State Administrative Manual

State Administrative Manual (SAM)

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Governor's Finance Office
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STATE ADMINISTRATIVE MANUAL

(Sam Changes New) Link to revisions

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0000 Introduction

The **State Administrative Manual** (SAM) is a compilation of policy statements concerning the internal operations of the State government. Policies are based on authorizing statutes or other approved regulations, although policies may be established in the absence of specific statutes where particular guidance and instructions are necessary for agencies to conduct business. This manual is published for use as a guide in conducting State business, and individual departments or divisions within the executive branch of State government may not establish policies that contradict or supersede the State Administrative Manual, except where expressly outlined in this document. Departments, divisions, agencies or other organizations of State government that require more detailed information should reference the applicable statutes that are cited following many of the policy statements, reference specific statutes pertaining to the department, agency or office, or contact the Budget Division of the Governor's Finance Office (GFO).

This edition of SAM replaces all previous editions.
Questions or comments regarding SAM should be directed to: The Budget Division of the Governor's Finance Office 209 E. Musser Street, Room 200 Carson City, NV 89701-4298 (775) 684-0222
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0002 Purpose

The **State Administrative Manual** (SAM) presents to all State agencies a single reference source for policies, procedures, regulations and information issued by the Legislature, the Board of Examiners (BOE), the Governor's Finance Office (GFO), the Department of Administration and other contributing agencies.

0004 Jurisdiction

SAM is an official publication of the Governor's Finance Office (GFO) and is issued under authority of the Governor and the Board of Examiners (BOE). (NRS 353.040) The Governor instructs all State executive agencies to comply with the provisions of this manual to promote economy and efficiency in the government of the State of Nevada.

0006 Exceptions

Deviations from this manual are permitted only upon approval of the Board of Examiners (BOE) for the agency requesting the exception. Exceptions approved for one agency may not be used by other agencies without BOE approval.

Constitutional agencies with broad powers (e.g., the Nevada System of Higher Education) are expected to follow these regulations when not in conflict with the Constitution, Nevada Revised Statutes or Board of Regents' regulations.

0100 Board of Examiners Policies

0102 Placement of Items on the Agenda

Any Board of Examiners (BOE) member is entitled to place items on the agenda, and any Constitutional Officer of the State of Nevada may request items to be placed on the agenda, upon Clerk of the Board of Examiners (Clerk) determination that the item is legal and within the jurisdiction of BOE.

0104 Agency Attendance and Notification

A. Board of Examiners (BOE) agenda action items (items denoted as For Possible Action) require attendance by appropriate agency staff to present their items. Agencies must also be prepared to present information regarding leases, contracts, and service agreements, which may be pulled on a case-by-case basis by any Board Member without prior notice. Any Board Member who wishes to pull an agenda item for discussion, particularly items generally taken on a consent basis, such as leases, contracts, and service agreements, shall notify the Clerk prior to the BOE meeting of the items they wish to be pulled for discussion.

B. The Clerk or their designee shall use their best efforts to notify the appropriate agency of any agenda item(s) that has been identified by a member of BOE as an item for discussion. However, any agency with an item noted as For Possible Action, regardless of whether they receive notice that the item has been pulled for discussion, should have the appropriate staff member(s) present at the BOE meeting to respond to Board Member questions.

0106 Distribution of Meeting Materials

The Clerk must disseminate meeting materials to each Board Member no less than five business days before the meeting unless Board Members are notified by the Clerk or their designee.

0107 Approval of Contracts and Amendments

A. The State Board of Examiners (BOE), as defined in NRS 353.010, and the Clerk of the Board of Examiners (Clerk), as defined in NRS 353.033, are responsible for approval of contracts described throughout SAM 0100. Regardless of procurement method, contracts for services of independent contractor, revenue contracts, interlocal contracts, cooperative agreements, and real property leases require submission to the Governor's Finance Office (GFO) for approval by BOE, the Clerk, or their designee prior to execution or extension.

1. Contracts, service agreements, or amendments with an estimated project value of $100,000 or more require approval at a BOE meeting.

2. Contracts, service agreements, or amendments with an estimated project value from $2,000 to less than $100,000 require approval from the Clerk. Contracts between $10,000 and $99,999 are presented to BOE as an informational item.

3. Contracts or service agreements with a value less than $2,000 are exempt from GFO submission

and BOE approval by NRS 333.700(6) and require approval of the agency head or designee.

4. Contracts exclusively for goods are awarded solely by State Purchasing and do not require GFO submission or BOE approval.

5. Certain statewide contracts include GFO submission and BOE approval, however, most statewide services require a service agreement with GFO submission for BOE approval pursuant to item 1 or 2 above.

B. The Nevada Department of Transportation is responsible for highway contracts. Highway contracts are approved by the State Transportation Board and not submitted to GFO or BOE.

C. The State Public Works Division is responsible for public works contracts. Public works contracts that are competitively bid are approved by the State Public Works Board and not submitted to GFO or BOE.

D. Contracts executed by the Housing Division of the Department of Business and Industry and the Nevada System of Higher Education are not required to be submitted to GFO or BOE.

E. Questions regarding GFO submission and BOE approval requirements should be addressed to GFO.

0108 Contracts for Services of Independent Contractors

A. A contract for services of an independent contractor is an agreement between the State and an independent contractor to provide services or combined goods and services pursuant to NRS 333.700. Contracts for services of an independent contractor require approval according to SAM 0107. Contracts for services of an independent contractor must be procured in accordance with SAM 0300.

B. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to their or its own methods and without subjection to supervision or control of the other contracting party, except as to the results of work, and not as to the means by which services are accomplished.

C. Independent Contractor or Employee

1. The determination as to whether an individual performing services for the State should be treated as an independent contractor or as a State employee is an important one. That determination can affect the individual's status in several regards, including treatment by the following.
   a. The Internal Revenue Service for tax and Social Security withholding purposes.
   b. The U.S. Department of Labor for purposes of overtime calculation under the Fair Labor Standards Act.
   c. Insurance companies providing workers' compensation coverage relative to coverage for on-the-job injury; however, if the contractor qualifies as a sole proprietor as defined in NRS Chapter 616A.310, and has elected not to purchase industrial insurance for themself, the sole proprietor must submit to the contracting agency a signed and notarized affidavit so stating.
   d. The Employment Security Department in the determination of unemployment benefits.
   e. The courts in determining possible liability to the State of Nevada for their actions.

2. There are several additional factors that should be balanced to determine whether the State, as an

employer, has such control over the worker as to render the relationship one of employment rather than that of independent contract. The following factors indicate the creation of an employer-employee relationship rather than that of an independent contractor:

a. The lack of any completion date, time limit or unit of work designation;
b. The employer's right to hire and fire the person holding the contract;
c. The payment of a regular salary;
d. The delegation to the contractor of administrative powers over employees; and/or
e. The level of control over the means and manner of accomplishment of the work.

3. A person is not an independent contractor simply because there is an agreement designating them as such or because the employer permits them considerable discretion and freedom of action. If a person performs services subject to the will and control of the employer, that person is an employee and their salary must come from the salary category.

4. Agencies unsure whether or not an employee-employer relationship exists in a potential contract should request the assigned Deputy Attorney General to review the contract for compliance with the provisions of NRS. An independent contractor is not provided the following:
   a. Withholding of income taxes or Social Security by the State;
   b. Participation in group insurance plans which may be available to employees of the State;
   c. Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;
   d. Accumulation of vacation or sick leave; or
   e. Coverage for unemployment compensation provided by the State.

5. Agencies contemplating the use of State employees as independent contractors must adhere to the following conditions:
   a. Contracts with State employees must meet the criteria for independent contractors outlined above.
   b. All State permanent employees must devote full time attention and effort to State employment during official duty hours and not to contractual obligations. (NAC 284.766)
   c. A State employee shall not enter into a contract with the State in any capacity that may be construed as an extension of their assigned duties or responsibilities to the State. (NAC 284.754)
   d. Contracts with public officers or employees are prohibited in instances in which the officer or employee has a pecuniary interest. (NRS 281.221)
   e. A member of any board, commission or similar body engaged in the profession, occupation, or business regulated by such board or commission and faculty members of the Nevada System of Higher Education, may bid on or enter into a contract with any governmental agency if they are not part of the development of contract plans or specifications, and if they are not personally involved in opening, considering or accepting offers. (NRS 281)
   f. A public officer or employee may bid or enter into a contract with any governmental agency if the contracting process is governed by rules of open competitive bidding or the sources of supply are limited, and if they are not personally involved in opening, considering, or accepting offers. (NRS 281)
   g. An employee may be disciplined for a violation of NAC 284.738, conflicting activities. An appointing authority has the power under the regulations to define which activities conflict with functions of an agency. (NAC 284.650)
   h. Unless prohibited by a specific statute, State employees employed by one agency may lawfully work on contract for another State agency while on annual leave or an unpaid status from the

first agency.

i. Agencies contracting with State employees must provide a written justification as to why this individual was selected and a written description of the proposed work and the employee's normal job duties so BOE can make a determination as to whether or not the contract can be construed as an extension of assigned job duties. Favorable BOE consideration of such requests would be assisted if the contract service and regular employment of the contractor benefit different agencies or will be under the supervision of different individuals.

6. While proposed independent contracts are reviewed by the Attorney General as to form under NRS, that review is only as to the terms of the relationship that appears in the writing presented for review. If the actual relationship between the worker and the State later changes and does not comport with that writing, such as if the State subsequently provides office space, secretarial help or requires the worker to report to a supervisor, the nature of the agreement may well become one of employment and not contract. For this reason, it is important for agency heads to monitor the actual work relationships of persons hired pursuant to NRS to ensure that an independent contract relationship is truly present under the above referenced standards. If there is some doubt as to that relationship, consult your assigned deputy attorney general.

D. Travel expenses, per diem, and/or other expenses may be paid to an independent contractor if specifically provided for in the contract. Travel reimbursement must conform to travel policies in SAM 0200 and specific travel policies of the agency, unless using the contracted vendor's mileage rate is more beneficial to the State. In no case will the reimbursement be greater than established per diem rates.

E. Independent contractors must furnish the agency with evidence certifying the contractor has complied with the provisions of law regarding providing workers' compensation coverage. NRS Chapters 616A to 616D, inclusive.

0109 Cooperative Agreements

A cooperative agreement is an agreement between two or more public agencies for the joint exercise of powers, privileges and authority, including, but not limited to law enforcement. (NRS 277.080 to 277.170) In addition to meeting the specific agreement formation requirements set forth in NRS 277.110, cooperative agreements must be reviewed by the Attorney General's Office and require approval according to SAM 0107.

0110 Interlocal Contracts

A. Public agencies may contract with other public agencies to perform any governmental service, activity or undertaking which any of the public agencies are authorized by law to perform. (NRS 277.180)

B. Interlocal contracts are distinguished from cooperative agreements in that cooperative agreements are for the joint exercise of powers, privileges and authority by public agencies and interlocal contracts are agreements by public agencies to obtain a service from another public agency. Agreements between two Nevada governmental entities are interlocal contracts just like agreements between a Nevada governmental entity and a governmental entity located outside of Nevada.

C. Interlocal contracts must be reviewed by the Attorney General's Office and require approval according

to SAM 0107. A form interlocal contract is available from the State Purchasing website.

0111 Revenue Contracts

A. A revenue contract is an agreement where the State will be receiving payments from the vendor. An example of a revenue contract is when a vendor has a concession agreement with a State Park whereby a vendor pays the State for the privilege of selling goods or services to park patrons. Revenue contracts should contain many of the same provisions found in other State contracts. A revenue contract should also contain language addressing what happens when the vendor fails to make required payments to the State.

B. A competitive process should be used to find the vendor who will provide the best value to the State. The type of competitive process to be used is based on the anticipated revenue from the contract pursuant to SAM 0305.

C. Revenue contracts must be reviewed by the Attorney General's Office and require approval according to SAM 0107. 0 Dollar thresholds for revenue contracts are based on the anticipated revenue from the contract. For contracts that include both revenue and expense, the project value is the combined total of both revenue and expense, not the net value of one minus the other.

0112 Leases and Purchases of Real Property

A. State Offices. The State Public Works Division Administrator has authority to lease and equip office space outside of State buildings whenever sufficient office space cannot be provided within State buildings. Building leases require approval in accordance with SAM 0107, with the exception of an office space lease less than one year. (NRS 331.110) The Attorney General shall approve each lease as to form and compliance with law.

B. Storage Space. Leased space used strictly for storage is a service contract following normal contracting requirements.

C. Land. The Division of State Lands acquires and holds all land and interests in land owned or required by the State except the following.

1. Lands or interests used or acquired for highway purposes.
2. Lands or interests the title to which is vested in the Board of Regents of the Nevada System of Higher Education.
3. Office buildings leased by the Administrator of the State Public Works Division.
4. Lands used or acquired for the Legislature or its staff.

0113 Non-Competitive Contracts

A. The State Purchasing Act requires the State to pursue a policy of securing best value and in most situations that means contracts with independent contractors require competition as described in SAM 0305. (NRS 333.140) Nevada Administrative Code (NAC) defines when that competition must be formal, and allows for certain exceptions to competitive selection requirements. (NAC 333.150)

B. Contracts for services specifically exempt from formal competition in Nevada Revised Statute (NRS), Nevada Administrative Code (NAC), or this State Administrative Manual (SAM) do not require separate written authorization from State Purchasing. These contracts still generally require informal competition and/or justification for selecting the chosen vendor.

C. Proposed contracts for services below formal solicitation thresholds in SAM 0305 0require informal competition. In situations where competition is not practicable, the agency must document that justification in a memorandum approved by the agency head or designee.

D. All other proposed contracts for services require written approval from State Purchasing to waive competition requirements as described in SAM 0300 generally.

E. If a non-competitive contract or extension is submitted for inclusion on the agenda, support documentation submitted to the Governor's Finance Office (GFO) and provided to Board Members must include authorization or justification of non-competitive procurement.

0114 Retroactive Contracts

A. In almost all circumstances, agency contracts require Governor's Finance Office (GFO) submission and Board of Examiners (BOE) approval prior to the vendor starting work. In rare instances where it is necessary for a vendor to start work, the agency should notify GFO as soon as practicable.

B. When an agency submits a retroactive contract for inclusion on the action item agenda, support documentation submitted to GFO and provided to Board Members must include a memorandum explaining why the proposed contract should be approved retroactively. The memorandum must be on agency letterhead and approved by the agency head or designee. The memorandum must be attached in CETS in the tab marked "Addl. Info" and the memo should be attached in the "Supporting Info (Prints on BOE Agenda)" area.

0115 Contracts with State Employees, Former State Employees and Secondary Employment

A. Nevada law, as set forth in NRS 333.705, imposes limitations on contracting with current or former State employees. Contracting with a current or former State employee is a two-part process. The Board of Examiners (BOE) must approve the proposed contractual relationship with the current or former State employee and BOE must approve the contract.

1. An authorization form, available from the State Purchasing website, must be submitted to the Governor's Finance Office (GFO). The authorization form and proposed contract may be considered at the same BOE meeting as separate items on the agenda. In the event the employment of the person is not approved by the BOE, the contract cannot be considered by BOE and will be withdrawn from the agenda.

2. Contracts affecting current or former employees and requiring BOE pre-approval may take the following forms.
   a. A direct contract between a department, division or agency of the State and a current employee or former employee.

b. A contract with a business or any other entity that employs a current or former employee who will be performing or producing the contracted services.
c. A contract with a temporary employment service that provides a former State employee to the State to perform services as a temporary worker.

3. A person who is a current or former employee may not evade the intent of this section by performing contract work for the State through creation of a corporation or other business entity.

4. If an agency will be using a temporary worker to be supplied through a contract with a temporary employment service, and that person is a current or former State employee, BOE shall not approve the use of the temporary worker unless BOE determines that:
   a. The person provides services not provided by any other employee of the agency; or
   b. A short-term need or unusual economic circumstance exists.

B. Exemptions. The requirements for BOE pre-approval of contracts with current employees or former employees do not apply to the following contracts:

1. Contracts with a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees' Retirement System during the duration of the contract unless:
   a. The job duties are similar to those performed by other employees; or
   b. The rate of pay under the contract is greater than the salary, including benefits, of an employee with similar duties.

2. A contract with a current employee or former employee for 4 months or less, where the executive head of the department/division/agency determines an emergency exists that necessitates the contract. (Note: a copy of the contract and a description of the emergency must be submitted to the BOE. BOE shall review the contract and the description of the emergency and notify the department, division or agency utilizing this emergency exception whether the BOE would have approved the contract).

3. Contracts with Professional engineers employed by the Department of Transportation for a transportation project entirely funded by federal funds.

4. Contracts with Nevada System of Higher Education, or a board or commission of the State.

5. Contracts with a person employed by an entity, which is a provider of services for Medicaid, and which provides services on a fee for service basis or through managed care.

6. Contracts for $1 million or more entered into:
   a. Pursuant to the established State Plan for Medicaid established pursuant to NRS 422.2717.
   b. For financial services
   c. Pursuant to the Public Employees' Benefits Program

C. Contracts with Former State Employees.

1. A **former employee** is a person who was an employee of any agency of the State at any time less than 2 years preceding the commencement date of the proposed contract.

2. A department, division or agency of the State may seek blanket pre-approvals from BOE for

former employees who work in seasonal, intermittent, or other temporary capacities if the person will be performing or producing services for which the business or entity is employed. For example, five seasonal snowplow drivers terminate their employment at the end of winter. The drivers are later hired by construction companies to drive trucks as part of contracts the companies have with an agency; in this instance, BOE pre-approval for entering into each contract is required unless the agency has a blanket pre-approval for the former employees. Blanket pre-approvals should be rare and must include the need supporting a blanket approval.

D. Contracts with Current Employees.

1. A current employee is a person who is an employee of an agency of the State. Contracts with current employees have additional requirements after the BOE has approved both the relationship and the contract.

2. State time tracking. Current employees, during the pay period they perform contract or provider agreement work with the State, must include in their time sheet notes for each day, the specific times they used flex, sick, compensatory time, annual leave, etc. If contract work is performed during their standard shift, the employee must document the specific times in the notes and explain how this was performed during flex time, compensatory leave, annual leave, or non-State paid time.

3. Contract time tracking. The contracted employee must document all time (date and time of day) spent working on the contract and include it in the invoice. Additionally, the employee must provide a supervisor approved copy of their state time sheet with their invoice.

4. Current employee's supervisor's responsibilities. The employee's supervisor must compare the employee's State timekeeping system time sheet to the times per the contract invoice to ensure contract work was not done during time. The supervisor must sign the time sheet and the invoice certifying that contract work was performed during flex time, compensatory leave, annual leave, or non-State paid time.

5. Contracting agency responsibilities. The agency must reconcile the current employee's approved State timekeeping system time sheets to the times noted on the invoices to ensure contract work was performed during flex time, compensatory leave, annual leave, or non-State paid time.

6. Secondary Employment. Secondary employment means any external employment or work activity, with a public or private entity, or self-employment that is in addition to an employee's position with the State, even while on leave. Secondary employment includes but is not limited to contracts with the State and work with temporary employment agencies. Any employee with secondary employment must complete a Secondary Employment Disclosure form, available on the State Purchasing website, and submit it for approval by the agency head. When an employee obtains or has a change in their secondary employment, they must submit a Secondary Employment Disclosure form within 30 calendar days of acceptance and must renew the Disclosure by July 1st of each year. The agency head must review the form for conflicts with State employment. Approved forms should be filed in the employee's personnel file.

0116 Additional Requirements for Outside Legal or Professional Services Relating to Judicial or Administrative Proceedings

A. Professional services shall include consultation or representative services within the professional's area of educational expertise performed by licensed medical practitioners as defined in NRS Chapter 439A, attorneys, accountants, engineers, architects, or experts (by education or experience) for judicial or administrative proceedings. Except as provided in NRS 341, it is the policy of the State of Nevada to limit and monitor costs associated with the hiring of professional and expert services, including private attorneys who provide services to the State as independent contractors. Accordingly, all such contracts, including those between the State, its agencies, boards, and commissions, must include the following contract terms. Further, no such contract may extend beyond a two-year term without a contract amendment in accordance with SAM 01210.

1. Notification of Attorney General's Office. Contractor shall notify and consult with the Attorney General's Office promptly regarding all significant developments regarding any potential legal matters or legal services provided under this contract. Should litigation involving potential liability for the State commence or significantly change during the term of this contract, the Attorney General's Office shall be immediately informed in writing. Contractor shall promptly advise the Risk Management Division of the Department of Administration regarding changes in the status of litigation that may have a fiscal impact on the State.

2. Copies of Work Products Provided to Attorney General's Office. Contractor shall promptly provide the Attorney General's Office, 100 N. Carson Street, Carson City, NV 89701-4717, with copies of final versions of the written work product relevant to any legal matter, including correspondence and executed counterparts of any original pleadings or other matters of importance. Contractor shall also provide to the Attorney General's Office written quarterly reports summarizing significant developments regarding the subject matter of the contract and significant services performed under the contract.

3. Work Product the Property of the State. All work products of the Contractor resulting from this contract are the exclusive property of the State. If any work remains in progress at the termination of this agreement, the Contractor shall surrender originals of all documents, objects or other tangible items related to the work to the Attorney General's Office.

4. Conflicts of Interest. Contractor shall not accept other representation or work known to be in direct conflict with the subject matter of the contract without prior written approval of the Attorney General's Office and all attorneys will consult with the Attorney General's Office regarding potential conflicts of interest, always acting in accordance with the Nevada Rules of Professional Conduct.

