, if less than \$10, and transfer that amount to the System. In the event of a subsequent return to membership in the System by the member, this amount will revert to the member's record.~~

~~To receive a distribution of the portion of the mandatory employer pay contributions submitted on behalf of the member, the member must also apply for a refund of any employee contributions credited to his individual employee account.~~

~~All membership rights and service credit in the System are canceled upon the initial distribution of the portion of the mandatory employer pay contributions submitted on behalf of the member and/or the refund of any employee contributions.~~

Repayment of Distributions

~~A member with six months of contributing service may repay a previous distribution of the portion of employer pay contributions submitted on behalf of the member. A lump sum repayment of the distribution shall consist of the principal amount and distribution interest paid, plus interest at the actuarially determined rate per annum from the date of the final distribution until the repayment has been completed.~~

~~Upon completion of the repayment, with interest, the member shall have restored completely the service credit that had been relinquished by the distribution of contributions.~~

~~Election of Future Contributions Under Employer pay or Employee/Employer Contribution Plans~~

~~New hires after January 1, 1991, shall have the option to:~~

- ~~1. Contribute under the employee/employer contribution plan; or~~
- ~~2. Contribute under the employer pay contribution plan.~~

~~New hires who elect to contribute under the employee/employer contribution plan may, at any time after their date of hire, elect to contribute under the employer pay contribution plan, but once they elect to contribute under the employer pay contribution plan may not thereafter revert to the employee/employer contribution plan.~~

~~New hires who fail to make an election to contribute under either the employee/employer contribution plan or the employer pay contribution plan shall be enrolled in the employee/employer contribution plan.~~

~~Active members who were mandated to contribute under the employer pay contribution plan and who are not subject to the election for new hires shall have the option to have future contributions under:~~

- ~~1. The employee/employer contribution plan; or~~
- ~~2. The employer pay contribution plan.~~

~~Active members shall have until December 31, 1991, to choose future contributions to be under the employee/employer contribution plan or the employer pay contribution plan.~~

~~Active members who do not make the election to contribute under the employee/employer contribution plan or the employer pay contribution plan by December 31, 1991, shall remain under the employer pay contribution plan and shall be deemed to have made a voluntary election to contribute under the employer pay contribution plan effective January 1, 1992.~~

~~The average compensation from which the amount of benefits payable is determined shall be increased to the amount it would have been under the employee/employer contribution plan. Employee contributions made by a public employer are deposited in either the Public Employees' Retirement Fund or the Police and Firefighter's Retirement Fund as is appropriate.~~

~~If an employer is paying the basic contribution on behalf of its employees, the total contribution shall be as follows:~~

First Pay Period Beginning on or After	Regular Members	Police/Fire Members
July 1, 2005	19.75%	32.0%

~~The 1985 Legislature substantially amended NRS 286.300 that allows a State agency to pay the cost of purchasing credit for service on behalf of an employee.~~

~~NRS 286.3007 now states:~~

~~1. Pursuant to NRS 286.3007, A a State agency shall pay may pay the cost of purchasing credit for service on behalf of a member if:~~

- ~~1. The agency entered into an agreement with the member under which the member was employed upon the condition that the employer pay the cost of purchasing the credit; and~~
- ~~2. The agreement to purchase the credit is in writing, becomes part of the personnel records of the employee and is approved in advance by the Board of Examiners.~~

~~2. If a State agency is required authorized to purchase credit pursuant to subsection 1 for a member, it shall not do so until the member has completed one year of service in its employ.~~

~~3. If a State agency is required to reduce the number of its employees, it shall purchase credit for service pursuant to NRS 286.300 for any member who:~~

- ~~1.a.~~ Is eligible to purchase credit;
- ~~2.b.~~ Is eligible to retire or will be made eligible by the purchase of the credit;
- ~~3.c.~~ Agrees to retire upon completion of the purchase; and
- ~~4.d.~~ Has been employed by the agency for five or more years.

~~4. The percentage of service credit purchased by a state agency, If a State agency is required to purchase credit pursuant to subsection 3 due to a reduction in employees, it shall pay is five percent of the cost of purchasing the credit and an additional five percent of the cost for each year that the person has been employed by the agency in excess of the minimum requirement of five years.~~

~~Questions about the purchase of service credit should be addressed to the Public Employees' Retirement Board.~~

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