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Agency Code: 920

Department: Administration

Division (if applicable): Nevada Public Employees' Deferred Compensation Program

Appointing authority: Chairman, Nevada Public Employees' Deferred Compensation Committee

Agency contact: Robert R. Boehmer, 684-3397, rboehmer@defcomp.nv.gov

Budget Analyst: Eric King

Proposed BOE date: 3/11/14

1. Reason/purpose for requested change:

To bring the State Administrative Manual in line with changes made in the Nevada Administrative Code (NAC).

2. Existing and recommended language in SAM (*blue bold italics* is new language being proposed and ~~red strikethrough~~ is deleted language being proposed).

3. Explain how the recommended change(s) will benefit agencies or create consistencies or efficiencies, etc. (provide examples if applicable):

The changes will correct inconsistencies that we previously had between Nevada Administrative Code (NAC), Nevada Revised Statute (NRS), State Administrative Manual (SAM), and to bring in-line with changes already made to NAC.

4. Will recommended change have a fiscal impact (if yes, explain):

No

5. Proposed effective date:

Upon BOE Approval

3800 DEFERRED COMPENSATION

3804 Deferred Compensation Committee

The Governor is authorized to appoint a committee to administer the Deferred Compensation Program. The committee's responsibilities include:

1. Creation of an appropriate fund for administration of money and other assets resulting from compensation deferred under the program;
2. With the approval of the Governor, delegation to one or more State agencies or institutions of the Nevada System of Higher Education, the responsibility for administering the program for their respective employees including:
 - a. Collection of deferred compensation;
 - b. Transmittal of money collected to depositories within the State designated by the Committee;
 - c. Payment of deferred compensation to participating employees;
3. Contracting with a private person, incorporation, institution or other entity directly or through a State agency or institution of the Nevada System of Higher Education, for services necessary to the administration of the plan including without limitation:
 - a. Consolidated billing;
 - b. The keeping of records for each participating employee in the program;
 - c. The purchase, control and safeguarding of assets;
 - d. Programs for communication with employees; and
 - e. Administration coordination for the program.

The Committee and individual members are not liable for any decision relating to investments if the Committee has:

1. Obtained the advice of qualified counsel in investments;
2. Established proper objectives and policies relating to investments; and
3. Discharged its duties regarding the decision:
 - a. Solely in the interest of the participants in the program; and
 - b. With the care, skill, prudence and diligence test that, under the circumstances existing at the time of the decision, a prudent person who is familiar with similar investments would use while acting in a similar capacity in conducting an enterprise of similar character and purpose.
4. Selected at least ~~two~~ **one Record Keeper that will provide record keeping services for the program** ~~plans from separate and distinct providers from which the participants in the program may choose.~~
5. Solicited proposals from qualified ~~providers of plans in~~ **Record Keepers** at least once every five years.

3811 FICA Alternative Plan

All State of Nevada employees hired after December 31, 2003 who are ineligible for participation in the Public Employees' Retirement System must participate in the plan sponsored FICA Alternative Plan. Each affected employee upon employment must select a ~~provider~~ **Record Keeper** to administer his sponsored FICA Alternative Plan *if the program contracts with more than one Record Keeper.*

All State of Nevada employees hired before January 1, 2004 who are ineligible for participation in the Public Employees' Retirement System may participate in the plan sponsored FICA Alternative Plan. Each affected employee must select a ~~provider~~ **Record Keeper** to administer his sponsored FICA Alternative Plan prior to participation *if the program contracts with more than one Record Keeper.*

3814 Administration

The Committee on Deferred Compensation has selected ~~contract administrators~~ **Record Keepers** for the program. Further information can be obtained from each payroll center.