5. Copies of professional liability insurance will be attached to the contract with proof of policy of professional liability insurance for errors and omissions that is issued by an admitted insurance company authorized to transact insurance in the State of Nevada or by an insurance company authorized to transact surplus lines in the State of Nevada in an amount not less than $1 million, or as otherwise determined or waived by the Risk Management Division.

6. Billing. In the absence of an agreed upon flat rate or per diem, contractor shall submit monthly billings for work performed, billing only for actual time spent performing a task, and not for unit charge (e.g., no automatic billing of one-third hour for a phone call that may take only five minutes). In every case all billings shall describe all work performed with particularity and by whom it was performed.

7. Billings shall be attached to payment vouchers and processed, as are other claims against the State. Such billings are subject to the following guidelines.
   a. Unless otherwise agreed in advance, it is expected that only one professional from the contractor organization will attend meetings, depositions and arguments and other necessary events, although a second person may be needed for trials and major hearings or meetings.
   b. Charges for professional time during travel will not normally be reimbursable unless the time is actually used performing professional services or as otherwise arranged in advance.

8. In addition, the State will not pay:
   a. Fees for the training of personnel incurred by staffing changes or increases during the term of the contract;
   b. Fees for time spent educating junior professionals or associates;
   c. Fees for more than ten hours of work per day for any individual, except during trial or another extraordinary event.

9. Expense Statements – If the contract provides for specific reimbursement for expenses, the contractor shall submit monthly statements to the Contracting Agency itemizing all expenses for which reimbursement is claimed. Certain disbursements will not be paid unless agreed to in advance. These include:
   a. Secretarial or word processing services (normal, temporary, or overtime);
   b. Photocopy expenses of more than 15 cents per page;
   c. Photocopy costs exceeding $2,000 for a single job;
   d. Any other staff charges, such as meals, filing, proofreading, regardless of when incurred;
   e. Computer time (other than computer legal research specifically authorized in advance).

10. The State will not reimburse expenses for the following:
   a. Local telephone expenses or office supply costs;
   b. The costs of first-class travel (travel arrangements should be made in advance to take advantage of cost-effective discounts or special rates).

11. Disputes. If a civil action is instituted to collect any payment due under this contract or to obtain performance under this contract, the State as a prevailing party shall recover, as the court deems appropriate, reasonable attorneys' fees and all costs and disbursements incurred in such action.

0117 State Building Vending Machine Contracts

A. Business Enterprises of Nevada (BEN) is responsible for contracting for food, beverage, and vending operations in public buildings pursuant to NRS 426.

B. Any future contract, renewal of a contract, or amendment of a contract with a vendor who supplies to a State building a vending machine that dispenses aluminum cans must include: (1) a provision that requires the vendor to provide a bin or other suitable receptacle for the collection of empty cans; and (2) a provision that requires the vendor to periodically collect the empty cans for delivery to an

appropriate recycling center or nonprofit organization that collects cans.

0118 Volunteers in State Service

A. Volunteers in State service should be treated like contract employees and a contract should be processed. If there is a question as to whether the volunteer should be treated like an independent contractor, contact the Risk Management Division or your Deputy Attorney General.

B. If the volunteer is not an independent contractor consider the following legal ramifications of using volunteers in programs directed by public agencies:

1. Most persons who volunteer their services and participate in a program sponsored by the State of Nevada are not automatically covered by workers' compensation coverage. Certain types of "volunteers" are specifically defined by law to be "employees" and must be covered. (NRS 616A.160 Volunteer Peace Officers)

2. Volunteers may be covered by workers' compensation under NRS 616A.130.
   a. "The process of discretionary coverage under NRS 616.067 is a two-step process by design. Initially, an insurer must make a determination that such volunteers are to be 'deemed' employees, and secondly, the employing organization must elect coverage and comply with the provisions of Chapter 616 of NRS." (AGO 80-15) Applications for volunteer coverage can be obtained by calling Risk Management.

3. When a volunteer is covered under workers' compensation, the State "is relieved from other liability for recovery of damages or other compensation for those personal injury, unless otherwise provided by the terms of Chapters 616A to 616D, inclusive, of Nevada Revised Statutes otherwise provided." (NRS 616B.612)

4. The State may be liable for the negligent acts of its volunteers who injure third parties.

5. The Attorney General may be responsible for defending a volunteer who is sued in civil proceedings relating to that person's voluntary service.

6. In most cases, the State will be liable, and the volunteer will be entitled to a defense, if the alleged wrongful act of the volunteer was done under the direction and control of the State, in good faith, in furtherance of State business, and within the course and scope of the public duty assumed by the volunteer.

0119 Contract Formation

A. All services contracts should conform to the form, terms, and conditions set forth in the most current version of the Contract for Services of an Independent Contractor approved by the Attorney General or another contract template approved by the Attorney General or State Purchasing. Forms can be found on the State Purchasing website. The Attorney General or designee must sign each agency contract for services regardless of dollar value, including revenue contracts and those with no cost to the State.

B. The approved form contracts contain important legal language, including provisions regarding

warranties, indemnification, choice of law, and insurance. Deviations from the approved legal terms must be approved by an Attorney General. Deviations from the standard insurance requirements must be reviewed by Risk Management.

0120 Contract Submission

A. The following procedures should be adhered to when submitting a contract to the Governor's Finance Office (GFO) for Board of Examiners (BOE) consideration.

1. Contracts should be submitted to GFO by the deadline established by the Clerk and disseminated to agencies via agency memorandums.

2. Submitted contracts must include a Contract Summary Form. The Contract Summary Form provides GFO and BOE with an accurate description of the contract document and is published with the BOE agenda. All information displayed on the summary form must agree with the contents of the contract. The Contract Summary Form is generated after all the pertinent contract data is entered into the GFO Contract Entry and Tracking System (CETS). Instructions for CETS can be found on the GFO website.

3. Two copies of the contract must be submitted; each copy must include signatures of the Attorney General or representative, the responsible agency representative, and the contractor. All signature types are acceptable, and signatures may be met in counterparts. Executed contract distribution is as follows: one copy for the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB), and one copy to be returned to the agency.

4. Access to all contract records, including solicitation documents and proposals shall be maintained by the soliciting agency the life of the contract plus six (6) years, or for a period of time as determined by the soliciting agency records retention schedule, whichever is longer.

5. All contractors must have a Nevada State Business License pursuant to NRS 353.007. All applicable contracts submitted for BOE or Clerk approval must provide satisfactory proof from the Secretary of State's Office (SOS) that the contractors have a current Nevada State Business License (SBL), and if they are a Nevada corporation, LLC, LP, LLP, or LLLP, or non-profit corporation, that their corporation is active and in good standing. If they are a corporation, LLC, LP, LLP, or LLLP, or non-profit corporation based out of state, they must be registered as a foreign equivalent in Nevada, in active status and in good standing. Any business, except non-profit organizations organized pursuant to NRS Chapters 82 Non-Profit Corporations and Chapter 84 Corporations Sole that qualifies for an exemption from the business license requirement must file a notice of exemption which will be on record with the Secretary of State's Office.

0121 Contract Amendments

A. All contracts requiring Board of Examiners (BOE) review may be amended if such an amendment is deemed to be in the best interest of the State. Amendments include, but are not limited to, additional money or time required to complete the scope of work, any change in the basis of payment for the contract, or any substantive change to the scope of work which would affect the anticipated results of the contract.

B. Care should be taken not to attempt to amend a contract in a way that expands the scope of services beyond what was contemplated in the original solicitation or award. Scope creep can result in the rejection of a proposed amendment.

C. An assignment amendment is necessary when a contractor seeks to transfer a contract to a new entity created by a corporate takeover or merger. This allows the State to conduct due diligence, if needed, regarding the new corporate elements seeking to contract with the State. For example, if a contractor working for the State merges with a company on the federal debarment list, the State would deny the assignment and terminate the contract.

D. An assignment amendment is not necessary when a contractor merely changes its name or transfers a contract to an intra-corporate affiliate. However, the contractor must ensure that Secretary of State business license requirements are still met and that the State Controller's Office has updated information necessary for payments under the contract to be made to the correctly named entity.

E. BOE review may determine that it is in the best interest of the State to have a new contract with another contractor rather than amend the existing contract with the current contractor.

F. All amendments must include language that clearly identifies the applicable changes/revisions.

G. Contract amendments require approval in accordance with SAM 0107. The Clerk, or a designee, may, on behalf of BOE, approve amendments which extend the time of the contract with no additional money. The Clerk may also approve contract amendments that change the scope of work if such a change is deemed to not adversely affect State interests.

H. Amendments that propose extending a contract beyond the original term(s) authorized in the procurement require State Purchasing approval in accordance with SAM 0310.

I. Amendments are submitted to GFO like a contract in accordance with SAM 0120. In addition to the documents required in that section, amendment submissions should include one copy of the contract and any previous amendments.

0200 Travel

NRS 281.160 outlines State statutes regarding travel and subsistence for State officers, board and commission members, contractors, and employees, hereinafter referred to collectively as "employees". The State Administrative Manual (SAM) seeks to make travel arrangements equitable statewide and includes requirements for the establishment of internal agency procedures regarding employee travel.

0204 Board of Examiners Travel Policy

A. In accordance with NRS 281.160(7) BOE shall establish the rate of reimbursement 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. However, certain State policies may supersede the established federal guidelines or policy. It is BOE policy that travel should be by the least expensive method available when such factors as total travel time, salary of employee, availability of agency cars or Fleet Services Division cars, and costs of transportation are considered.

B. 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 BOE for approval. The lesser rates may not be adopted until such approval.

C. A person employed by an agency that has adopted a lesser reimbursement rate shall be reimbursed in accordance with agency policies.

D. Employees are eligible for per diem, lodging and/or vehicle rental reimbursements only if they are 50 miles or more from their official duty station, unless the Board of Examiners has approved a policy for a given department that permits travel reimbursements within 50 miles of the assigned duty station.

E. Advanced planning for travel will allow for the purchase of airline tickets at discounted rates.

F. The use of short-term home rental services such as Airbnb, Vrbo, or similar platforms is prohibited for official state travel.

0206 Agency Procedures Regarding Travel

A. The Board of Examiners (BOE) instructs all agencies to adopt agency specific policies regarding travel. The policies should address, but may not be limited to the following:

1. The hours and conditions during which an employee will be allowed to claim meals;
2. Overnight lodging, vehicles and per diem allowances withing fifty (50) miles principal duty station, if approved by the Board of Examiners;
3. Combining State business and personal travel;
4. Out-of-State travel requests;
5. Employees traveling as members of non-state agencies;

6. Use of private aircrafts;
7. The conditions under which an employee will be allowed to claim mileage while using the employee's personal vehicle; and
8. Camping while on official state business.
    a. An employee camping while on official state business may claim up to a $40 per night reimbursement while camping inside or outside of established campgrounds. Additionally, employees may also be allowed reimbursement for meals and incidentals in accordance with SAM 0210.

B. Because of the variety of internal agency process requirements, it is important for agencies to adopt agency-specific procedures in accordance with SAM 2416. Agencies must establish procedures regarding agency employees accurately requesting, approving, monitoring, and reporting all travel and per diem. These procedures should address, but may not be limited to, the following:

1. Required forms and instructions for completion of in-state and out-of-state travel requests.
2. Approval processes.
3. Verification for budget authority.
4. Submittal timeframe requirements for both travel requests and travel claims.
5. Estimating compensation while traveling.
6. Travel advances.
7. Procedure exceptions.

0208 Agency Accounting for 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. The director of the department, or comparable agency head, paying for the travel must approve exceptions to this rule in advance of the travel.

0210 Travel Status

A. Employees in travel status shall receive reimbursement that matches the rates established by the General Services Administration (GSA) for the employees' primary destination. Maximum per diem reimbursement rates for lodging, meals, and incidental expenses are established by city/county and vary by season. State employees are directed to the GSA website http://gsa.gov and the link Per Diem Rates under the Travel drop-down menu to locate the current rates. Employees may receive reimbursement for breakfasts even though continental breakfasts are provided. Employees shall not claim full meals furnished to them during a conference, meeting, or other work function on their reimbursement request. Employees may not claim full meals if a meal is offered as part of a conference, meeting, or other work function even if the employee does not consume the meal offered, except when the department head has approved an exception when the following applies:

1. Employee has a food allergy and/or dietary restriction that precludes the employee from consuming the provided meal at a conference, meeting or other work function.

2. If the condition above exists, agencies may allow employee to claim meal reimbursements for any meals provided at a conference, meeting or other work function that may pose a health risk to the employee if consumed.

B. For out-of-state travel, employees are required to submit a Travel Request for approval prior to making any travel arrangements. All out-of-country travel requests must be submitted and receive approval from the Governor's Office prior to making any travel arrangements.

C. Upon approval of the department head, agencies may make exceptions to the rate of reimbursement for lodging when one of the conditions below exist. The agency head may approve up to 150% of the established GSA rate.

1. Lodging is procured at a prearranged place such as a hotel where a meeting, conference or training session is held.

2. 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.

3. Lodging is necessary to accommodate job duties that require the employee to be in a specific location at a designated time.

D. In cases where extenuating circumstances exist, a higher rate of reimbursement for lodging may be approved. Such approval must be granted by the Clerk of the BOE, who will determine an appropriate rate of reimbursement. The approved rate may exceed the standard allowance to accommodate unique conditions.

0212 Air Transportation between Las Vegas and Reno

Whenever possible, agencies travelling between Reno and Las Vegas are to utilize statewide contracts for air travel as listed on the State Purchasing website. Due to the fluid nature of the travel industry, changes to State travel programs will be announced to agencies via All Agency Memoranda, as well as postings on the State Purchasing website. Agencies are encouraged to establish a ghost card/State corporate business account (CBA) pursuant to SAM 0322 for purchase of airfare.

0216 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. Employees should not independently rent vehicles for in-state use; instead, they must utilize the Fleet Services Division. When traveling out-of-state, rental cars are to be rented from the State-contracted companies. Visit the State Purchasing website for the guidelines on how to access these statewide contracts. When renting from statewide contracts, 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, they should, if possible, rent the vehicle using a State sponsored credit card, which provides coverage for physical damage to the rented car.

0218 Travel Reimbursement

A. All claims for travel reimbursement to an individual should be filed on a " 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 areas of the TE form must be completed, including:

1. start and end times of journey;
2. destination;
3. purpose of trip;
4. official duty station; and
5. authenticated signatures

B. If applicable, hotel bills noting the employee's name, date(s) of stay, and breakdown of costs by day 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 the traveler elects to stay at a hotel that costs $100 per night, the traveler 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 for which employees are allowed to claim meals must be included within each agency's travel policy.

C. 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., rideshare, taxi, shuttle, etc.). Gratuity will be reimbursed for commercial transportation costs up to 20%. Receipts are required (scanned copies of original receipts are acceptable).

2. Other miscellaneous reimbursable business-related expenses including reasonable baggage fees, use of internet services, computers and other business machines, conference room rentals, and official telephone calls/service. Receipts are required (scanned copies of original receipts are acceptable).

3. Laundry cleaning/pressing services if the employee's official business-related hotel stay is four (4) consecutive nights or longer. Receipts are required.

4. A meal rate approved by the Board of Examiners (BOE) for employees traveling outside the United States, commensurate with U.S. Department of State's meal allowances for foreign cities as listed in the U.S. Department of State 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 website.

5. Using their 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 shall issue an All-Agency Memorandum periodically reflecting the

current rate in effect at that time.

6. Using their own personal vehicle for their own convenience at one-half the standard mileage reimbursement rate.

7. Using their own personal vehicle for any miles driven in excess of their normal commute while on official State business. An employee's normal commute is the roundtrip mileage between the employee's residence and their official duty station. Board members traveling on State business can list their duty station as their home address.

8. 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 and should be limited to one (1) per authorized trip.

9. Additional bank ATM facility charges relating to obtaining an authorized advance from an ATM are also reimbursable by the State to the employee and should be limited to one (1) per authorized trip.

10. Interest charges incurred due to delays beyond the control of the traveler will be travel expenses reimbursable by the employee's agency.

D. The claimant's signature on the TE form attests to the accuracy of the claim. A supervisor, manager, or designee must sign the TE form approving the appropriateness of the travel. Travel claims must be submitted within one month of completion of travel unless prohibited by exceptional circumstances. An employee cannot sign as the authorizing signature on any travel voucher made out in their own name unless that employee is the head of the agency. All TE forms 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 Transactions).

E. 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 approved travel policy. For the purposes of this chapter, a fiscal agency is an organization that performs accounting transactions and budgeting functions for a given department, division, agency, or office within the Executive Branch of State government.

0220 Reimbursements for Meals Purchased for Firefighters, Patients, Wards, or Inmates

A. The Nevada Division of Forestry, when providing firefighters meals per NRS 472.110, may request reimbursement for trips 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.

B. 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 an 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.

C. Agencies may, with the approval of the Clerk of the Board of Examiners (Clerk), which is appealable to the Board of Examiners (BOE), 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.

0222 Travel Advances from the Agency Budget Account

A. In the event an advance is not available through the use of the State sponsored 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 Director of the Governor's Finance Office (GFO).

B. Only State officers and employees may receive a travel advance. Independent contractors are not eligible to receive travel advances. The agency head, or their 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)

C. The procedure for obtaining a travel advance through the agency budget is:

1. If the administrative head or their designee approves the request, the agency 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 their 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 their 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 their designee must reconcile cash advances to actual travel taken.

0224 State Sponsored Credit Cards for Official Travel Only

A. State Purchasing has contracted with a provider of credit card services for travel-related expenses. The State sponsored credit card is for official State travel only, and they should only be used to pay for travel related expenses. Employees must contact their agency designated Travel Card Administrator (TCA) to request approval.

B. 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. The agency is responsible for monitoring employees' credit card activity monthly. If a State sponsored credit card bill is not paid timely, NRS 281.1745 authorizes the State to withhold from an employee's paycheck the amount required to pay any delinquent balance.

C. Information regarding the State-sponsored credit card program can be found in SAM 0322 and on the State Purchasing website.

0226 Claims and Payments When Credit Cards Have Been Used

A. When an employee who has used a State sponsored credit card for State travel expenses submits a claim for reimbursable expenses, the employee's agency must process the claim timely to preclude the employee from incurring an interest charge on the credit card account. In order to process a claim timely, the traveler should file the claim within five days after returning from travel status. The employee's agency should take no more than five business days to process the claim.

B. Whenever an employee uses a State sponsored credit card for authorized cash advances and/or travel expenses and the receipt of their 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 their designee may issue to the employee, for payment to the issuer of that credit card, a cash advance in the amount of the total travel expenses charged on the State sponsored credit card.

0228 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 Travel Card Administrator shall suspend the card within 5 days 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.

0230 Travel & Moving Expenses on Transfer or Hire of Employee

A. NRS 281.167 defines State minimum requirements for authorizing reimbursement of travel and moving expenses with regard to the transfer or hire 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 (Clerk) 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 the purpose of the reimbursement including:
   a. For new hires, an explanation detailing the position's critical need and why this need cannot otherwise be filled.
   b. For transfers, one of two criteria must be met:
      i. An explanation of how the transfer is for the convenience of the State and not for the convenience of the employee; or
      ii. An explanation of the critical need being met by the transfer, including an explanation of why this need cannot otherwise be filled.
3. The dates the obligations will be incurred.

4. A detailed estimate of the total expenses including an itemization of travel costs, per diem rates and moving expenses.

B. Claims are submitted for payment in the same manner as other travel claims against the State and must include a copy of the approved request along with supporting receipts for all moving expense reimbursements. Agencies must ensure that funds are available within their existing budgets.

0232 Moving Expense Reimbursement Eligibility

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

A. The transferring or hiring agency head must approve moving reimbursement, or in the case of a permanent employee who is transferring between agencies, the head of the agency, board or commission, accepting the employee.

B. 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.

C. The relocation must occur within six months of transfer or appointment.

D. Except for people newly hired due to critical need, the employee must have achieved permanent status within the agency, thus being permanent to the agency rather than permanent in position classification.

E. 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 for the convenience of the State and not for the convenience of the individual.

F. The move must be for more than fifty (50) miles between duty station or home address, whichever is less.

G. 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 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 (Clerk) before obligations are incurred.

H. Departments must have policies related to allowances for moving household goods by common carrier, rental truck or trailer, and mobile home.

0234 Per Diem and Subsistence Allowances for Moving

A. Allowable per diem and subsistence allowances will be paid for the actual days in transit not to exceed six (6) 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.

B. 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.

C. Allowable per diem shall be equal to regular travel status for the employee and family members.

D. Allowable lodging will be approved as follows:

1. For the employee: Established in-State rates per the GSA schedule.
2. For the spouse: Three-fourths (3/4) of the amount allowed the employee up to the actual.
3. For each additional member of the family: Age twelve or over, three fourths (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.

E. Receipts are required for lodging if the family accompanies the employee.

0236 Mileage Allowance for Moving

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 by the General Services Administration (GSA) for relocation.

0238 Interview Expenses

A. 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 (Clerk) 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.

B. Upon Board of Examiners (BOE) 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 ensure that funds are available within their existing budgets.

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

0300 Procurement: Contracts and Purchasing

0301 Introduction

A. The State Purchasing Act (NRS 333) governs most purchasing by State executive branch agencies. Unless specifically exempted by statute, all goods and service procurement and contracting actions are subject to Chapter 333. The Nevada State Purchasing Division of the Department of Administration (State Purchasing) is responsible for implementing the provisions of Chapter 333. Pursuant to NRS 333.140, State Purchasing pursues a policy of obtaining best value for the State.

B. In addition to the requirements of SAM 0300, contracts for services of independent contractor obtained through Chapter 333 are subject to approval by the Board of Examiners (BOE) as described in SAM 0100.

C. Professional licensing boards and commissions are included in the Chapter 333 definition of Using Agencies; even boards and commissions that do not process funds through the State's accounting system are required to comply with all provisions of NRS 333, NAC 333, and this manual regarding procurement, contracting, and inventory.

D. Construction contracts for new construction, repair, or reconstruction are considered public works. More information on public works contracts can be found in SAM 1900. Contracts for normal operation of a public body or normal property maintenance are service contracts subject to SAM 0305.

E. Information about State Purchasing process and procedures, including forms and templates, can be found on the State Purchasing website at https://purchasing.nv.gov.

0302 Spending Federal Money

A. Nevada law dictates that procurement policies apply regardless of the source of the funds. Federal law generally requires federal money sent to a state to be spent in accordance with the procurement policies of that state. See, for example, 2 CFR 200.317.

B. When procuring directly with federal money or other grant funds, the agency is expected to follow the same procurement policies and procedures as it does for any other purchase, with any specific federal requirements added to State policies and processes.

C. There are technical differences between a vendor with a contract and a subrecipient with a subgrant which need to be carefully examined. Typically, a subrecipient is a governmental entity or non-profit organization that uses funds to carry out a program on behalf of the awarding agency, whereas a vendor/contractor provides goods or services to an agency or their clients. If you are unsure whether a project requires a contract or a subgrant, elicit the help of a grant expert and legal counsel, or contact the Governor's Office of Federal Assistance (OFA) for guidance pursuant to SAM 3000.0303 Certified Contract Managers

D. It is the responsibility of each agency to understand and comply with State procurement and contracting requirements. To assist agencies with fulfilling this requirement, State Purchasing offers training on purchasing policies and procedures, called the Nevada Certified Contract Management (NVCCM)

course. The NVCCM is offered free to all public employees in Nevada, including State employees and officers, local governments, Nevada System of Higher Education staff, and the legislative and judicial branches. Recertification is required every two years.

E. Those who successfully complete the NVCCM course become a Certified Contract Manager (CCM). Any staff can become a CCM, and State Purchasing encourages everyone to consider certification, but not every CCM will personally participate in the procurement process.

F. Each agency is required to identify an internal, professional level position (occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge) to serve as their primary Certified Contract Manager (CCM). The role of primary CCM should be included as part of job description. The primary CCM is responsible for ensuring agency compliance with the NRS, NAC, and this State Administrative Manual (SAM) about purchasing and contracting policies and processes.

G. Each agency head is responsible for designating the primary CCM and notifying State Purchasing if the primary CCM has been replaced. Until the agency head appoints a primary CCM, the agency head is ex officio the primary CCM.

H. The primary CCM or a designee CCM must review and approve each agency contract prior to submission to the Governor's Finance Office (GFO) pursuant to SAM 0107.

I. All formal solicitations must be conducted by a CCM, and State Purchasing encourages agencies to have a CCM perform all contracting and procurement actions.

0304 Special Approvals

The following procurements require prior approval from certain agencies before any order or solicitation.

A. New or used vehicles require Board of Examiners (BOE) approval. For the purposes of this section, a "vehicle" is any wheeled apparatus that would generally require a license plate, all-terrain vehicles (ATV), utility task vehicles (UTV), side-by-sides, aircraft, watercraft, and heavy equipment. Agencies shall refer to SAM 1300 on policies for State Vehicles.

B. Information Technology projects with combined goods and services require review and approval pursuant to SAM 1600.

C. Computers, laptops, file servers, software and information systems require preapproval pursuant to SAM 1600.

D. Telecommunications equipment requires preapproval pursuant to SAM 1600.

E. Any purchase, not available on contract, over $4,999.99 requires preapproval from State Purchasing

F. Occasionally agencies have a need to evaluate a piece of equipment before it is purchased. These try and buy acquisitions must be approved in writing by State Purchasing prior to the evaluation period.

0305 Competition Requirements

A. Agencies are generally encouraged to procure under existing contracts before conducting separate competition and contract.

B. The determination of what type of procurement is appropriate partially depends on the estimated project value. The estimated project value of a contract is the total potential revenue and/or expense to the State and partners, customers, and clients. The source of the funds makes no difference, whether collected from customers or clients as a fee, part of a grant, or a general fund appropriation.

   1. When the State will pay the vendor, the total project value is the total amount that may be paid to a vendor over the life of the contract.

   2. When the vendor will pay the State, the total project value is the total amount that may be earned over the life of the contract.

   3. When the contract includes both revenue and expense, the total project value is the absolute value of projected revenue plus expected expense, not net value of one subtracted from the other. For example, on contracts where the vendor provides a service paid for by customer facing fees, the project value includes those fees as revenue earned by the State and funds expensed by the State (e.g., $20,000 in vendor collected fees and $20,000 in expenditures spent supporting the vendor system is a project with a value of $40,000 not a value of $0.

C. The following dollar limits apply when conducting competition as part of a proposed purchase.

   1. All purchases of goods worth less than $5,000 or services worth less than $25,000 may be made by agencies after an informal process. See SAM 0313.

   2. Purchases of goods valued at more than $5,000, but less than $50,000 require review by State Purchasing after an informal process. See SAM 0313.

   3. Purchases of goods of $50,000 or more must be made by State Purchasing using a formal solicitation process. See SAM 0318 or SAM 0319.

   4. Purchases of services with an estimated contract value of at least $25,000 per fiscal year, or at least $100,000 in estimated total contract value, must be made using a formal solicitation process. If the estimated contract value is less than $25,000 per fiscal year and less than $100,000 in total, but exceeds $25,000 in total value, the agency may conduct the formal solicitation itself or ask State Purchasing to conduct the formal solicitation.

   5. Purchases of services of $100,000 or more must be made by State Purchasing using a formal solicitation process. See SAM 0319.

D. When goods and services are combined, the purchase shall be treated as a contract for services. This requirement helps prevent the problem of splitting goods and services to circumvent the required approvals based on dollar thresholds.

E. It is the Board of Examiners (BOE) general policy that service contracts be solicited every four years. However, there are often valid reasons for entering into a longer or shorter contract and an agency may request a different term. State Purchasing makes the final determination on the length of a proposed contract term and/or inclusion of option years that will yield best value for the State.

F. State Purchasing shall authorize contracts for leasing equipment unless otherwise specifically provided by law. (NRS 333.150) Agencies must contact State Purchasing prior to any rental, lease or time pay agreements for any supplies, material or equipment that are not available on an existing statewide contract. No rental or lease agreements may be signed without approval of State Purchasing, except for short-term rentals not exceeding $5,000. Agencies are responsible for ensuring staff operating rented equipment are appropriately qualified.

G. Questions regarding solicitation requirements should be addressed to State Purchasing.

0306 Emergency Purchases

A. Emergency purchases may be made as needed to address a disaster or emergency as declared by the Governor pursuant to NRS 414.0335 or NRS 414.0345.

B. The Purchasing Administrator may authorize an emergency purchase in any situation the Purchasing Administrator identifies as a threat to the health, safety, or welfare of persons or wildlife in the State. (NAC 333.114) Agencies shall obtain Purchasing Administrator approval prior to initiating these emergency purchases, if possible.

C. Emergency purchases may also be made to protect human life or public property. Purchases to protect human life or public property may be made without prior authorization from State Purchasing. Such purchases must be reported to State Purchasing no later than the next business day to obtain post facto emergency purchase authorization.

D. Authorized emergency purchases are exempt from formal competition; however, agencies are still expected to conduct informal competition to the extent practicable. (NRS 333.300(4))

E. Emergency contracts for services still require Governor's Finance Office (GFO) submission for Board of Examiners (BOE) approval pursuant to SAM 0107. A retroactive memorandum is required pursuant to SAM 0114 if the nature of the emergency requires the vendor to start work prior to approval.

0307 Preferred Purchase Program

A. The Preferred Purchase Program, administered by State Purchasing, allows agencies to contract with approved non-profit groups whose primary purpose is to train and employ individuals with disabilities to provide a wide range of services including janitorial services, mailing services, package and assembly, sewing, production of promotional materials, poly bagging, shrink wrapping, document imaging, and document destruction. (NRS 334.025)

B. Contracts with organizations authorized through Preferred Purchase Program are exempt from competition normally required by SAM 03050. Preferred Purchase Program contracts require Governor's Finance Office (GFO) submission for Board of Examiners (BOE) approval pursuant to

SAM 0107. Additional information about the Preferred Purchase Program is available at: http://preferredpurchase.nv.gov/.

0308 Statewide Contracts

A. The easiest way to make a purchase is to use an existing statewide contract. Statewide contracts (SWC) are contracts executed by State Purchasing for the collective benefit of two or more agencies (formally known as good of the State contracts and/or master service agreements). Instructions for use and information about statewide contracts available for use by State agencies and other governmental entities are available on the State Purchasing website. For State agencies, statewide contracts can be mandatory, meaning use is required, or permissive, meaning use is optional. (NRS 333.160) Specific exemptions to mandatory contracts can be considered by the Purchasing Administrator on a case-by-case basis.

B. The process for using each statewide contract is on the State Purchasing website. Many purchases from statewide contracts can be made with only a Purchase Order from the electronic procurement system according to SAM 03230 or via procurement card (PCard) according to SAM 03220, however projects that include professional services may require a service agreement.

C. A service agreement is used to document the specific project scope of work and terms and conditions for purchases under statewide contracts that include services of independent contractor. The service agreement template is available on the State Purchasing website. The State Purchasing website also has statewide contract instructions for use, including whether Governor's Finance Office (GFO) submission for Board of Examiners (BOE) approval is required pursuant to SAM 0107.

0309 Direct Client Services

A. Direct client services (DCS) contracts (formerly known as provider agreements) are contracts where the State pays a vendor to provide a service to a client third party, and that third party or their representative has input in provider selection. DCS contracts are frequently used by the Department of Employment, Training and Rehabilitation (DETR) and the Department of Health and Human Services (DHHS), among other agencies, to provide certain services directly to clients.

B. State Purchasing facilitates an ongoing, rolling award, Request for Qualifications (RFQ) to identify and contract with qualified providers of direct client services (DCS). Qualified service and treatment providers submit a response to the RFQ, and if determined qualified, receive a DCS contract for a defined term.

C. DCS contracts are intended to provide choice to the client whenever possible. The State does not competitively award DCS contracts but rather seeks to award contracts to all qualified vendors to maximize client choice. If an agency is unsure whether a service meets the definition of DCS or should be competitively solicited, they should contact State Purchasing.

D. To utilize a DCS contract, the agency must complete a written service agreement and process it through the electronic procurement system as described on the State Purchasing website. Statewide DCS contracts are submitted to the Governor's Finance Office (GFO) and Board of Examiners (BOE) approved upon execution to comply with SAM 0107. DCS service agreements do not require submission to GFO or additional approval by BOE.

0310 Contract Extension

A. Contracts are for a fixed term, and in most circumstances the State expects to conduct renewed competition pursuant to SAM 03050 for a new contract if services are still needed beyond the intended expiration. Occasionally, contracts include optional extensions as part of the intended term and enacting an included extension does not require separate authorization from State Purchasing.

B. In situations where an intended contract term is near completion, and the agency feels it would be in the best interest of the State to amend a contract, the agency can request written authorization from State Purchasing to waive competition normally required by SAM0 0305 to allow for a contract amendment extending the contract term.

C. The Contract Extension Justification Request form can be found on the State Purchasing website. A contract extension request must be approved by the agency head or designee prior to submission by a CCM to State Purchasing for consideration.

D. Amendments to contracts for services authorized via contract extension justification request require Board of Examiners (BOE) approval pursuant to SAM 0107 following the amendment process in SAM 0121.

0311 Use of Another Governmental Solicitation

A. When the purchasing needs of multiple agencies align, State Purchasing considers a statewide contract as listed in SAM 03080, but there are also circumstances where an agency need does not rise to the level of statewide contract, but may align with a different governmental entity. In these situations, State Purchasing has the authority to enter into a contract pursuant to solicitation for bid or proposal by other governmental entities pursuant to NRS 333.475 and contracts awarded by the General Services Administration (GSA) or other federal agencies pursuant to NRS 333.480.

B. The Request to Use Another Governmental Solicitation form can be found on the State Purchasing website. A Request to Use Another Governmental Solicitation must be approved by the agency head or designee prior to submission by a CCM to State Purchasing for consideration. Additionally, the Deputy Attorney General representing the agency shall review the project scope of work from the original solicitation to ensure the projects are substantially similar.

C. State Purchasing has a duty to review the original solicitation and ensure it is conducted in an open and competitive manner like processes and procedures used by State Purchasing.

D. Contracts for services authorized via another governmental solicitation require Board of Examiners (BOE) approval pursuant to SAM 0107 and SAM 0113.

0312 Solicitation Waiver

A. In exceptional circumstances pursuant to NAC 333.150, the Purchasing Administrator may grant a solicitation wavier, authorizing an agency to proceed with a contract for services without competition normally required by SAM 03050.

B. The Solicitation Waiver Request form can be found on the State Purchasing website. A Solicitation Waiver Request must be approved by the agency head or designee prior to submission by a CCM to State Purchasing for consideration.

C. Contracts for services authorized via solicitation wavier require Board of Examiners (BOE) approval pursuant to SAM 0107 and SAM 0113.

0313 Informal Solicitation

A. Informal solicitation is a competition method for purchases below formal solicitation thresholds described in SAM 03050. Agencies may obtain a template for an informal solicitation from the State Purchasing website; however, use of the template is not required.

B. Informal solicitation requires an agency to attempt to obtain at least three quotes with documentation and provide an award justification. Below are some general guidelines for what should be included; however, this is only a recommendation. Informal solicitation is by definition informal, and the actual process can vary provided the intent is to document an agency attempt to get competition prior to making a purchase to ensure best value.

1. In writing. Provide the same information to all prospective vendors at the same time.

2. Defined award plan. Inform prospective vendors how award will be made, either low price or providing evaluation criteria.

3. Contract terms and conditions. Provide required insurance and contract terms for review and acceptance as part of the solicitation.

4. Submission instructions. Inform prospective vendors when and how to submit a response to be considered for award.

C. After informal solicitation is complete and a vendor is selected, the method for purchase varies based on what is being purchased. Contracts for services may require Governor's Finance Office (GFO) submission and Board of Examiners (BOE) approval pursuant to SAM 0107. Contracts for goods are generally a purchase order pursuant to SAM 03230.

0314 Software Agreements

A. With rare exceptions, software is an ongoing purchase commitment—either purchasing a perpetual software license and then ongoing maintenance and support costs, purchasing annual licensing, or as-a-service where licensing, maintenance and support are combined. In each method, the State maintains a long-term relationship with a vendor, and the vendor is responsible for contract compliance on an ongoing basis.

B. Purchasing through a statewide contract allows for commodification of software licensing, for either perpetual or annual licensing models. Software licensing purchased through a statewide contract can generally considered a goods purchase, made on a Purchase Order or PCard, if the purchase is for standard products similarly available to all customers.

C. Software, when combined with professional services, including onsite implementation, training, customization, or consulting, is a service project requiring approval pursuant to SAM 0107. Software related service projects from statewide contracts require a service agreement. Software related service projects not from statewide contract require normal competition and contract like any other service.

D. It is possible for acquisition of software outside an existing contract to be deemed a purchase of a goods if: (1) the software is being purchased off the shelf with no vendor customizations; and (2) it is a one-time expenditure with no need for ongoing license or maintenance payments. The final determination as to whether a particular software purchase is treated as a good or a service for purposes of compliance with Chapter 333 is made by the Purchasing Administrator.

E. Software agreements present one of the greatest potential threats to the State because of the possibility of the introduction of malicious code and potential for liability resulting from loss or exposure of data, including Personal Identifying Information (PII). Agencies should work closely with their Deputy Attorneys General and information security officer to ensure that software and other information technology agreements protect the State in the event of a data breach.

0315 Training

A. Training of State employees or those representing the State at an offsite location, like a conference registration or registering for a publicly offered training, is considered a purchase of goods and can be made via PCard, Purchase Order, or travel request. Offsite training does not require a standard form contract or Governor's Finance Office (GFO) submission for Board of Examiners (BOE) approval and can be processed direct by the agency regardless of dollar value.

B. Onsite training, including at alternate locations temporarily occupied by the State and conferences an agency is hosting, shall follow the normal services contracting process.

C. Whether onsite or offsite, training is not exempt from competition requirements, however, there may be situations where training is unique or specific to the point that competition is not practicable. Non-competitive offsite training purchases require written justification from the head of the agency. Onsite training requires the same competition or approval for non-competitive purchase as other service contracts.

0316 Real Property Repair and Maintenance

A. All contracts for repair or maintenance of public property require use of a licensed contractor. Contractors, as defined by NRS 624, must be licensed before they can submit a bid or proposal on any minor remodeling, repair and maintenance work, pursuant to NRS 624.700 unless specifically exempt under NRS 624.031. Major construction or repairs with an estimated value over $100,000 are the authority of the State Public Works Division pursuant to SAM 1900. Where the building is under control of the Buildings and Grounds Section of the State Public Works Division, see SAM 1004.

B. Pursuant to NRS 338.011, normal operations and maintenance of a property follows standard contracting requirements. Contracts for ongoing maintenance require competition in accordance with SAM 03050 and approval in accordance with SAM 0107.

C. Contracts for one-time, non-structural minor remodeling or repair work require are governed by NRS

338.13862 rather than NRS 333. Contracts for one time repair or maintenance require approval in accordance with SAM 0107 and informal competition as described below.

1. All project requirements and specifications must be provided in writing to at least three licensed contractors.
   a. Award must be made to the lowest responsible bidder based on a firm-fixed price.
   b. If no bids are received, the agency may resolicit or move to negotiations with a licensed contractor on a time and materials basis.

2. If a general contractor has been awarded a contract, each of their subcontractors who will perform work on the contract that exceeds $50,000 or 1 percent of the proposed project, whichever amount is greater, shall be required to furnish a bond in an amount to be fixed by the State Public Works Division as required by NRS 339.025.

D. The State Public Works Division can assist agencies in drafting specifications and bid proposals, evaluating bids, and preparing contracts.

0317 Equipment Repair and Maintenance

A. Contracts for repair and maintenance of equipment, including motor vehicles and other large equipment, are subject to the same rules as other contracts. Agencies are encouraged to prepare by soliciting and awarding ongoing contracts for maintenance and repair of any equipment vital to agency operations. However, sometimes circumstances necessitate contracts for one-time equipment repairs. Contracts for equipment repair and maintenance require competition in accordance with SAM 0305 and approval in accordance with SAM 0107, with the exception that warranty work performed at no cost requires no approval.

B. Agencies authorizing repairs on State property are required to verify that the contractor maintains insurance as required by Risk Management prior to start of work.

0318 Invitations to Bid

A. Invitations to Bid (ITB) are a formal competition method for purchases based on thresholds in SAM 03050. All ITB are offered by State Purchasing in compliance with Chapter 333. ITB are awarded to the lowest responsible bidder. State Purchasing offers all ITB through the electronic procurement system.

B. ITB are generally used to solicit for large one-time purchases and for contracts to provide as-needed ongoing purchases of supplies, materials, and/or equipment by a single agency. Ongoing contracts, also called open-term contracts (OTC), are solicited for an initial period of two years. If an agency estimated need over a two-year term exceeds the formal solicitation threshold in SAM 03050, contact State Purchasing to conduct an ITB for an OTC. Needs that exist across multiple agencies are generally met through statewide contracts, see SAM 03080, rather than an ITB for an OTC.

C. When requesting a purchase via ITB, agencies must specifically describe requested items to ensure prospective vendors are provided accurate and complete information. Agencies should provide State Purchasing with whatever information is necessary to obtain the desired type, color, size, shape, or

special characteristic necessary to perform the work intended or produce the desired results.

D. Agencies must avoid the use of standards that would unnecessarily restrict and diminish competition. The purpose of an ITB process is to allow the State to benefit from competition. An agency may make a "no substitute" request for a specific brand of an item; however, such a request must be made in writing and must prove that only the requested brand will meet agency needs. The Purchasing Administrator makes the final decision regarding a "no substitute" request.

0319 Requests for Proposals

A. Requests for Proposals (RFP) are a formal competition method for purchases according to thresholds described in SAM 03050. RFP are awarded to the highest scoring proposal based on the evaluation factors and relative weights provided.

B. All RFP must be offered through the electronic procurement system. Use of the electronic procurement system helps ensure compliance with the following.

1. Advertising requirements of NRS 333.310.
2. Online bidding requirements of NRS 333.313.
3. Notice of Intent process requirements of NAC 333.170.
4. Notice of Award process requirements of NAC 333.170.
5. Appeal process requirements of NRS 333.370.
6. Public records requirements of NAC 333.185.

C. RFP is the primary method of solicitation for contracts for services and/or contracts for combined goods and services. Agencies are required by NAC 333.150 to use RFP for agency led solicitations. State Purchasing often uses RFP for solicitations it conducts but may also use other solicitation methods like Request for Qualifications (RFQ), Invitation to Negotiate (ITN), Competitive Proof of Concept (CPC), or other similar processes as authorized by the Purchasing Administrator.

D. Depending on the estimated project value or written authorization from State Purchasing, RFP may be facilitated by State Purchasing or by an agency Certified Contract Manager (CCM). Agencies must use the approved RFP template or request a State Purchasing facilitated project with an RFP development from, both of which may be obtained from the State Purchasing website.

E. For every formal solicitation, the State must identify a single point of contact pursuant to NAC 333.155. The single point of contact must be a CCM pursuant to SAM 0303.

F. Prior to an RFP being released, the evaluation committee, evaluation factors, and relative weights of those factors must be determined and approved. Approval for agency led solicitations must be from the agency head or designee and State Purchasing approves solicitations they lead. The RFP must provide the evaluation factors and relative weights to prospective vendors. Details on the composition of evaluation committees can be found at NRS 333.335(2) and NAC 333.162.

G. Agencies are encouraged to present a draft scope of work and RFP to their Deputy Attorney General

for review prior to release. It is also useful to have a purchasing officer from State Purchasing review the RFP to make sure solicitation requirements are met.

H. RFP must include insurance requirements obtained from Risk Management. See SAM 0516.

I. The State should allow for at least one question and answer period within the RFP timeline. The agency must receive all questions in writing and respond to all questions in writing via amendment to the RFP.

J. An RFP opening is public; however, the only information available is the names of proposing vendors. Submitted information is confidential and shall only be shared with authorized individuals who have agreed to confidentiality until award.

K. Evaluation committee members agree to participate using the memo available from the State Purchasing website. Evaluators score each technical proposal individually, giving a score for each evaluation criteria listed in the RFP. After individual scoring is complete the single point of contact holds an evaluation committee meeting for discussion of technical proposals and finalizing scoring. Cost proposals are generally evaluated quantitively, using a formula to determine relative scores. On larger projects, the RFP may include additional rounds of scoring for presentations, demonstrations, and/or best and final offers.

L. Once evaluation scoring is complete, the individual scores are averaged together for an overall ranking, and the highest ranked vendor(s) identified. A Notice of Intent to Award (NOI) is issued through the electronic procurement system, notifying all proposers of the vendor(s) offered the opportunity to negotiate a final contract.

M. Following successful negotiations, a contract is drafted which incorporates the State solicitation (RFP), the vendor proposal and any written negotiated or clarified items. Agency policy determines the order that signatures on the contract are obtained. A contract that has been signed by the agency assigned Deputy Attorney General, the awarded vendor and the agency head is considered ready for award.

N. When a contract has been agreed to, a Notice of Award (NOA) is issued through the electronic procurement system pursuant to NAC 333.170. The NOA must identify the proposal selected and the anticipated contract value, must state that the appeal period pursuant to NRS 333.370 has commenced, and must state the contract is not effective until approved by BOE.

O. Pursuant to NRS 333.335 and NAC 333.185, all information pertaining to a formal solicitation becomes public upon NOA release. Vendor proposals, including unsuccessful proposals, and evaluation scoring become available to vendors through the electronic procurement system at this time.

P. Pursuant to SAM 0107, awarded contracts usually require Governor's Finance Office (GFO) submission for Board of Examiners (BOE) approval prior to final contract execution.

0320 Circumvention

A. Circumvention is any agency action taken with perceived intention of trying to avoid or undermine the purchasing and contracting requirements.

B. Exemption from Board of Examiners (BOE) policies in SAM 0100 is not the same as exemption from State Purchasing requirements of SAM 0300 and vice versa. When entering into a contract, both

requirements must be met; agencies are legally obligated to comply with all Governor's Finance Office (GFO) submission and BOE approval requirements and all State Purchasing solicitation requirements.

C. Purchases shall not be made contrary to requirements set forth in statute, regulation, or SAM, nor shall purchases be made in such a manner as to circumvent the intent of these requirements, nor shall related or similar items be purchased separately by splitting purchases or series of smaller purchases as a device to avoid requirements.

D. State procurement law and policy exists to ensure the State takes due care in expending public funds with private organizations. Compliance with the law is about intent. Corruption and maleficence can occur within the letter of the law while violating the spirit and intent. All public employees have an ethical duty to act with integrity. If an employee or officer has concerns about an action taken or under consideration, they are encouraged to report it to the Division of Internal Audits (DIA) of the Governor's Finance Office (GFO).

E. Any purchase and any contract for the purchase of any goods or services made or entered into by any State officer, department, institution, board, commission, or agency contrary to the provisions of the Nevada Revised Statutes (NRS), Nevada Administrative Code (NAC), and this State Administrative Manual (SAM) shall be void. The agency head and the employee who actually made such purchase or entered into such contract shall be personally liable for the cost of any such purchase. (NRS 333.810)

F. Violating Nevada law is grounds for an audit finding, potential employee discipline, and potential individual liability for the contract amount. Additionally, federal law usually requires federal dollars to be spent in compliance with State procurement law, and failure to comply with Nevada procurement law can cause purchases to be disallowed and become the responsibility of the State.

0321 Post-Award Contract Management

A. Contract award and execution is not the end of agency responsibilities; it is the beginning. Once approved, contracts must be actively managed to make sure the State is getting what is promised in the contract.

B. A Certified Contract Manager (CCM), pursuant to SAM 0303, shall be identified as the point of contact for each active contract or service agreement.

C. At a minimum, active contract management includes monitoring vendor performance, tracking required licensure and insurance, and processing contract amendments.

D. Agencies shall maintain contract logs for all agency contracts and service agreements, whether on paper or in a software system. Each contract log sheet should include agency, vendor, approved contract authority, approved budget and category authority (initial contract and all amendments), contract beginning and ending dates, and total contract value. Each order and payment should be recorded on the log, with the associated document number(s) and a declining balance. Contract amendments pursuant to SAM 01210 may require submitting the contract log to the Governor's Finance Office (GFO).

0322 State Credit Card Programs

A. State Purchasing maintains mandatory statewide contracts for credit card programs and merchant accounts. Information and guidelines governing each program can be found on the State Purchasing website. Agencies shall not establish credit accounts with other merchants or credit providers.

B. To participate in a credit card program, the agency must establish internal controls pursuant to SAM 2416. Agency internal controls must be submitted to the Division of Internal Audits (DIA) of the Governor's Finance Office (GFO) for review and approval.

C. CREDIT CARD PROGRAM TYPES.

1. PCARD / PROCUREMENT CARD. A Procurement Card or PCard, is a credit card for payment of claims outside the State's accounting system, with consolidated monthly billing to the agency that must be paid in full. A PCard is a method of payment, not a method of procurement. Purchases made with a PCard still require compliance with SAM 0300 generally for competition and contract. Agency internal controls may authorize certain purchases without a Purchase Order normally required by SAM 0323 if paying via PCard.

2. TRAVEL CARD / STAFF INDIVIDUAL LIABILITY ACCOUNT (ILA). An ILA/Travel Card is a credit card for use by an individual employee or officer for expenses related to official State travel. Travel Card use is further described in SAM 0200 generally.

3. GHOST CARD / STATE CORPORATE BUSINESS ACCOUNT (CBA). A CBA/Ghost Card is a cardless credit account exclusively used for advanced transportation purchases for official State travel, with consolidated monthly billing to the agency that must be paid in full.

4. FLEET CARD. A Fleet Card is a credit card for vehicle fuel purchases, with consolidated monthly billing to the agency that must be paid in full. The Fleet Card program allows for assignment of cards to specific individuals or vehicles. Further information can be found in SAM 1416.

5. SPECIAL USE CARD. There may be unique situations necessitating payment via credit card that do not align with the credit card programs listed here. A Special Use Card program may be requested, and if appropriate, established in coordination with State Purchasing and the Division of Internal Audits. Justification and process for each Special Use Card program must be documented in Agency internal controls.

0323 Requisitions and Purchase Orders

A. A requisition is an internal document in the electronic procurement system for an agency to request authorization to make a purchase. Requisition process generally requires budgetary and programmatic authorization, and agency internal controls may require additional processes or approvals. A requisition should never be sent to a vendor or outside party, as that may be interpreted as placing an order. Requisitions are part of ordering from statewide contracts pursuant to SAM 03080, planning direct client services (DCS) pursuant to SAM 03090, ordering after informal competition pursuant to SAM 03130, or requesting an Invitation to Bid (ITB) pursuant to SAM 03180.

B. A Purchase Order (PO) is a written document that defines the types, quantities, and agreed prices for

products or services ordered. A PO can be issued pursuant to an existing contract, agency or statewide, or a PO can be a stand-alone agreement that becomes a contract when accepted by the vendor. Only POs issued through the electronic procurement system are allowed. Agencies cannot create paper documents claiming to be a purchase order.

C. Most purchases require a requisition and PO, however, as part of individual agency internal controls established pursuant to SAM 2416, an agency can define specific circumstances where a requisition and/or PO may not be required. Purchases that do not require a requisition and PO may include purchases made via PCard pursuant to SAM 03220, some purchases made pursuant existing contracts, and certain utility payments. Purchases that include fixed assets pursuant to SAM 03260 always require a PO.

D. A purchase order, once accepted by the vendor, constitutes a contract. Changes to that contract must be in writing through the electronic procurement system. Failure to comply could negate any legal recourse the State has regarding a delinquent vendor.

E. The Purchasing Administrator or a designee may cancel any purchase order or contract procured pursuant to Chapter 333 if deemed to be in the best interests of the State. An agency can request such a cancellation. However, the Purchasing Administrator makes the final decision.

0324 Delivery, Receipt, and Inspection

A. All deliveries shall be subject to inspection at time of delivery. Deliveries that fail in any respect to meet specifications or conform to vendor sample, or are not in satisfactory condition when received, shall be subject to rejection.

B. Deliveries shall be made to the location specified in a purchase order. Freight charges shall be prepaid to the location of the agency, except when expressly stated on the purchase order.

C. Within eight business days of receipt of an order, agencies must confirm receipt in the electronic procurement system pursuant to NAC 333.116.

1. What to do at time of delivery.
   a. When accepting a shipment from a third-party delivery agent, verify the number of cartons listed on the freight bill. Carefully examine each carton for external damage. If damage is visible, note it on the delivery receipt and have the driver sign your copy.
   b. Confirm that products delivered have been ordered by the agency receiving the delivery.
   c. Immediately after delivery, open all cartons and inspect for merchandise damage. Inspection must be made, and hidden damage reported to the delivery agent.
   d. Verify count. Make certain item quantities align with the packing slip/delivery receipt. Note any overage or shortage on the packing slip/delivery receipt and have the driver sign your copy if possible.
   e. Sign and date that goods were received on the delivery receipt, purchase order or invoice.
   f. Confirm receipt in the electronic procurement system.

2. Steps to take if damage is discovered.
   a. Immediately notify the purchaser or buyer listed on the Purchase Order.
   b. Retain damaged items. All damaged materials and cartons must be held at the point received.
   c. Call carrier to report damage and request inspection.

d. Confirm call in writing. This is not mandatory but is for the receiver's protection.
e. Make certain damaged items remain at the receiving area prior to inspection by carrier.
f. After carrier-inspector prepares damage report, carefully read it before signing. Forward damage report to the purchaser or buyer.
g. Continue to retain damaged materials. Damaged material should not be used or disposed of without written permission by the carrier. Do not return damaged items to shipper without written authorization from the shipper/supplier.
h. Whenever agencies doubt whether the merchandise received is acceptable, immediate notice should be given to purchaser or buyer so they may notify the vendor. Such notice should explain why merchandise does not meet specifications.

3. This procedure must be followed so necessary corrections can be made immediately. Merchandise should not be returned to the vendor without prior clearance from the purchaser or buyer.

D. In the event a vendor delivers and invoices part of a purchase order, or a portion of one item, the invoice should be marked "partial delivery," and partial payments should be made.

E. Agencies must match the purchase order, receipt, and invoice prior to authorizing payment for any items purchased.

0325 Federal Surplus Property Program

State Purchasing runs the Nevada Federal Surplus Property Program. This program allows State Purchasing to obtain federal surplus property for State agencies, local governments, and other qualified entities with no payment being made to the U.S. Government. Federal rules require State Purchasing to charge the receiving agency a fee, usually about 10% of the current item value, to reimburse program operating costs.

0326 Personal Property and Fixed Assets

A. Personal property is under the authority of State Purchasing pursuant to NRS 333.220. Real property, meaning lands and buildings, is under the authority of State Lands. The State Property unit within State Purchasing is tasked with administration and oversight of process and procedures for inventory and records of trackable personal property.

B. To protect State investment and guard against waste and abuse, certain personal property must be tracked in the State's accounting system by the agency. Pursuant to NRS 333.220, each agency must maintain an inventory record of all fixed assets as defined below.

1. Computer equipment, including laptops, desktops, and servers, regardless of acquisition value.

2. Motorized vehicles, including cars, trucks, motorcycles, carts, all-terrain vehicles (ATV), utility task vehicles (UTV), side-by-sides, aircraft, watercraft, and heavy equipment, regardless of acquisition value.

3. Weapons, including any item that under normal use can deliver lethal force against a person and/or any item that is regulated by the Bureau of Alcohol, Tobacco, and Firearms, regardless of acquisition value.

4. Any other personal property with an expected life of at least two years, that is not consumed in use, and has a unit cost of at least $5,000.

C. Each agency shall maintain an inventory of the Fixed Assets in their custody. Inventory records shall be updated any time custody of a Fixed Asset changes, including items lost or stolen.

D. Pursuant to SAM 03230, all Fixed Assets shall be procured through the electronic procurement system with a Purchase Order to ensure the items are issued State ID tags and added to inventory. State ID tags are issued by State Purchasing when an order is complete. State ID tags are to be attached to the asset when received by the agency.

E. In the event an agency acquires personal property that qualifies as a Fixed Asset in any other method, including donation or forfeiture, the agency shall submit a Property Disposition Report (PDR) to request the Fixed Assets be issued State ID tags and added to inventory.

F. Agencies shall conduct a physical inventory and reconcile with the official records in the State's accounting system at least annually. Schedule and procedures are at agency discretion. To provide separation of duties, State Purchasing cannot perform inventories but will provide technical assistance to agencies upon request. As a courtesy, State Purchasing will notify agencies annually to provide instructions of inventory requirements and procedures.

0327 Surplus

A. Surplus supplies, materials, or equipment are under the authority of State Purchasing pursuant to NRS 334.030. The State Property unit within State Purchasing is tasked with administration and oversight of process and procedures for transfer, sale, or disposal of excess supplies, materials, or equipment.

B. The goal of the surplus program is to allow any governmental entity to take full advantage of the available surplus properties of any other governmental entity. Surplus is any and all supplies, material, or equipment, including forfeited property, no longer needed by an agency regardless of acquisition cost or condition.

C. Under no circumstances may surplus be given to employees.

1. Surplus should be reported to State Purchasing using a Property Disposition Report (PDR), available from the State Purchasing website. A completed PDR should include a disposition recommendation and a complete description of the surplus, its condition, and any State ID tag numbers. State Purchasing shall make the final determination on disposition method; surplus should not be moved until a written authorization from State Purchasing is received. Disposition options include the following.Transfer to another agency within State government.
2. Sale or donation to another governmental entity like a city, county, or district pursuant to NRS 334.020.
3. Sale or donation to a religious, charitable, or educational organization pursuant to NRS 333.195.
4. Sale or donation to an entity eligible to receive federal surplus pursuant to NRS 333.220.
5. Sale to the public at auction pursuant to NRS 333.220.

6. Sale to the public pursuant to NRS 334.040.
7. Recycling pursuant to NRS 232.007.
8. Disposal via landfill or another paid disposal method.

D. Sale of Surplus. Unless otherwise authorized by the Director of the Department of Administration, the proceeds of a sale, less State Purchasing service charges and directly billed expenses if applicable, must be deposited in the fund the money to purchase the supplies, materials or equipment was expended in accordance with the following procedures.

1. Sale amounts of $100 or less will be retained by State Purchasing to cover costs of picking, storing, and/or sale.
2. Sale amounts above $100 and less than $1,000 will be deposited in the fund from which the money to purchase the item(s) was expended. State Purchasing shall retain a service and handling charge of $100 plus directly billed expenses, if applicable.
3. Sale amounts above $1,000 will be deposited in the fund from which the money to purchase the item was expended. State Purchasing shall retain a services and handling charge of 10% of the gross sale price plus directly billed expenses, if applicable.
4. Sale of recycled materials shall comply with NRS 232.007.
5. Sale amounts may be based on each individual item sold or an aggregate sale amount of multiple items purchased from the same fund.

E. Surplus Vehicles. Vehicles as defined in SAM 03260 identified as surplus shall be turned over to State Purchasing for transfer or sale. The process for turning over a surplus vehicle is as follows.

1. Agency shall complete a Vehicle Turn-in Document, available from the State Purchasing website.
2. Written declaration on a Vehicle Turn-in Document must indicate that the vehicle is surplus and must be accompanied by the ownership title.
3. Vehicle Turn-in Document must have an Appointing Authority signature.
4. The vehicle title should be properly signed off by an authorized person.
5. The agency shall clearly note the condition of the vehicle with special attention to defects and problems.
6. All license plates, decals, official markings, and special equipment (i.e., emergency lights) must be physically removed and the vehicle must contain at least five gallons of fuel.
7. Two complete sets of keys must accompany the vehicle.
8. The Agency shall notify the Attorney General's Office of vehicle transfers or changes. Insurance will be maintained by the agency until the vehicle has been sold or transferred.
9. Towing services for transport of disabled surplus vehicles are available upon request. Towing fees will be deducted as directly billed expenses from sale proceeds.

F. Surplus Weapons. Weapons, including confiscated or forfeited weapons, as defined in SAM 0326,0 identified as surplus shall be disposed of in accordance with NRS 202.340.

1. Weapons obtained through the Federal Surplus Property Program which are no longer needed must

be returned to State Purchasing so they can be transferred back to the United States government.

2. State Purchasing recommends weapons declared surplus by an agency be used for trade to a properly licensed retailer or wholesaler during procurement of equipment necessary for performance of agency duties or be transferred to another law enforcement agency.
3. Weapons reported as beyond useful life will be considered dangerous to the public and designated for destruction by a method deemed appropriate by the custodial agency. Upon request, State Purchasing will assist agencies in finding an appropriate means of destruction.
4. Prior to initiating trade, transfer, or destruction, an agency is required to file a PDR with State Purchasing containing descriptions, quantities, and serial numbers of surplus weapons. An agency must also report the weapon descriptions to a forensic services laboratory pursuant to NRS 202.340. Upon receipt of written approval from State Purchasing, the agency may proceed with destruction and notify State Purchasing within five business days after completion.

0400 Records

0402 Agency Responsibility for Records

A. The head of each State agency must make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency. The head is responsible and shall be held accountable to provide for effective controls over the creation, use, maintenance, security, distribution and disposition of these records by establishing a records management program.

B. The head of each State agency shall take the following actions to establish and maintain an agency records management program:

1. Issue a directive establishing program objectives, responsibilities, authorities, standards, guidelines, and instructions.

2. Control the creation, maintenance, use, and distribution of agency records and information to ensure that the agency:
   a. Does not accumulate unnecessary records or gather data which do not pertain to the function of the agency;
   b. Adheres to a records retention and disposition schedule as mandated by NRS 239.080;
   c. Does not create information system forms and reports that collect information inefficiently or unnecessarily;
   d. Annually reviews all existing forms and reports to determine if they need to be improved or dispensed with;
   e. Designs forms for computer data entry or information gathering that are easy to complete, read, transmit, process, retrieve and does not gather information which does not pertain to the functions of the agency;
   f. Eliminates unnecessary reports, designs reports for ease of use, deletes information on reports which is not needed, and limits distribution of reports to reduce cost;
   g. Maintains its records in a cost-effective format, which allows for the rapid retrieval and protection of the information;
   h. Provides for the security of electronic records consistent with the security and disaster recovery standards and procedures established by the Office of the Chief Information Officer within the Office of the Governor;
   i. Establishes a written organized filing system which is standardized for all branches of the agency, provides for the supplies, personnel, and equipment to properly run the filing system, and provides for an ongoing training program for staff in the use of the filing system;
   j. Provides for the transfer of records to the State Archives of historically valuable information in accordance with NRS 239.080, 239.090, and 378.250, and
   k. Establishes written procedures for the proper access or denial of access to the public or other governmental agencies to records that have been declared by law to be confidential.

3. Prior to the creation of electronic records, the head of each State agency must:
   a. Consult with the Office of the Chief Information Officer within the Office of the Governor on the implementation of its strategic plan for information resources and information technology, the purchase and implementation of information technology services, cloud solutions (e.g.,

Function-as-a-Service, Software-as-a-Service applications, Platform-as-a-Service, Infrastructure-as-a-Service), hardware and software, and the establishment of security and training programs consistent with NRS 242;

Work with the State Records Management program of the Nevada State Library, Archives and Public Records (NSLAPR) to ensure the proper use, maintenance, retention, preservation, and disposal of that record, and to implement the procedures outlined in NRS Chapters 239 and 378, and NAC Chapter 239;

b. Establish a records retention and disposition schedule for the record series to be created, in accordance with NRS 239.080 and NRS 378.255(3)(7) and
c. Create a migration strategy and include this in a written plan for implementation to ensure that the information will be transferable to another format.

4. The head of each State agency must establish and be responsible and accountable for the implementation of written safeguards against the unlawful removal, misuse, damage, alteration, destruction or loss of records. An ongoing training program to teach staff in safeguarding records must be established. The training program must include:
   a. That records in the legal custody of the agency are not to be compromised or destroyed except in accordance with NRS 239.080 and NAC 239.722; and
   b. That penalties are provided in law for the unlawful removal, misuse, damage, alteration, destruction or loss of records as provided by NRS 205.4765 to 205.481, NRS 239.010 to 239.011, NRS 239.080 to 239.085, NRS 239.300 to 239.330, NRS 378.255(9)(a), NRS 281.180 to 281.190, and NRS 603.080 to 603.090.

5. The head of each State agency must ensure that records are protected from the unlawful removal, misuse, damage, alteration, destruction or loss. The head of each State agency must inform the Attorney General of any actual, impending or threatened unlawful act regarding records in the legal custody of an agency of which they are the head that comes to their attention. With the assistance of the Attorney General and the Assistant Administrator for Archives and Records, they shall initiate action as provided by NRS 378.255(9) to recover records that they know or has reason to believe were unlawfully removed from their agency.

6. The head of each State agency shall take all measures possible to protect the records in their legal custody from a natural or other disaster. The head shall be responsible and held accountable to procure the proper supplies, equipment, and personnel to protect the records in the agency's legal custody. If any damage occurs to the records, this must be reported to the Assistant Administrator for Archives and Records. The Assistant Administrator for Archives and Records, as provided by NRS 378.255(6)(7), shall provide advice and all help possible in saving or restoring damaged records.

7. As part of the Emergency Management Plan required by the Division of Emergency Management of the Department of Public Safety, and as allowed by NRS 378.255(6) in cooperation with the Assistant Administrator for Archives and Records, the head of each State agency must prepare a disaster recovery plan for the records in the legal custody of the agency. The disaster recovery plan must include measures staff will take to recover records, regardless of physical format, after a disaster has occurred. The disaster recovery plan must provide for:
   a. A list of vital records, in order of importance, toward which efforts to protect and recover will be directed;
   b. A list of staff assigned responsibilities and duties to be carried out in case of an emergency;

c. A list of vendors capable of rendering help in an emergency. For electronic records, agencies must follow the standards established by the Office of the Chief Information Officer within the Office of the Governor;
d. A list of equipment and supplies, with the location of each, which are to be used by staff in the recovery of records damaged or threatened by a disaster; and
e. An ongoing training program for staff in disaster preparedness and recovery of damaged or threatened records.

8. "Officially filed" means that records have been placed in the legal custody, care and keeping of a state agency.

9. Records that have been officially filed with a State agency are subject to the provisions found in NRS Chapter 239 and NAC Chapter 239, and must be inventoried, appraised, and included on a records retention schedule.
   a. When such records are transferred to the State Archives, legal custody is transferred to the State Archives as provided in NRS Chapter 378.
   b. If an approved records retention schedule provides for the destruction of such records, they may be destroyed subject to NAC 239.722.

10. If, in the regular course of business, any agency has kept, received, or made any official State record and caused the same to be recorded, copied, or reproduced in any physical or electronic format on any durable medium, the original may be destroyed in the regular course of business unless prohibited by law. If the original is destroyed, the duplicate of such record shall be deemed to be the original and must be retained according to an approved records retention schedule.

0404 Records under Custody of the Secretary of State

The Secretary of State has legal custody of the following records:

A. Election laws and corporation laws of the State of Nevada that have been recorded, compiled, and distributed.

B. Official records of election returns, reports and results after final compilation.

C. Corporation records, trademarks, limited partnerships, etc.

D. All deeds and conveyances belonging to the State.

E. The official bond of the State Treasurer as approved by the Board of Examiners (BOE).

F. All written contracts to which the State is a party, unless required to be deposited elsewhere.

G. A record of all commissions and appointments made by the Governor. The Secretary of State must attest to the Governor's signature thereon and affix the State Seal.

H. Files and records of licensed ministers.

I. Rules and regulations of agencies filed pursuant to provisions of the Nevada Administrative Procedures

Act.

J. Securities agents and dealers licensing and registration records.

K. A record of all Notary Public appointments.

L. Statements of financial disclosure for Statewide and multi-county candidates and public officers. (NRS 281.561)

M. UCC financing statements and related documents, federal tax liens and utility filings.

N. After six years many of the records filed with the Secretary of State are transferred to the State Archives for preservation and research access. They remain in the legal custody of the Secretary of State. (NRS 378)

0406 Electronic Records

A. Electronic records (NRS 75.040, NAC 239.906) may be any combination of text, data, graphics, images, video, or audio information that are created, maintained, modified, communicated, or transmitted in digital form by a computer or similar system. Electronic records are commonly stored on a variety of storage media, networks, or in cloud environments. The State envisions maximum compliance with best practices, while recognizing that we operate in a rapidly changing digital landscape and defining best practices for electronic records is therefore an iterative and ongoing process.

B. Not all electronic information is a record. (NAC 239.705) The technology or medium in which a document is created, stored, used, or presented does not determine whether it is a record. The content and context of the information determine if it is a record. State agencies must follow approved retention schedules to determine what electronic information is a record and to inform their actions related to the retention and disposition of their records. (NRS 239.080) For example, not all emails are records. Official correspondence are records, but transitory correspondence are not records. (General Records Retention Schedule 2009023, 2010033, and 2010034)

C. A record may exist on any medium, including electronic media. (NRS.75(060)) Therefore, a record that is native to a computing environment (born digital) is an official record. Electronic copies of records (such as those digitized from other formats) may be deemed official records if they meet the criteria set forth in the Nevada Revised Statues. “A reproduction of an image of a record in writing that has been...saved pursuant to this section shall be deemed to be the original record or writing, regardless of whether the original exists” (NRS 239.051(1)), provided it is “durable, accurate, complete and clear.” (NRS 239.051(4)) “A duplicate is admissible to the same extent as an original if the person or office having custody of the original was authorized to destroy the original after preparing the duplicate, and in fact did so.” (NRS 52.245)

D. State agencies must ensure government records, regardless of format or physical characteristics, are managed in compliance with records laws and requirements. (NAC 239.945) Management, retention, storage, and disposition of electronic records should be done in collaboration with agency information technology (IT) staff.

E. Authenticity and integrity. Agencies must implement procedures to support the legal admissibility of electronic records by upholding the authenticity and integrity of records in their legal custody. Agencies must protect records from "unlawful removal, misuse, damage, alteration, destruction or loss." (NAC 239.699) Agencies can support the authenticity of electronic records in their custody by retaining unaltered all system-generated metadata (date created, dates modified, file size, file extension, etc.). The Archives will contribute to the integrity and authenticity of electronic records by following best practices to preserve and document the provenance and properties of records, such as generating hash values when records transfer to the Archives' custody.

F. Accessibility. While records remain in an agency's legal custody, the agency is responsible for ensuring continued accessibility and usability of their records by the government and for inspection by the public. (NRS 239.010 and NRS 239.0107) To that end, records should be reformatted and/or migrated to supported formats and stored in reliable, accessible systems. Agencies should maintain associated indexes and/or metadata to facilitate timely retrieval, access, use, transfer, or destruction.

G. Storage. Agencies are responsible for working with their IT staff to implement safeguards and procedures that protect and preserve records to ensure their continued use by the government and inspection by the public. (NRS 239.010 and NRS 239.0107) Official electronic records should be stored in secure backed-up environments. The official copy of a state record should not be maintained on an employee's hard drive or removable storage media.

H. Transfer. Electronic records identified as having permanent value must be transferred to the State Archives according to the applicable retention schedules and in accordance with procedures established by the State Library, Archives and Public Records Administrator. (NAC 239.940) To minimize opportunities to inadvertently compromise the integrity or authenticity of permanent records, agencies should work with IT and Archives staff to transfer electronic records. Archives, IT, and agencies must work together to ensure the ongoing accessibility of permanent records. Archives and IT staff will advise agencies regarding acceptable file formats and conversion of atypical file formats to ensure ongoing accessibility and use of permanent records.

I. Destruction. Electronic records may be destroyed only in accordance with applicable retention schedules. (NRS 239.080) Non-records (NAC 239.051) should be deleted when they are no longer of use to the agency. Non-permanent records should be deleted when they have met retention. Electronic records scheduled for secure destruction must be disposed of in a manner that protects confidential information following federal guidelines for media sanitation. Confidential electronic records (including all back-ups of such records) must be destroyed in such a manner that the records cannot be retrieved or reconstructed. (NAC 239.722 and NAC 239.165) Media previously containing confidential information should not be reused if the previously recorded information could be recovered from it. It is recommended that agencies keep logs of secure destruction witnessed by staff who are trained to perform secure destruction. If an electronic record scheduled for destruction is part of a public records request, audit, investigation, litigation, or anticipated litigation, the record must not be destroyed until the request, audit, investigation, or litigation is complete.

0412 Archives and Records, State Library and Archives

The State Library and Archives Administrator is charged by statute to administer Archives and Records. The Administrator appoints an Assistant Administrator for Archives and Records who is responsible for

maintaining the Archives and Records programs, receiving materials into the Archives from State agencies deemed to be of historical value, and providing reference and research services. With the approval of the State Records Committee, material may be returned to the State agency from which it is received if determination is made that the material is not of historical value.

0414 Nevada System of Higher Education

A. The Board of Regents may establish archives and records management programs with records storage and archival facilities for each of the separate campuses of the Nevada System of Higher Education. The Board of Regents is encouraged to do this to provide for efficient preservation of and access to research and archival records within each campus location. Since each institution is the center of research functions, the records of that institution should remain with and be preserved by that institution. The Board of Regents shall furnish information relating to the operation of these programs, such as names, addresses and phone numbers, to Archives and Records.

B. The Nevada System of Higher Education records management programs shall be responsible for the inventory and appraisal of record series produced and stored by university agencies. These shall be placed upon forms authorized by the Archives and Records and shall be submitted for review and subsequent submission to the State Records Committee. (NRS 239.080)

C. The Board of Regents must provide for the protection of records of the Nevada System of Higher Education that have been appraised as having archival/research or permanent legal value in storage facilities that meet the minimum standards set by Archives and Records or transfer the records to Archives and Records for preservation in the State Archives.

D. All records management and archival programs established by the Board of Regents must adhere to the minimum standards.

E. Archives and Records shall preserve Board of Regents' records appraised as having research/archival and permanent legal values through an approved records retention schedule.

0416 Minutes of Public Bodies

The minutes of public bodies, whether of a public or closed meeting must be created in a written format. They have been declared by NRS 241.035 to be a permanent record. This does not mean that agencies are duty bound to preserve these records indefinitely and, in fact, State agencies should not consider themselves the permanent repository for such records. Special institutions, usually named archives or special collections, have been set up and staffed to handle these types of records. By authority of the General Records Retention Schedule that was authorized by the State Records Committee in accordance with NRS 239.080 and NRS 241.035, such records may be transferred to an archival repository and NAC 239.850 describes where such records may be transferred. For executive branch agencies, other than the Nevada System of Higher Education, the institution to transfer these records to is the Nevada State Archives. (see SAM 2038 and NAC 239.850)

0418 Sealing of Records

Procedures for Sealing of Records:

A. State agencies that have been required by NRS or by a Nevada court of record to seal records must do so as described in this section. This will ensure the security of the records and compliance with court orders. These procedures will also ensure that these and any associated records (such as microfilm on the same roll) will still be legally acceptable as evidence in a Nevada court of record.

B. **Sealing** means placing the records in a file system not accessible to the general public, only to authorized staff. This can be done by designating a locked file drawer cabinet or a file cabinet in a locked room for deposit. Sealed records can also be sent to the State Records Center (see NAC 239.725 to 239.735).

C. Authorized staff includes the staff responsible for file maintenance, the agency's legal counsel and the agency appointing authority. The actual file contents may only be disclosed by order of the court. Authorized staff may review the record for administrative purposes. A log must be kept with the record indicating who had access, for what purpose, when access was made and by what authority.

D. After receiving an order from the court, or upon expiration of the time and conditions set forth in law, the record must be physically removed from the office filing system, and a card placed in the file system stating what the file is that has been removed, the date it was removed and why it was removed (cite the court order or legal citation for removal of the record). Place the sealed file in an envelope or file folder that can be closed. Place the court order or a copy of the NRS citation authorizing sealing in the envelope or closable file with the record. On the outside of the envelope or file, place a label identifying the record (number and name of case) and wording to the effect: **Sealed by authority of (cite court order or legal citation). Access by authorized staff or by court order only.**

E. Create a special finding aid for sealed records, listing file name, case number and new location of the record and other data as needed in order to facilitate retrieval of the record. Authorized staff may disclose to the public that the agency has sealed records in their legal custody, but no other details, e.g., the name of the files and location.

F. If the record to be sealed is on a microfiche, microfilm jacket, aperture card or micro card: remove the microform from the file system and place it into a closeable envelope as described in 1, 2 and 3 above. Replace the microform with an index card stating the name of the record removed, the date it was removed from the file system and why it was removed.

G. If the record to be sealed is on roll microfilm, such as reel, cartridge or cassette: either remove the entire roll from the file system as described above. If only a portion of the roll is to be sealed: cut the portion to be sealed out of the roll and place it in a closeable envelope, etc. as described above. Targets, certification and a copy of the court order or citation must be microfilmed and spliced between the roll meeting all requirements found in ANSI/AIIM MS 19 and 42. Splicing must be done in accordance with ANSI/AIIM MS 18 standards.

H. Sealed records are not subject to disposition by the Records Retention Schedule described in NRS 239.080. Sealed records may only be disposed of by order of a Nevada court of record. Disposition may be destruction of the record or transfer to the State Archives. Contact the State Archives for appraisal prior to requesting disposition from the court. For purposes of appraisal, Archives and

Records staff from the NSLA are considered authorized staff. Agencies should request court disposition for all files retained at least 50 years.

0420 Vital Records

A. **Vital records** are official State records containing information required for a state agency to continue functioning during a disaster or to re-establish operations after a calamity has ended. Vital records contain administrative, fiscal, legal and archival values representing the particulars of obligations incurred by the State. Without these vital records, the daily business of an agency would stop, and the public interest would be endangered because of:

1. Vulnerability to litigation that would endanger the operations of State government;
2. Vulnerability to the expenses of financial settlements (claims against the State from contracts, vendor service agreements, purchases and other charges);
3. Loss of revenue (license and service fees, taxes, investments, etc.);
4. Disruption of employment records, payroll and benefit services; and
5. Loss of information vital to the public health and well-being (hazardous waste, law enforcement, fire safety, health and welfare services, etc.).

B. A vital records program prevents the loss of information critical to the continuing operation of State government. Archives and Records identifies vital records during the inventory process using the criteria established and may recommend that they be microfilmed with the security copy of the film stored in an off-site location (preferably in another city) remote from the site of the agency.

C. State agencies must give priority to the microfilming and protection of vital records within the limits of their budgets. If money is appropriated for microfilming or the storage of records, those identified as a vital record shall be dealt with first.

D. The Records Center must give priority to the storage of official State records that have been identified as vital records.

0422 Defunct Agencies

A. Any State official, upon notification of the pending abolishment of the agency by the Legislature, Governor or department head shall make provisions to protect agency records. The records of State agencies that have been abolished by law or administrative procedure shall be transferred to Archives and Records for appraisal and protection, unless otherwise provided. (NRS 281.190) Archives and Records shall have legal custody of the records of defunct agencies. Records having administrative, legal and fiscal values shall be maintained in the Records Center until all requirements for disposition according to a valid records retention schedule have been met. Records appraised with research/archival value shall be transferred to the State Archives for preservation.

B. Upon reinstatement or reorganization of an abolished State agency, those records that have been appraised with legal, fiscal or administrative values and not destroyed may be transferred into the legal custody of that State agency. Those records appraised with research/archival value shall remain in Archives and Records for preservation in the State Archives. (NRS 239.090)

0500 Insurance and Risk Management

0502 General

The Risk Manager is responsible for placing all insurance (except Group Life, Self-Insured Liability, and Accident and Health) required by the State of Nevada. The Risk Manager may also select deductibles and/or self-insurance when it is economically advantageous to do so. (NRS 331) The Risk Manager is also responsible to promote and encourage loss prevention and may assign variable deductibles, with due notice, to agencies or specific locations to promote the loss prevention program.

0503 Self-Funded Liability Program

All self-funded liability claims are handled through the Attorney General's Office. This includes general liability, automobile liability, watercraft liability, etc. The Attorney General's Office also sets rates and collects premiums for this program. For information regarding these programs, agencies should contact the Attorney General's Office. Self-funded liability programs are not part of the Risk Management Division.

0504 Insurance and Self-Insurance

A. Property Insurance. This program combines self-funding and commercial insurance to provide property coverage, subject to certain policy exclusions, on State-owned buildings and contents and the contents of leased buildings for physical loss or damage. This program also provides coverage for specialty property including but not limited to communications equipment, mobile equipment, solar arrays, watercraft and water tanks. Agencies can apply for coverage on their specialty property by submitting the form called "Supplemental Insurance for State-owned Mobile Equipment and Miscellaneous Property" located on the Risk Management website. State employees' personal property kept or maintained on State property will be "at their own risk" and not covered under the state property insurance.

B. STATE-OWNED/LEASED BUILDING(S) REPORTING REQUIREMENTS.

1. Agencies must report all changes related to their State-owned buildings including changes in location, building usage, square footage occupied, and changes to property values to the Risk Management Division within 60 days of a move, completion of remodeling, construction projects, or acquisition of new buildings. Those changes must be reported by submitting the form called, "Request for Property Insurance for New State-Owned Buildings", located on the Risk Management website.

2. Agencies that occupy lease locations via private landlord, must report any move to a new leased location with 60 days of move. The changes must be reported by submitting the form, "Lease Property Insurance Change", located on the Risk Management website.

3. Annually, Risk Management will send out the Origami Risk Property Survey. Agencies must review their schedule of properties and provide updates. (Buildings and Grounds are responsible for reporting buildings that they own and/or manage on behalf of their state occupants.)

4. State Public Works Division (SWPD) or agencies (when the project is not handled by SPWD) shall notify Risk Management of all new construction projects at the beginning of the project and when they are completed or substantially completed and occupied. Upon completion of the project, SPWD shall report to Risk Management, the full details about the building including construction, occupancy, construction values and any furniture or equipment purchased in conjunction with the project using the form, "Request for Property Insurance for New State-Owned Buildings" located on the Risk Management website.

5. Project managers can request a review of the building plans prior to construction by making a request via Risk Management to the State's property insurer regarding plans related to the fire protection system and/or earthquake protection, prior to initiation of the construction project.

C. PROPERTY DEDUCTIBLES.

1. Property losses are subject to a $10,000 per occurrence deductible.

2. A $100 deductible is applicable to the Governor's Mansion.

3. Specialty equipment, including Contractor's and mobile equipment losses are subject to a $10,000 per occurrence deductible.

4. The Risk Manager may increase the deductible at a specific location, with due notice to the agency, if an agency fails to implement loss prevention recommendations made by the commercial insurer, in a timely manner, that would prevent or minimize a loss.

D. PROPERTY CLAIMS

1. **REPORTING LOSSES**: Agencies must report all losses and take prompt action to protect the property from further damage or loss. In the event of a loss estimated to exceed $50,000, agencies must contact Risk Management as soon as practicable. Risk Management will contact the State's property insurer, who will dispatch a claims adjuster to the scene. Damaged property must be retained, and all evidence related to the loss preserved until inspected by an adjuster.

2. Property losses must be reported using the Origami Risk Portal link called, "Submit a Vehicle Accident/Property Loss Claim", located on the Risk Management website.

3. When reporting the loss, agencies should submit the incident details and additional documentation, such as photographs and estimates of the damages. Losses reported later than 90 calendar days from the date of loss may not be covered. Losses that result from mysterious disappearance (no signs of forced entry or losses found during inventory) or resulting from known risks that have not been corrected may not be covered.

4. When a loss involves vandalism, theft, or other criminal activity, a copy of the police crime report must also be forwarded to Risk Management. If an agency experiences repeated or multiple losses due to inadequate security or protection of equipment, deductibles may be adjusted, or claims denied with due notice.

5. Contested claims compensability determinations can be referred to the Risk Manager for review. The decision of the Risk Manager will be final and binding.

E. **MAKING REPAIRS**: Agencies are responsible for affecting the repair or replacement process by contacting the appropriate parties as soon as possible. These contacts might include Buildings and Grounds, State Purchasing, State Public Works Division, Governor's Finance Office or outside contractors or vendors (following Purchasing and State Public Works Division requirements).

1. Repairs or replacement for significant structural property losses (exceeding $50,000) must be coordinated with the Risk Management Division and the State Public Works Division, unless a specific waiver is approved by the Risk Manager. Additionally, claims that require repair or replacement in excess of $100,000 will be submitted to the State's outside insurer and subject to further review by the property insurer adjuster. Repairs must be completed within two years from the date of loss unless a written waiver is obtained from the Risk Manager.

F. **PAYING FOR A LOSS**: Agencies are responsible for a $10,000 per occurrence deductible or an alternate deductible identified by the Risk Manager. Risk Management will pay the lesser amount of the repair or replacement, excluding any betterment and subject to the exclusions contained in the commercial excess property insurance policy.

1. Agency Reimbursement. When an agency pays for the entire loss out of its budget, Risk Management will reimburse it after submission of the deductible, proof of repair/replacement, and evidence that the invoices have been paid by the agency. Agencies must submit the "Reimbursement Request Form" located on the Risk Management website.

2. Risk Management Direct Vendor Payment. Risk Management can directly pay a repair/replacement vendor. To do this, it is necessary that Risk Management be forwarded a copy of related contracts or the original invoices and copies of all estimates and written documentation from the agency that the work has been completed in an acceptable fashion. The agency must pay Risk Management the appropriate deductible in advance of payment to vendors.

3. Regardless of payment method, it remains the responsibility of the agency to complete all necessary paperwork required to affect the repair or replacement of the damaged or destroyed items. This would include any contracts, purchase requisitions, etc. Risk Management can be identified as the contracting agency once the SPWD contract is reviewed and approved by the Risk Manager.

4. In the case of purchase requisitions, agencies should complete the form, except for the budget coding sections and the authorization signature and forward to Risk Management for completion. The form must be retained by the requesting agency if electronic or facsimile copies are used for payment purposes pursuant to SAM 2616.

G. **BOILER AND MACHINERY:** Provides blanket coverage for damage to boilers, pressure vessels, etc. at State-owned locations. Agencies are responsible for payment of policy deductible subject to various deductibles dependent upon size of unit and building square footage. Current deductibles are located on the Risk Management website. All losses must be reported to Risk Management within 48 hours, and all damaged equipment must be kept until Risk Management, or its designee has had an opportunity to inspect it.

H. **CYBER LIABILITY:** Protects agencies from risks relating to information technology infrastructure and related activities. It also protects agencies should confidential information fall into the wrong hands, sometimes called a "breach" (whether the information is contained in electronic or hard

copy/written form). In part, the coverage pays monies to address legal issues (i.e., lawsuits/regulatory fines), conduct forensic investigations, and to pay expenses related to notifying affected individuals and/or to offer credit monitoring services. The agency suffering the loss should report the incident as soon as possible but no later than 15 days from time of incident. Complete the claim form called, "Cyber Claim Form" located on the Risk Management website. Agencies are responsible for paying Cyber policy deductible of $250,000.

1. Coverage for physical damage to computer equipment is provided under the property and contents insurance policy. Agencies are responsible for a $2,500 deductible per occurrence. All losses should be reported to Risk Management as soon as possible, but not more than 90 days from the date of the loss. Reports of losses received beyond 90 days from the date of loss will not be covered. Mysterious disappearance losses (no sign of forced entry) or losses discovered during inventory may not be covered. When a loss involves vandalism, theft, or other criminal activity, a copy of the police crime report must also be forwarded to Risk Management. If an agency experience repeated or multiple losses due to inadequate security or protection of equipment, deductibles may be adjusted, or claims denied with due notice. All damaged equipment must be kept until the insurance company adjuster has had an opportunity to inspect it.

I. **COMMERCIAL CRIME INSURANCE (aka Employee Bond):** A Public Employees' Blanket Bond provides $7,000,000 coverage, subject to a $250,000 agency deductible for loss caused by any fraudulent or dishonest act committed by an employee acting alone or with others. The policy covers all employees except those required by statute to furnish an individual bond; employees of the Nevada System of Higher Education, and employees of the Legislative Counsel Bureau. Coverage for specific employees is automatically terminated upon discovery of their involvement in any dishonest act during current or prior employment or having been canceled under a prior bond. Potential claims must be reported to the Risk Manager as soon as possible, but no later than 15 days upon discovery, so that reimbursement may be sought from the insurer.

1. **Claims Procedures**: Due to the sensitivity of an alleged employee dishonesty claim, the Risk Manager must immediately be notified of any potential claim. The Risk Manager will coordinate with the Attorney General's Office prior to filing a claim for losses with the insurance company.

J. **AIRCRAFT LIABILITY AND HULL INSURANCE:** Provides liability coverage on owned and non-owned aircraft, and physical damage coverage on fixed wing aircraft and helicopters, subject to various deductibles. Policy also provides coverage for unmanned aerial units, aka drones. Agencies with the above-mentioned aircraft and/or drones must request coverage through Risk Management. Agencies should contact Risk Management for more information.

K. **FINE ARTS/EXHIBIT INSURANCE:** Coverage for Fine Arts/Museum exhibits are provided under a separate policy issued through Lloyds of London along with excess coverage through the State's Commercial property and contents insurance policy, subject to certain exclusions. Policy provides coverage for both owned collections and temporary exhibits(loans). In order for the agency to obtain coverage for that specialized coverage, agencies should provide an inventory of items and loan agreement (if applicable) outlining the agreed values for the covered exhibits.

1. Claims filed under the commercial policy are subject to a policy deductible of $1,000. All losses should be reported to Risk Management as soon as possible, but not more than 90 calendar days from the date of the loss. Reports of losses received beyond 90 calendar days from the date of loss will not be covered. Mysterious disappearance losses (no sign of forced entry) or losses discovered

during inventory may not be covered. When a loss involves vandalism, theft, or other criminal activity, a copy of the police crime report must be forwarded to Risk Management.

2. The agency must keep the item until the outside insurance adjuster or other designated representative from Risk Management has had an opportunity to inspect it. All items that are not able to be repaired become property of the insurance company unless the agency is willing to accept reimbursement less the salvage value as determined by the insurance company.

L. **Watercraft:** Liability protection for all State-owned watercraft is provided through the Attorney General's Office, as part of the self-funded tort claims liability program. There is no separate premium charge for this coverage. Liability claims relating to watercraft should be reported to the Attorney General's Office. Watercraft, related trailers, and equipment may be covered for physical damage, subject to a $10,000 per occurrence deductible. This physical damage hull coverage, which is self-funded through the Risk Management Division, is optional and must be elected by any agency desiring coverage. Agencies should contact Risk Management to place this coverage.

M. **WORKERS' COMPENSATION:** Pays compensation, medical and other benefits for job related injuries and illnesses subject to the requirements of NRS 616 and 617. Please refer also to SAM 0524.

N. **EXCESS COMMERCIAL GENERAL LIABILITY:** Agencies are sometimes required (often as a requirement of property or equipment lease agreements) to obtain commercial general liability insurance coverage. This coverage provides limits in addition to those afforded under the Attorney General's Office's administered self-funded liability program and permits the lessor to be named as additional insured (which cannot be done under the self-funded program). The excess commercial general liability insurance is procured by the Risk Management Division on behalf of the Attorney General's Office. Agencies should contact Risk Management when evidence of this coverage (certificate of insurance) is required.

O. **AUTOMOBILE PHYSICAL DAMAGE:** The State of Nevada self-funds its automobile physical damage exposures—there is no insurance company involved. As such, it is particularly important that agencies do as much as possible to minimize the cost of this program. The Risk Management Division will provide assistance and guidance, upon request, to agencies to help minimize costs and secure timely repairs to damaged vehicles. Outstanding claims will be reviewed every 30 to 60 calendar days and followed up, as necessary. Agencies will be billed for this coverage at the beginning of the fiscal year and again before the end of the fiscal year (for any changes with may have occurred throughout the year).

1. **VEHICLE COVERAGE:**

   a. Comprehensive and Collision: This coverage is offered but not required for State-owned automobile physical damage. Agencies must elect this coverage if they want their vehicles insured under this program. Agencies not electing this coverage will be responsible for the entire amount of any loss to their vehicle. Certain vehicles, which are being commercially leased on a long-term basis, may also be eligible for coverage under this program.
   b. Liability: All State-owned motor vehicles are required to have automobile liability via the self-funded auto liability program, administered through the Attorney General's Office.

2. **HOW TO ADD OR DELETE A VEHICLE:**

Upon acquisition of a new vehicle, agencies have 30 calendar days during which time physical damage coverage will be automatically in force. Should a claim be filed on such a vehicle and accepted, the claim (subject to applicable deductibles) will be paid by Risk Management and premium for self-funded physical damage insurance will be assessed retroactively back to the date of acquisition. Claims filed on newly acquired vehicles, which have not been added to the insured vehicle schedule after 30 calendar days, will not be paid by Risk Management and will be returned to the agency for handling.

a. When agencies turn in vehicles to State Purchasing, insurance coverage will not be dropped until such time as the vehicle has been sold or until it has been reassigned to another agency.
b. Agencies shall submit all changes (additions, deletions, coverage changes) for physical damage coverage and liability coverage to the Attorney General's Office Tort Claim Unit (See SAM 2907). The Fleet Changes Form may be found on the Attorney General's website. Premium is assessed based on the date of acquisition. Even though the Risk Management Division administers the self-funded physical damage program, the Attorney General's Office maintains the database on the self-funded automobile fleet.

3. **DEDUCTIBLES**: Insured vehicle claims, other than Nevada Highway Patrol, are subject to a $1,000 deductible per occurrence for collision and comprehensive losses. Insured vehicles with the Nevada Highway Patrol are subject to a $1,200 deductible per occurrence. If another party caused the damage and Risk Management successfully recovers the total amount of the loss, deductibles will be waived or reimbursed. Deductibles are subject to change with due notice, at the discretion of the Risk Manager to promote loss prevention.

4. **EXCLUSIONS:** Claims will be denied if investigation reveals:

a. The vehicle was not being used in the course and scope of employment.
b. The employee does not possess a current valid driver's license.
c. The employee was under the influence of alcohol, illegal drugs or prescription drugs with driving restrictions at the time of an accident.
d. The employee violates provisions within Nevada statutes or administrative codes, and the agency does not have or enforce adequate internal controls and procedures to prevent this type of activity.
e. The Risk Manager will have the discretion to waive this exclusion if exceptional circumstances are presented. If a decision is made to cover the physical damage costs under these circumstances, the Risk Manager will seek reimbursement from the employee.

5. **REPORTING PROCEDURES:** Agencies must report any physical damage to covered vehicles that exceed the deductible amounts to the Risk Management Office as soon as possible, but not later than 90 calendar days from the date of damage. Reports must be made utilizing the online Vehicle Accident Form Origami Risk Portal link called, "Submit a Vehicle Accident/Property Loss Claim" on the Risk Management website. It must be filled out as completely as possible and accompanied by three repair estimates and claim documentation such as photos. It is the responsibility of the agency to secure and forward to the Risk Management Office all police reports that are related to a claim. Claims involving another party, which could possibly result in a claim against the State, must also be reported to the Attorney General's Office Tort Claim Unit. **GLASS REPAIRS**: If the damage is such that a repair, rather than replacement, is needed agencies are

encouraged to make the repair. These repairs usually cost between $30 and $50 and are 100% reimbursable. Multiple estimates are not required needed,ass repairs and the usual $1,000 comprehensive deductible is waived.

6. **GLASS REPLACEMENT**: The State of Nevada has agreements with several preferred vendors in various regions across the State. These agreements are intended to provide the State with consistently competitive pricing and reduce the administrative burden on agencies.

   a. Agencies utilizing these vendors will not be required to obtain competitive bids for automobile glass replacement. For information regarding the participating vendors and other details of this program, please contact Risk Management. Agencies unable or unwilling to utilize preferred glass replacement vendors must obtain three (3) estimates for vehicle glass replacement and have the glass replaced for the lowest available cost.
   b. Exceptions to this rule may be made on a case-by-case basis in rural areas where there are not three available vendors. Because of the nature of glass replacement claims, agencies may obtain telephone estimates for windshield and other vehicle glass replacements. However, these estimates must still be documented for the file. Reimbursement of claims not utilizing contracted vendors must be made using a Windshield/Glass Loss Report Form RSK-001W, which also helps to document telephone estimates. These forms are available from Risk Management.

7. **NUMBER OF BIDS COLLISION DAMAGE**: When a State-owned vehicle has been damaged in a collision, it is the responsibility of the owner-agency to secure three (3) estimates for the repair of the vehicle, unless a waiver is received from the Risk Manager. Waiver may be granted due to unique circumstances including but not limited to remote rural locations or specialty work. The repair must be made using the lowest responsible bid. Reimbursements will be made based on the low bid, when applicable and cannot include State of Nevada sales tax. Agencies doing their own repairs will be reimbursed for parts only, subject to the applicable deductible amount. In cases where contracts are required for repair work pursuant to State Purchasing guidelines and requirements, and the affected agency does not have sufficient funds to execute a contract for the repairs, Risk Management may advance the funds for the loss, less the appropriate deductible, to the agency. Any unused funds that were advanced to an agency must be returned to Risk Management as soon as possible.

8. **ANOTHER PARTY IS LIABLE FOR THE DAMAGE:** If the vehicle is insured by the State for loss against physical damage, Risk Management is available to assist agencies with recovering from the at-fault third party. When another party is responsible for the damage to a State vehicle, Risk Management will assist the involved agency, if needed, to deal directly with the at-fault third party's insurer for the repair of the damaged vehicle. In these situations, the requirement to obtain three (3) estimates for repair of the vehicle may be waived. In cases where the damage is being taken care of directly by the other party's insurer, without going through Risk Management, agencies must still provide an informational summary, including an accident report and repair costs, of the loss to Risk Management.

   a. If initial subrogation claim is denied or unavailable and the vehicle is insured for comprehensive and collision loss, Risk Management would pay the loss and would then further pursue recovery from the adverse party. If Risk Management makes full recovery from the adverse party, the agency will be reimbursed any deductible they may have paid. For claims that do not exceed the agency's deductible, the agency will work directly with the third party/his insurer for

the repair and/or recoveries of monies spent for the repairs to the damaged State vehicle.

9. PAYMENT TO VENDORS/REIMBURSEMENT TO AGENCIES:

a. Agency Reimbursement - When an agency pays for the entire loss out of its budget, Risk Management will reimburse it after submission of the deductible, proof of repair, and evidence that the invoices have been paid by the agency. Agencies doing their own repairs will be reimbursed for parts only, subject to the usual deductibles. Reimbursements are typically accomplished using a journal voucher (for those agencies in the State accounting system) or a voucher payable/check (for those agencies outside of the State accounting system). Agencies must submit the "Reimbursement Request Form" located on the Risk Management website under the Vehicle/Property Claims section on the Property Loss/Damage Procedures page.

b. Risk Management Direct Payment to Vendor. Risk Management can directly pay the vendor. In order to do this, it is necessary that we have the original invoice, written statement from the agency with OK to pay which indicates the work has been completed in an acceptable fashion, copies of the three (3) estimates, and the agency has paid Risk Management the appropriate deductible amount. Risk Management must have the deductible before they can pay the vendor.

10. **TOTAL LOSS REPLACEMENTS**: An insured vehicle will be deemed to be a total loss when the cost to repair it (according to the lowest estimate) is 80% or more of the Kelly Blue Book (mid-range) actual cash value (ACV). Agencies are then responsible for securing a minimum of three (3) reasonable salvage bids. After this is done and once the deductible is received, Risk Management will pay the agency the ACV and any related expenses (e.g., towing) that the agency has paid, less any salvage recovery and deductible amounts. Vehicles may be salvaged via State Purchasing, as well as through commercial salvage operations. For assistance with this process, contact Risk Management. Agencies are responsible to use these recovered funds for authorized expenditures only.

a. In the event a vehicle is "totaled", the agency must notify Purchasing (to remove the vehicle from the State inventory) and the Attorney General's Office (to delete the vehicle from self-funded insurance coverage). Agencies may decide to keep a totaled vehicle (usually for parts). When they do this, the high salvage bid will still be deducted from the ACV amount. If a vehicle has been totaled, it will not be insured for physical damage coverage in the future.

11. **TOWING**: Towing charges related to an insured comprehensive or collision loss will be reimbursed, subject to the appropriate per claim deductible. Towing should be limited to getting the disabled vehicle to the repair shop or to the closest State facility where it can be stored until such time as a repair can be done or until the vehicle can be sold.

12. **STORAGE**. Efforts should be made to minimize the cost of storage of a disabled vehicle in commercial storage areas. Reasonable storage costs (generally not to exceed 10 calendar days) are a reimbursable expense. However, if the duration of storage is likely to be lengthy, the agency can request assistance from the Risk Management Division to move the vehicle to a State-owned property to minimize storage fees. The Risk Management Division will follow up with agencies every 30 to 60 calendar days to determine the status of the repairs. If excessive storage fees are being accumulated, the agency head will be contacted for appropriate action.

13. **REPLACEMENT VEHICLES/LOSS OF USE**: The State's self-funded automobile comprehensive and collision program does not provide for temporary replacement vehicles (i.e.,

rentals) while the damaged vehicle is being repaired or replaced.

14. **SPECIAL EQUIPMENT**: Equipment that is permanently attached to a vehicle is normally insured for physical damage as part of the vehicle, subject to the usual deductibles; examples of this would include such things as NHP light bars, external lights, fixed radios, etc. Other equipment that is in the vehicle, but is not permanently affixed, is insured under the State's property insurance program (which is subject to a $10,000 deductible). Some examples of this type of equipment include State issued firearms, cellular phones, portable two-way radios, laptop computers, etc. Vehicle operators should do whatever is prudent to secure the contents of their vehicle to protect them from damage or theft.

15. **PERSONAL VEHICLES**. When a personal vehicle is used on State business, and is involved in a collision, the employee will need to file a claim with their personal insurance carrier. Risk Management does not insure personal vehicles or reimburse for any collision deductibles.

16. **RENTAL VEHICLES**. Vehicles must be rented from companies with whom State Purchasing and Fleet Services Division have negotiated State-wide agreements. It is not necessary for the agency to purchase additional insurance when renting under those agreements as the negotiated contract rates include insurance coverage. As such, usage of the negotiated contracts is mandatory. Any agency renting outside those agreements will be responsible for their own insurance coverage and for any accident claims.

17. **LEASED VEHICLES**: Agency may lease vehicles rather than own them directly. There may be situations where it is in the best interest of the State for agencies to lease vehicles. When the agency lease agreement requires that the State insure these vehicles, it is the responsibility of the agency leasing a vehicle to notify the Attorney General's Office. As with State-owned vehicles, agencies may elect comprehensive and collision (physical damage) coverage (liability is mandatory) to be covered for these types of vehicle losses. Unless physical damage coverage has been elected by the agency, damage to leased vehicles will not be paid by Risk Management; all physical damage costs and related expenses will become the responsibility of the agency.

P. **Contractors and Mobile Equipment Insurance:** Agencies may insure their contractor's or mobile equipment (e.g., backhoes, graders, forklifts, dump trucks, and other large construction type equipment). Only equipment that is scheduled on the commercial property insurance policy is covered for loss against physical damage or theft. Agencies should contact Risk Management if this coverage is desired.

0505 Certificates of Insurance

A. In many business transactions (special events, equipment financing, property leasing, etc.), the State is required to provide proof of liability or property insurance. Contact Risk Management with the following information:

1. For liability insurance, the name and complete address of the party requiring the certificate, the purpose for the document, dates for which coverage is required, additional insured requirements, if any.

2. For property insurance, the name and complete address of the party requiring the certificate, a

description of the property to be insured, the complete physical address of where the property is located, the total dollar value of the property, loss payee requirements, if any.

B. Risk Management will promptly arrange to have the evidence of insurance provided the requiring party.

0510 Premium Payments

All State agencies covered under the various insurance policies and the State self-insurance program will pay their share of the premiums and administrative fees as determined by the rating plans adopted by the Budget Division of the Governor's Finance Office on behalf of the Risk Management Division. Expenditures shall be made by the Risk Management Division for insurance premiums, self-insured losses and other expenses that may be necessary. Variable deductibles may be assigned to agencies to promote loss prevention programs.

0514 Additional Insurance

Agencies with requirements for special insurance coverage for their property or operations must contact Risk Management with the particulars. Risk Management will then review the needs and conduct a market search for available contracts, coverage, and premiums. Agencies will be billed for policies or bonds coverage placed on their behalf.

0516 Request for Proposals, Contracts, and Agreements

A. Most contracts and agreements contain insurance requirements and hold harmless (i.e., indemnification) provisions which affect the State's liability insurance or self-insurance program. To ensure adequate protection is provided to the State, the Insurance Schedule (Attachment BB of the Independent Contractor Contract available at the State Purchasing website), must be completed for all bid documents or requests for proposals and all contracts above formal competition limits in SAM 0305. Risk Management also provides a sample contract/attachment BB on its website under the Contracts menu section within the "Insurance Requirement for Contracts" page. See link called, "Contract for Services of Independent Contractor."

B. For small contracts awarded informally, State Purchasing has developed a simplified contract, with the standard insurance requirements already included. The "Short Form Contract" form is located within Popular Links section under the Contracting Toolbox link under the Forms/Template Section.

C. To further assist agencies, Risk Management has published various standard insurance schedules based on common scopes of work within a web-based document called "Insurance Requirements for Contracts Manual", which can be found under the Contracts menu section within the "Insurance Requirement for Contracts" page. Modifications from those schedules contained within that manual are only made if agencies can demonstrate that their contract scope falls outside of the standard published scope.

D. Agencies may request additional assistance from Risk Management for review of hold harmless language and setting of insurance minimum limits and requirements should their contract have a specialized scope or circumstances. To obtain that review, copies of the proposed contracts or

agreements, along with scope of work, should be forwarded to the Risk Management Division 60 calendar days prior to contract or as soon as possible to allow sufficient time for review and negotiation of any necessary changes before contract.

E. As directed by the Budget Division of the Governor's Finance Office, contracts are entered into the Contract Entry and Tracking System (CETS). Within CETS agencies must enter insurance information regarding the insurance schedule used for their contract. Agencies can request a waiver of required insurance as directed within CETS. Evidence of the required insurance must be entered within the insurance compliance section within CETS as well. Risk Management provides centralized monitoring of contracts to ensure that required insurance specifications are being met and that all insurance policies are current and placed with insurers acceptable to the State of Nevada.

F. Sole Proprietors. Effective July 1, 2001, sole proprietors, as defined in NRS 616A.310, contracting with the State of Nevada may reject workers' compensation insurance coverage. An Affidavit of Rejection of Coverage must be executed by the sole proprietor/contractor. The affidavit form is available from the Office of the Attorney General and the Risk Management Division.

0518 Inspections

Risk Management and the State's insurance carriers may inspect State facilities. Agencies must do whatever is reasonable to cooperate with these inspections and shall make all reasonable efforts to comply with all recommendations in a timely manner. Each agency that is provided a copy of an inspection report with recommendations must submit a documented action plan within 30 business days to the Risk Management Division addressing the recommendations. The boiler inspector has the authority to immediately shut down any boiler that poses an immediate danger to persons or property.

0519 Security

A. Agencies should take all necessary precautions for the security of their property. Duplicates of valuable records and frequent backups of electronic data should be made and stored in separate locations. Special attention should be paid to areas open to the public if there is a potential for loss. In the event of losses, agencies must promptly do whatever is reasonable to preserve and protect any salvageable property.

B. Personnel should be made aware of their need to protect their personal belongings from theft or other loss as the State's insurance does not cover such losses.

0520 Property Conservation and Loss Prevention

A. Each department is responsible for loss prevention activities within its agencies. Risk Management is prepared to assist in coordinating employee/supervisor accident prevention training and set up hazard recognition surveys. These services are intended to complement, not take the place of agency loss control efforts.

B. Agency responsibilities:

1. Alert Risk Management of those operations and activities that could cause losses. Agencies must

also notify Risk Management when there have been significant changes in the use and occupancy of their facilities.

2. Cooperate with Risk Management in the investigation of claims, accomplishment of various insurance surveys, and the remediation of unsafe conditions.

3. Review and sign all accident or incident reports before forwarding to Risk Management.

4. Conduct routine and detailed inspections of its properties and fire protection systems.

5. Perform or cause to be performed preventive and corrective maintenance on State properties, to ensure that properties are not damaged or destroyed due to poor maintenance. Documented records must be maintained.

6. Water Damage

    a. Immediate attention to and correction of water leaks and flood events must be initiated to prevent unhealthy fungal growth from occurring.
    b. Water intrusion events not corrected within 48 hours can lead to fungal growth.
    c. The Risk Manager must be notified when evidence of water damage such as damp carpets, water stains on walls or multiple ceiling tiles, discoloration, etc., or suspected mold growth is identified or discovered at either State owned or leased buildings.
    d. Agencies must follow the guidelines established by the Risk Manager regarding the identification, sampling methodology and remediation of water damaged materials and fungal growth or secondary fungal contamination.

7. Air handling and ventilation systems must be inspected and cleaned on an annual basis. Filters must be installed and replaced in accordance with the manufacturer's recommendations. Documented records of inspections, cleaning and filter changes must be maintained and will be reviewed periodically.

8. HVAC systems must be tested and balanced, if indicated, at least every five (5) years.

9. Request adequate funding to appropriately maintain agency properties and conduct activities in a manner that is safe and healthy for employees, clients, and members of the public.

0521 Safety and Health Program

A. Each department is responsible to develop and implement a safety and health program for State of Nevada employees and volunteers, consistent with the requirements of Nevada Revised Statutes, Chapter 618 and the guidelines established by the Risk Management Division. The director, or other titled executive, is responsible to ensure that their department, including any divisions therein, adheres to the requirements established for ongoing implementation of the program. The Risk Management Division is responsible to monitor the effectiveness of these programs; review program activities; publish an annual report including comparative statistical information; provide technical assistance to agency representatives; and to identify injury trends and high-risk activities, and take the necessary action to coordinate, develop and implement a plan for risk reduction. The Risk Management Division is prepared to coordinate general employee/supervisor safety training, assist with Safety Committee

activities, facilitate special projects involving common safety issues among multiple agencies and provide general assistance for effective program implementation.

B. Division/Department head responsibilities include:

1. Safety Coordinator. Designate a safety coordinator to oversee and facilitate the safety efforts of their agencies. This coordinator should have direct access to the agency head or deputy; be given proper authority to ensure that all employees cooperate with the program and be provided ample time to perform the duties of the position, adjusting requirements of other duties if necessary. Risk Management must be notified, in writing, of any changes in the assignment of the Agency Safety Coordinator.

2. Written Safety Program. Develop, maintain, monitor and revise, on an annual basis or as necessary, a written systematic program of safety and health as outlined by NRS 618.383 and related sections of Chapter 618 of NRS and NAC. This program must include the following:

   a. Policy: A statement outlining the agency's commitment to the program with specific responsibilities assigned to all levels of employees to ensure that the various elements of the program are carried out. Safety responsibilities must be included in work performance standards.
   b. Safety Inspections: Outline of a plan for informal and formal safety inspections to be conducted on an ongoing basis. Noted hazards must be corrected in a timely manner with responsibilities for corrective action specifically assigned. Agencies can request assistance from the Risk Management Division, Safety Consultation and Training Section (SCATS) of the Division of Industrial Relations or the State Fire Marshal's Office in completing inspections.
   c. Safety Training: Outline of a safety training plan for all employees, including mandatory training for managers, supervisors, and other agency designated staff which includes applicable OSHA required training, topics identified by Risk Management and any other safety issues that have caused recurring injuries within the agency. Annual refresher training should be provided. Records must be maintained of these training sessions, including a list of attendees, and be retained for a minimum of three (3) years.

      Note: Agencies can participate in scheduled safety classes coordinated or provided by the Risk Management Division, contracted consultants or insurance company representatives, SCATS, or the State Fire Marshal's Office in meeting their safety training needs.

   d. Accident Investigation: All minor, serious and near-miss accidents with a potential for injury must be immediately investigated by the designated employee and an accident investigation form as prescribed by Risk Management (RM-ACCINV-) completed. The necessary corrective action to eliminate the cause of the injury must be assigned and completed in the timeliest manner possible. Copies of accident investigation reports must be forwarded to the Risk Management Division upon request.
   e. Safety Rules: Specific safety rules pertinent to the unique circumstances of each agency must be adopted, revised, and consistently enforced by supervisors.

3. Safety Committees – Agencies that have 25 or more employees statewide are required to establish an internal safety committee. These safety committees must include representatives of employees. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer. The committee members, not

appointed by agency management, should elect the chair of the committee. Frequent meetings should be conducted, but not less than quarterly.

a. Agencies that have locations with 50 or more employees should establish separate committees or subcommittees to the general committee at these locations.
b. If a State building or complex establishes a safety committee, representatives from all agencies regardless of the size must participate. All agency representatives must participate in scheduled evacuation drills coordinated by safety committees.
c. Agencies with less than 25 employees that are not required to establish a safety committee must allow for suggestions and input regarding safety issues in their general meetings.

4. Alert Risk Management of dangerous situations that are beyond the control of the agency to be corrected or otherwise be resolved in a timely manner. Examples of this may include lack of cooperation from another agency that threatens the safety of employees or the general public; dangerous materials or faulty equipment that cannot be immediately corrected; unforeseen hazards or conditions that arise or are discovered for which funds are not available to correct; or existence of dangerous conditions in buildings or areas of operation that arise during construction or result from some type of natural disaster.

5. Cooperate with Risk Management in the investigation of accidents, unsafe conditions, scheduled audits of program activities and submit activity reports as requested.

6. For additional information refer to NRS 618.295 and Chapter 618 of the Nevada Administrative Codes.

7. Ergonomic Equipment**.** Identify and request adequate funds to obtain the appropriate equipment and tools necessary for employees to safely perform their job duties. Standard ergonomic equipment should be provided to employees who perform sedentary and repetitive motion duties for greater than 50% of their average workday. This equipment generally includes an adjustable workstation, adjustable chair, articulating keyboard, headset, wrist rests, footrest, copyholder, and glare screen. Employees with different physical attributes or who have disabilities may need special equipment. Consideration should be given to the use of voice-activated software systems, when appropriate, for positions that require extensive data entry. Automated equipment including, but not limited to, electric staplers and automatic date stamps should be provided whenever possible to prevent repetitive motion injuries. Agencies should utilize vendors that take appropriate measurements in recommending equipment/furniture, provide employee/supervisor training, and utilize credentialed/certified personnel in this assessment/training. In the event that an unanticipated need arises, an agency can request financial assistance from the Risk Management Division to prevent immediate injury to an employee. To request financial assistance from Risk Management, the agency must follow the procedures found within the Risk Management website under Safety/Ergonomics.

8. Workplace Violence**.** A specific section must be included in the safety program to address the prevention of and response to workplace violence, based on the guidelines established by the Risk Management Division and Attorney General's Office. Agency management must initiate immediate intervention when direct threats of violence are reported by employees. Indirect threats, intimidation, harassment, or hostile behaviors must not be tolerated and must be promptly and appropriately addressed. If a significant workplace violence incident occurs, agency management must report it to the Risk Management Division as soon as practical for coordination of appropriate

critical incident stress debriefing for employees and their families. Public statements to the press should be restricted to specific and appropriate personnel.

Note: The Risk Management Division has established a fund to assist agencies in obtaining fitness for duty exams, upon request and approval, for potentially violent or unsafe employees that present an imminent and significant security or liability threat to the agency.

9. Indoor Air Quality**.** A specific section must be included in the written safety program to address the prevention of and response to complaints and reports of indoor air quality problems. Each agency must follow the policy and guidelines developed and adopted by the Risk Manager. All investigations related to indoor air quality issues must be coordinated through the Risk Management Division.

0524 Workers' Compensation

A. Policy and Premium. The Risk Management Division is responsible to obtain an insurance policy for and pay premiums on behalf of all agencies within the Central Payroll System. The Risk Management Division is the designated representative for all policy and claims issues. Rates are assessed to each budget account per $100 of payroll through the payroll system. Claim deductibles may be established and assessed to agencies at the discretion of the Risk Manager, with due notice to affected agencies, to promote loss prevention and cost control. Premiums due for volunteers, board members, interns, inmate, cadet or community service workers or any other State employee not paid through the Central Payroll system are solicited quarterly from identified agencies.

1. Agency Responsibilities:
   a. Notify Risk Management when there is a change in the nature of work being performed, a new budget is added or an existing budget inactivated, a Board or Commission is established, or volunteers, interns, inmates, cadets, or community service workers are utilized at any time during a quarter.
   b. Submit quarterly reports and premium payments to Risk Management as requested for volunteers, board members, interns, inmates, cadets, community service workers or other employees not paid through the Central Payroll System.
   c. Provide updated applications, job descriptions and Memoranda of Understanding as requested by Risk Management.
   d. Maintain a roster of volunteers, inmates, community service workers, interns, cadets, or board members not paid through the Central Payroll System.

B. Managed Care Organizations. Injured employees, who reside in a county where the commercial insurance company has established managed care for workers' compensation, are required to seek medical treatment for injuries and occupational diseases from a physician contracted with the Managed Care Organization, unless there is not a provider within 20 miles of the employee's residence.
   1. Agency Responsibilities:
      a. Provide information to employees on their rights and responsibilities regarding the Managed Care Organization and maintain an updated list of physicians included on the panel.
      b. Assist employees, as necessary, in obtaining information and medical treatment.

C. Claims Reporting. Employees are required to immediately report all injuries and accidents to their supervisor, regardless of the degree of injury. They must complete a Notice of Injury (C-1 form) within

7 days of any injury or accident that occurs on the job for which immediate medical treatment is not obtained as per NRS 616C.015. Failure to complete this form in the required time frame will result in the possibility of any claim submitted for an injury thereafter to be denied.

1. Agency Responsibilities:
   a. Maintain a sufficient supply of current C-1 forms at all locations and operations for easy access by employees.
   b. Educate employees on their responsibility to complete this form and the consequences of refusing to complete it.
   c. Notify the insurer when the required Notice of Injury Form (C-1) was not completed within the required seven days if a claim is submitted after this time period.
   d. Send a copy of the C-1 Form to the insurer only if a claim has been initiated.
   e. Maintain records of all C-1 forms for three (3) years.
   f. Ensure that employees losing time from work due to their injury do not receive both compensation benefits from the insurer and full-accrued leave concurrently. Employees can use their accrued leave to make up the difference between their compensation benefits and regular salary; however, they cannot receive more than 100% of their regular wage. A leave choice option form can be obtained from Risk Management to assist agencies in complying with this requirement. Once completed the form is to be provided to the insurer.
   g. Supervisors must document an investigation of all accidents. All completed accident investigation forms will be forwarded to Risk Management. The investigation form will be forwarded to the insurer should the employee seek medical attention.
   h. When appropriate, employees should be directed to or assisted in obtaining prompt medical attention.
   i. Agency supervisors or other designated representatives are required to complete, in its entirety, and submit a Employers' Report of Injury (C-3 Form) to the insurer within six (6) business days after the receipt of a Physician's Report of Injury (C-4 Form) for an employee who has sought medical treatment for an on-the-job injury or occupational disease. Employers who fail to return this form within the established time frame are subject to a fine from the Division of Industrial Relations.
      Note: Ideally this form should be completed at the time the employee reports the injury and states their intent to seek medical treatment. This report can be faxed to expedite this process.

   j. If the validity of the claim is doubted or there are extenuating circumstances, the agency is expected to provide complete and detailed information at the time the C-3 form is submitted.
   k. Forward a copy of all C-3 Forms to Risk Management.
   l. If an accident results in a serious injury, fatality, or requires hospitalization, the Risk Management Division and the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations must be called immediately (within eight hours of notification of accident).

D. Claims Management

1. Each agency head must assign a designated employee to act as the workers' compensation liaison, to review and monitor all claims activity. The guidelines established by the Risk Management Division must be followed.

2. If the agency has factual information that the employee has a preexisting condition that could have affected the severity of the resulting injury or occupational disease and this was not noted on the C-4 form, this information should be forwarded to the Risk Management Division and the insurer with a request for Subsequent Injury Review.

3. The designated workers' compensation liaison shall work closely with the insurer/third-party administrator, to ensure that all claims are being handled promptly and efficiently.

4. Technical assistance and/or representation at the hearing/appeal is available from Risk Management, upon request, when sensitive, serious, or complex claims issues arise. The Risk Management Division may initiate hearings and appeals when the potential for a high cost or precedent setting claim issue occurs. Agencies shall cooperate with the Risk Management Division when this action occurs.

E. Early Return to Work Program

1. All agencies must follow the guidelines of the Early Return-to-Work Program developed by the Risk Management Division and closely monitor the progress of the injured employee to assist in the speedy return to work.

2. Modified duty must be provided whenever possible. If the agency cannot accommodate the injured employee, the agency must contact Risk Management Division and the Division of Human Resources Management to locate appropriate modified duty within another agency. Refer to Nevada Administrative Code 284.600-6008 for additional requirements.

3. Injured employees who are unable to return to their former position have reemployment rights within the department or division they are injured in, for up to a maximum of one year. NAC 284.6014-6019.

4. Agencies must interview injured employees unable to return to their former positions in other departments that are referred by the Division of Human Resources Management and give special consideration to hiring them for vacant positions that they are qualified to perform.

5. Employees on temporary assignment as per NAC 284.6004 may be extended beyond the 90-day limitation providing the injured employee is performing 51 percent or more of their regular job duties. The extension shall be limited to one additional 90 days.

6. Agencies who have employees who were injured on the job and subsequently miss 30 consecutive days of work due to that injury will be assessed a $1,000 deductible by the Risk Management Division. Catastrophic or unusual claims will be considered on a case-by-case basis.

F. Contagious Diseases

1. Agencies that have employees who are considered to be "occupationally exposed" to blood borne pathogens in accordance with 29 CFR 1910.1030 must establish an exposure control plan. The plan will be specific to each site within their agency. Procedures for reporting exposures and subsequent testing within 72 hours as per NRS 617 will be addressed in the exposure control plan.

2. Agencies which have employees who are required to be tested for contagious diseases as per NRS

616C.052 shall ensure they have written procedures to comply with this statute. Each agency must request adequate funding to pay for the required screening tests.

G. Employee Medical Examinations/Services

1. The Risk Management Division is responsible to secure and oversee statewide contracts with medical providers/clinics on behalf of all agencies who are required to provide physical exams for police/fire employees pursuant to NRS 617.455 and 617.457, and other medical exams, screening tests or immunizations required by OSHA, EPA or DOT for all agencies who are required to provide these services.

2. Each agency that is required to provide these exams must utilize the contracted providers.

3. Each agency must follow the guidelines established by the Risk Management Division for the types and frequency of exams, screening tests or immunizations.

4. Each agency must request adequate funding to pay for the required medical exams, screening tests or immunizations.

5. Agencies who have employees in the job positions as identified in NRS 617.135 shall ensure the duties of employer as defined in NAC 617.080 are followed with individuals who are identified to have predisposing risk factors for heart and lung disease. Agencies must cooperate with the Risk Management Division in matters dealing with their employees' predisposing risk factors, including the delivery of correspondence from Risk Management to employees with identified risk factors and returning an acknowledgment receipt form for the correspondence to Risk Management within 60 business days.

6. Each agency that has employees who are required to have physicals under NRS 617.445 and 617.457, shall establish procedures related to the physical exam process based on the guidelines developed by the Risk Management Division and for personnel who are determined to be unfit for duty by the evaluating physician.

7. Hearing examination results must meet the Council for Accreditation in Occupation Hearing Conservation guidelines for the ability to hear normal speech (55dB threshold at frequencies 500 Hz, 1000 Hz, and 2000 Hz in the better ear with hearing aids). Hearing level thresholds less than 55db in the better ear are expected to jeopardize an employee's ability to safely perform their job duties. Agencies must develop procedures to address fitness for duty issues when levels do not meet this threshold.

8. Hearing examinations conducted pursuant to NRS 617.454 that identify a standard threshold shift of 10dB at frequencies 2000Hz, 3000Hz, and 4000Hz shall be referred to an appropriate medical specialist in accordance with 29 CFR 1910.95.

0600 Administrative Procedures

0602 General

The Nevada Administrative Procedure Act, NRS Chapter 233B, sets minimum procedures for (1) regulation-making and (2) adjudication by agencies of State government. The Nevada Administrative Procedure Act is particularly concerned with providing greater public awareness of and participation in administrative rulemaking.

0604 Application

The Nevada Administrative Procedure Act applies to all agencies in the executive branch of State government authorized to make regulations or to determine contested cases, with certain statutory exceptions NRS 233B.039.

0608 Regulation-Making Authority

To the extent authorized by law, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it and shall adopt such regulations necessary to the proper execution of those functions. Regulations implement legislative policy and therefore must be consistent with that policy. Administrative regulations must be within the statutory rulemaking authority of the agency and cannot contradict or conflict with the statutes they are intended to implement. Furthermore, an agency must have specific authority authorizing it to charge or collect a fee before a regulation imposing any such fee may be enacted.

0609 Effect of Regulations

If adopted and filed in accordance with the provisions of the Nevada Administrative Procedure Act, the following regulations have the force of law and must be enforced by all peace officers:

1. The Nevada Administrative Code; and
2. Temporary and emergency regulations

0610 Regulation-Making Procedure

Administrative regulations must be adopted in compliance with statutory rulemaking procedures set forth in the Administrative Procedure Act. Agencies should consult the Attorney General when adopting regulations. The Attorney General's Office publishes the Nevada Administrative Rulemaking Manual that explains the law in greater detail. Administrative Rulemaking

0700 Open Meeting Law

0702 Intent

Public bodies working on behalf of Nevada citizens must conform to statutory requirements in open meetings under an agenda that provides full notice and disclosure of discussion topics and any possible action. These requirements are set forth in the Nevada Open Meeting Law, NRS Chapter 241."In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly." (NRS 241.010)

0706 Application

A. With limited exceptions, "all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies." NRS 241.020(1) The Open Meeting Law applies to public bodies as defined in statute NRS 241.015.

B. The Nevada Administrative Procedure Act, NRS 233B, requires all workshops and public hearings held for the adoption of regulations to be conducted in conformance with the Open Meeting Law NRS 233B.061. This requirement applies to any agency regardless of whether it is a public body or headed by a single individual.

C. A committee, subcommittee or advisory body that is given the task of making decisions for or making recommendations to a public body is covered by the Open Meeting Law.

0708 Notice

NRS 241.020 includes detailed requirements for the contents of a public notice and meeting agenda, together with posting requirements. Agendas must include a clear and complete statement of the topics scheduled to be considered during the meeting. NRS 241.020(2)(d)(1) Agendas must also include a list describing the items on which action may be taken and clearly denoting that action may be taken on those items. NRS 241.020(2)(d)(2) Public bodies should submit all public notice and meeting agendas for review by the Attorney General prior to posting.

0710 Emergencies

NRS 241.020(2) allows public bodies to conduct an emergency meeting or consider an emergency item without complying with the statutory requirement of providing public notice at least three (3) business days prior to the meeting, but all other requirements of the Open Meeting Law apply. The emergency rule may be used only when immediate action is required, and the circumstances were unforeseen. (NRS 241.020(10)) Public bodies should not hold an emergency meeting or consider an emergency item without first consulting the Attorney General as to whether the basis for an emergency exists.

0712 Exemptions

There are specific statutory exemptions and exceptions to the Open Meeting Law; public bodies should

consult the Attorney General as to whether an exemption or exception applies.

0716 Void Actions

The action of any public body taken in violation of the Open Meeting Law is void. (NRS 241.036)

0718 Enforcement

The Attorney General has the statutory authority to investigate and prosecute violations of the Open Meeting Law. (NRS 241.039) Complaints alleging a violation can be filed with the Attorney General. File a Complaint.

0724 Conclusion

A. The Nevada Open Meeting Law is clearly intended to further open government in Nevada. This objective is essential to a democratic society that depends upon a well-informed citizenry. Every public body in this State has both a legal and moral duty to faithfully observe the Open Meeting Law and to take all reasonable steps to insure public access to its deliberations and actions. Sometimes the particular facts surrounding a meeting will present a close question of law. In those cases, the Attorney General offers the following advice: "If in doubt, open the meeting."

B. The Attorney General's Office makes available the Nevada Open Meeting Law Manual that explains the law in greater detail. If you require additional information concerning the Open Meeting Law, contact the Attorney General's Office to request a copy of the Nevada Open Meeting Law Manual or go online to http://ag.state.nv.us

0800 Collective Bargaining

0802 Collective Bargaining

Collective bargaining is a method of determining wages, hours, and other conditions of employment by negotiation between representatives of the Executive Department and an employee labor organization. Collective bargaining must be done in good faith. (NRS 288.500(2))

0804 Authority

A. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person. Individual departments and divisions within the Executive Department are prohibited from collectively bargaining with State employee unions. (NRS 288.565)

B. The Director of the Governor's Finance Office (GFO) shall designate a representative to serve as liaison for all fiscal matters concerning collective bargaining agreements.

0806 Bargaining Process

A. The collective bargaining process requires the Executive Department and representatives of an employee labor organization to negotiate in good faith on the following mandatory subjects of bargaining: Salary or wage rates or other forms of direct monetary compensation; Sick leave; Vacation leave; Holidays; Other paid or nonpaid leaves of absence; Total hours of work required of an employee on each workday or workweek; Total number of days' work required of an employee in a work year; Discharge and disciplinary procedures; Union recognition clause; The method used to classify employees in the bargaining unit; Deduction of dues for the recognized employee organization; Protection of employees in the bargaining unit from discrimination because of participation in recognized employee unions; No-strike provisions consistent with the provisions of NRS Chapter 288; Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements; General savings clauses; Safety of the employee; Procedures for a reduction in workforce, and; Procedures to reopen a collective bargaining agreement in times of a fiscal emergency. (NRS 288.500(2)(a) and NRS 288.150(2))

B. The following subjects are management rights reserved to the Executive Department without negotiation: The right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline; The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to the provisions in NRS Chapter 288; The right to determine: (1) Appropriate staffing levels and work performance standards, except for safety considerations; (2) The content of the workday, including without limitation workload factors, except for safety considerations; (3) The quality and quantity of services to be offered to the public; and (4) The means and methods of offering those services, and; The safety of the public. (NRS 288.500(3) and NRS 288.150(3))

C. The bargaining process should prioritize the health and safety of all employees by establishing clear limits on allowable working hours and the number of consecutive workdays.

D. The Governor's representative shall begin negotiations concerning a collective bargaining agreement on or before April 1 of each even-numbered year.

E. All collective bargaining agreements must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. If the parties cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of that collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect. (NRS 288.550)

0808 Board of Examiners Approval

A. Any new, extended, or modified collective bargaining agreement must be approved by the State Board of Examiners (BOE). (NRS 288.555)

B. The finalized agreement, including supporting documentation, must be submitted to the GFO for review by December 10 of the even-number years.

0814 Arbitration

A. Arbitration proceedings shall begin on or before September 15 of even-numbered years.

B. The arbitrator must issue a final decision on or before December 5 of the even-numbered year.

1000 Buildings and Grounds

1002 Serving the Capitol

The Buildings and Grounds Section of the State Public Works Division (SPWD) provides maintenance and emergency services in the Carson City Capitol Complex as well as in Reno and Las Vegas.

1004 Scope of Services

The Buildings and Grounds Section is concerned with the safety, health and working conditions of all State employees. Buildings and Grounds maintenance duties include carpentry, construction, plumbing, landscape, irrigation, janitorial services, electrical work, heating, ventilating and air conditioning.

The Buildings and Grounds Division is responsible for minor improvements and repairs not within the scope of the Professional Services Section of the State Public Works Division.

1006 Procedure for Service

Written requests for major repairs or services specific to Buildings and Grounds properties (refer to Section 1012) shall be made in writing to the Buildings and Grounds Section using approved forms. For minor repairs, services, or emergencies, in Reno or Carson City, telephone the SPWD at 775-684-1800 and in Southern Nevada telephone the Buildings and Grounds Section at (702) 486-4300. If the emergency involves life-safety call 911.

1008 Care of Buildings

Buildings, rooms, basements, floors, windows, furniture, and other items are to be kept clean, orderly and presentable as befitting public property. Conditions should be as such to reduce fire hazard to a minimum.

1010 Inspections

SPWD employees periodically inspect State-owned property.

1012 Maintenance, General

The Buildings and Grounds Section maintains all State buildings, grounds and properties not otherwise provided for by law.

1014 Janitorial Service

Most State-owned buildings are cleaned by a contracted janitorial service. Desks will be cleaned upon request only if all objects are removed from the desk surface. Janitors are under specific instructions not to clean those portions of the desks that have papers and/or objects left upon them.

1016 Craft Services

The Buildings and Grounds Section performs electrical, carpentry, flooring, concrete repair and replacement, painting and plumbing services and property maintenance. Buildings and Grounds employees are skilled tradesmen and are assigned to repair duties accordingly. Some work, particularly extensive remodeling, may be contracted. Buildings and Grounds is authorized to charge for materials, parts, and a labor rate for all extra services requested by agencies, such as remodeling, moving, installing fixtures and equipment such as shelf building, etc.

1020 Leases

The Administrator of the SPWD has authority to lease office space for State agencies and departments and approves and issues all leases for State leased office space. (NRS 331.110) Leases that extend beyond a one-year term require approval of the Board of Examiners (BOE) (SAM 0112). When an agency determines a need for office space and has budget authority, a Space Request Form must first be completed and submitted to Leasing Services. The Space Request Form is available from the SPWD website at http://bandg.state.nv.us (click on "Services" then "Leasing Program"). The SPWD will determine whether the agency will be housed in leased or State-owned space.

If a lease is solely for storage space and does not involve staff being located at or utilizing office space within the storage unit, the rental agreement can be negotiated and approved (by following contract procurement procedures) directly by the requesting agency.

Note: SPWD does not provide leasing services for the Nevada System of Higher Education or State Boards that are exempt from State financial administration laws.

1022 Rent Charges for State Owned Buildings

A. The Governor's Finance Office determines the rent cost per square foot based upon the calculated rentable space occupied by each agency, as determined by the Leasing Services Section of the SPWD, and the total yearly charge to each agency. Based upon the type of space rented, each agency shall pay the appropriate amount to the Leasing Services Section's operating fund.

B. The rate is expressed as a cost per square foot per month. This is the most common manner of expressing rent rates or service charges and provides comparability with non-State-owned buildings' costs. All State-owned buildings have the same rate for the type of space rented (unless otherwise allowed). Contact the Leasing Services Section if there are any questions on the costs of a particular building.

1024 Office Space

The Buildings and Grounds Section must supply suitable and sufficient office space for all State agencies and officials. Agency needs should be brought to the attention of the Leasing Services Section. Administrative officials should make every effort to efficiently utilize all space available to them.

1026 Protection of State Property

The Administrator of the SPWD with the assistance of the Capitol Police of the Department of Public Safety have the authority to prevent any unlawful activity or damage to any State property under their supervision and control to protect the safety of any persons on that property. (NRS 331.140)

1028 Energy Conservation

The Buildings and Grounds Section has an energy conservation program involving State-owned and leased buildings. The following guidelines are to be followed:

1. Building temperatures are managed by Buildings and Grounds for optimum energy efficiency and comfort; and

2. General office ambient lighting levels are to be kept between 25 and 60-foot candle power. Desk top levels in the range of 50 to 70-foot candles may be attained through the use of task lighting if needed.

1030 Energy Information and Assistance

The Buildings and Grounds Section, upon request, will provide information and assistance to any agency, bureau, commission, department or division engaged in the management, planning, utilization and distribution of energy.

1032 Recycling of Aluminum Cans

Until such a time as the contract provisions described in SAM 0117 require a vendor to provide for the recycling of aluminum cans, the SPWD shall provide for the collection and recycling of aluminum cans in State buildings having a vending machine that dispenses soft drinks in aluminum cans.

1200 Mail Service

1202 General

The Administrator of the Mail Services Division supervises mail service for all State offices, departments and agencies located in Carson City, Las Vegas and Reno. All State agencies shall use the services provided by the Mail Services Division unless the Director of the Department of Administration provides specific exemption. Requests for exemption must be submitted in writing to the Director of the Department of Administration and contain a business justification for the exemption. Exemptions are valid for the duration of a biennium and must be renewed as part of the budget building process.

1204 Revenues to Department of Administration Communications Fund

The Mail Services Division is supported from charges to the customer agencies.

1206 U.S. Mail Service

A. The outgoing mail is picked up when mail is delivered, usually one pickup in the morning or afternoon. There is no late afternoon pickup after 3:00 p.m. The Mail Services Division will handle small mailings delayed beyond pickup time until 3:30 p.m. if delivered to the mail facility.

B. The Mail Services Division will apply only applicable postage to each piece of mail. Such markings as "bound printed matter," "priority mail," "parcel post," "media mail," "non-machinable," "library mail," etc. must be applied before mail is picked up.

C. Certified mail, registered mail and return receipts are handled for departments, but the relevant postal sticker, identifying the specific type of mailing, must be affixed on the mailing by customer agencies. Each mailing must have the recipient's name and address, sender's return address and the applicable postal form completely filled out and affixed to the mailing.

D. Agencies must have a budget account number above the return address of each mail piece to ensure that postage is correctly charged to that account. Agencies that require a special charge breakdown within their budget (for example, charges to special grant funding) should contact the Department of Administration, Administrative Services Division and Mail Services, for special account numbers prior to the mailing job being completed.

E. The Mail Services Division does not handle personal mail. Any personal mail sent through the mailroom will not be delivered.

F. The mailroom hours in Carson City are 6 a.m. to 5 p.m. daily except Saturdays, Sundays or holidays. The mailroom hours in Las Vegas are 7:30 a.m. to 5 p.m. daily except Saturdays, Sundays and holidays.

G. All printing orders for envelopes, mailers, or forms must be reviewed by the Mail Services Division

before printing to ensure the order meets postal regulations.

H. State agencies using services provided by the Mail Services Division are billed each month. Claims are expected to be submitted before the 10th of each month. Agency charges are made for postage, salaries of mailroom personnel and operating expenses.

I. An agency's share of the latter expenses will be determined by the dollar volume of postage used. Any questions on billings should be directed to the Department of Administration, Administrative Services Division. For additional detailed information regarding charges, such as class of mail, please contact Mail Services at mail to: mailservices@admin.nv.gov.

1208 Mailing Hints, Economies

A. Please give Mail Services as much advance notice as possible for mailing projects and complete a work order form and submit it to mailservices@admin.nv.gov. This form should be completed with appropriate contact information, budget account number to be charged, the amount of pieces to be processed, date to be completed, and any other special instructions.

B. Typical turnaround time on your mailing pieces will be 48 to 96 hours, depending on the size of your mailing job. On high volume jobs, please call ahead for proper preparation of materials and to establish a turnaround time.

C. Use standard fonts for letter-size mail (12 pt Courier recommended).

D. If an agency needs to send mail from a rural area, please contact Mail Services to have postage emailed through Pitney Ship Pro.

E. Place labels for extra services above the delivery address and to the right of the return address, or to the left of the postage.

F. In most cases, do not use priority mail or special delivery on Fridays or the day before a holiday. Regular mail will serve just as well to most destinations.

G. Use certified mail rather than registered mail whenever possible, unless sending international mail.

H. If shipping thumb drives, please mark the envelope as "non-machinable."

I. All outgoing mail to be insured must have all proper forms filled out and attached to the mail piece(s).

J. Do not send books first class, if possible. They may be mailed at a media mail rate.

K. Nine-digit or five-digit ZIP codes must be used on every piece of mail.

L. Do not stack inter-office or stamped mail in with outgoing mail.

M. International letters should be kept separate (airmail and surface mail).

N. When sending large packages or boxes via commercial carrier (e.g., Fed Ex, UPS, etc.), designate the type of service if sending other than regular ground. If the package(s) is to be insured, please designate

the value.

O. All letters must not haveany text appearing below the address block.

1210 Inter-Departmental Mail

A. The Mail Services Division offers inter-departmental mail service to all participating agencies in Carson City, Las Vegas, and Reno. Mail going to agencies outside our service area or to non-participating agencies must be mailed via the U.S. Postal Service. Further information regarding inter-departmental mail service can be found by calling the Mail Services Division, at 775-684-1860 in Carson City, or 702-486-2485 in Las Vegas.

B. If your agency is not currently participating in interdepartmental mailing but would like to sign up, please notify Mail Services at mailservices@admin.nv.gov.

C. Interoffice mail services are charged per budget account at the beginning of the fiscal year. Any mailstops added during the fiscal year will be added and charged in the following budget cycle.

D. Agencies that choose not participate in interoffice mail are welcome to drop off interoffice mail for participating agencies. Additionally, mail going to the USPS and needing postage added can be dropped off to the northern or southern facility to have postage applied and charged back to the proper budget account.

E. Addressing Interdepartmental Mail

1. To avoid delays in delivery or potential return of your inter-departmental mail, be sure to address your mail pieces properly by including:
   a. The recipient's agency fully written out (do not use an acronym).
   b. The destination city (e.g., Carson City, Las Vegas, Reno).
   c. The recipient's first and last name.
   d. The sending agency, name of sender, and budget account number.
   e. Many agencies have Finance, Personnel, Accounting, etc., so please be specific.
   f. Please limit the use of abbreviations.
   g. Many agencies have northern and southern offices, please be specific to the location you are mailing to (CC for Carson City, LV for Las Vegas, and Reno).

2. Interdepartmental mailing is not available in rural areas such as Elko, Ely, Fallon, Lovelock, etc. If your office is in a rural area, mail needs to be sent via USPS. A list of participating agencies, their addresses, and budget account numbers (BA#) can be provided by Mail Services upon request.

3. Interdepartmental correspondence should be placed in reusable envelopes. The previous address should be marked out when the new address is applied.

4. If using a different envelope than a reusable envelope, please follow the same addressing instructions above, but make sure to indicate that it is "interdepartmental."
5. Packages weighing over 25 pounds will be sent via FedEx ground.
6. High-value and breakable items such as computers, laptops, and monitors are not recommended

for interdepartmental mailing and should be sent via FedEx Ground with proper insurance.

7. Each agency must have incoming and outgoing mail baskets.

8. Inter-departmental and outgoing mail should be separated and labeled to facilitate pickups and deliveries. Further information regarding inter-departmental mail service, or any of the other types of services offered by Mail Services Division, can be obtained by calling the Mail Services Division, at 775-684-1860 in Carson City, or 702-486-2485 in Las Vegas or emailing them at mailservices@admin.nv.gov.

1300 State Vehicles

1302 Policy

A. 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.

B. To avoid violations of State policy prohibiting the use of State vehicles for non-State use, agency heads are urged to remind their employees who utilize State-owned motor vehicles of the provisions of NRS 204.080.

C. The policies outlined in this chapter are applicable to all State vehicles, whether agency-owned or Fleet Services-owned. Please see SAM 1400 for policies and procedures specific to Fleet Services rental vehicles.

1305 Insurance Coverage & Defensive Driving Requirement

A. A State-owned vehicle will be covered for auto physical damage when driven by any State employee, temporary employee, board member, commissioner, volunteer, contracted employee or those working in conjunction with the State of Nevada while conducting official State business and within the course and scope of employment.

B. The Defensive Driving course is required for all executive branch employees whose job functions require driving a State-owned vehicle for State business. Employees and other authorized drivers should refer to the Risk Management Division website for further details at http://risk.nv.gov/.

1307 Texting While Driving a State Vehicle

A. Pursuant to NRS 484B.165, a person shall not drive 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. 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 e-mail.

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

1. Reporting a medical emergency, safety hazard, or criminal activity;
2. Using a voice operated navigation system affixed to the vehicle or those riding in autonomous vehicles;
3. Using citizen band or other two-way radios that require a license and have a separate hand-held microphone;
4. A law enforcement officer, firefighter, or emergency medical professional acting within the scope of their employment;

5. Conducting hands-free wireless interpersonal voice only communication that does not require manual entry, except to activate, deactivate, or initiate a feature or function.

1309 Insurance

A. The State of Nevada is self-insured.

B. Please access the Risk Management website for a matrix illustrating the different levels of insurance coverage.

C. Insurance questions should be directed to the Risk Management Division.

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:

A. Exempt license plates or a license plate that identifies the vehicle as a State vehicle; for example, a "DOT" plate.

B. 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."

C. Window decals must be placed in an appropriate area of the front and rear window that ensures the decals do not obstruct the driver's view.

D. Refer to SAM 1312 for exemptions.

1311 Home Storage of State Vehicles

A. It is the policy of the Board of Examiners (BOE) that the home storage of State vehicles be authorized in certain circumstances. 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 or their designee is authorized to approve home storage of State vehicles for their respective department. Each department head 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.

B. Per the Internal Revenue Service (IRS), home storage of a State vehicle is 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 employee. As a result, agencies should review the IRS website for current IRS rules. In particular, IRS Publications 15-B and 5137 (IRS Fringe Benefit Guide) should be consulted.

C. 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 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 their designee, to keep the vehicle at their residence because their duties include responding to conditions that regularly require an immediate response; or
4. The employee operates out of their home.

D. 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 their 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.

E. 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. This report will be made on a form designated by the Director of the Department of Administration. In order to have a complete record, a response from the agency is required even if there are no vehicles authorized for home storage.

F. 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.

1312 Provision for Unmarked Automobiles

A. The approval for and use of unmarked motor vehicles by State employees 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. The director of each department shall establish policies that define the approval process within their respective department and retain that documentation per the department's records retention schedule.

B. Exemptions: unmarked vehicles are exempt from the labeling requirements outlined in Section 1310.

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

1314 Purchase of State Vehicles

Agencies must follow NRS 334.010 and SAM 0300 when purchasing vehicles, including:

1. Agencies must complete a Board of Examiners Request for Approval to Purchase a State Vehicle form and submit to the Governor's Finance Office.

2. Fleets based in Clark County or Nye County may be subject to the alternative fuel vehicle purchase requirements of the federal Energy Policy Act of 1992 (Public Law 102-486). The Nevada Governor's Office of Energy reports on Energy Policy Act compliance for the State fleet to the U.S. Department of Energy and can provide guidance on meeting vehicle purchase requirements.

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.

4. State agencies are required to utilize the contracts awarded by the State Purchasing for Fleet, Alternative Fuel and Police vehicles and submit a Vehicle Order Form with their requisition to State Purchasing.

1316 Vehicle Replacement Policy

A. State vehicles shall be at least 10 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.

B. Because of the variety of situations faced by 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 its justification to its budget analyst within the Governor's Finance Office for review and approval by the Board of Examiners (BOE). The alternative policy may not be adopted until such approval by BOE. Alternative replacement policies shall be attached to an agency budget request during each budget building cycle.

C. Agencies should, to the extent possible, rotate vehicles with low mileage in order to maximize the use of State vehicles and budgetary resources.

1318 Maintenance

All State-owned and Fleet Services Division leased vehicles must be maintained at a level that meets or exceeds the vehicle manufacturer's recommended maintenance schedule. Please see SAM 1412 for specific requirements regarding regular maintenance of Fleet Service monthly rental vehicles.

1320 Records

Agencies are required to maintain vehicle maintenance records for agency-owned vehicles. Records must be established and maintained for each vehicle the agency owns or leases from an outside vendor. Agencies are required to maintain the manufacturer's maintenance requirements or schedules for agency-owned and leased vehicles. Agencies leasing vehicles from Fleet Services Division are exempt from this requirement.

1322 Complaint Procedure

A. 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. If the vehicle is a Fleet Services Division vehicle assigned to an agency, 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 take any appropriate supervisory action.

B. The agency head will promptly communicate with the complaining party to assure them that the State appreciates the matter being brought to the State's attention and that appropriate action will be taken where warranted.

1323 Telematics

A. The State has established a vehicle telematic program to monitor State vehicle location and activities. The intent of the program is to improve employee safety, create operational and energy efficiencies, and reduce costs. This policy will be administered in compliance with all State, federal and local laws.

B. The vehicle telematic program applies to all employees operating a State vehicle equipped with a telematic device.

1. Employees have no reasonable expectation of privacy while using a State-owned vehicle.

2. The State reserves the right to use telematics data to monitor State-owned vehicles.
   a. Monitoring may take place on a regular or random basis.
   b. Telematic data is collected for the activities of all Fleet Services owned vehicles, including location, speed, path of travel, route stopping, maneuvering severity, idle and park time, vehicle breakdowns, and scheduled maintenance needs.
   c. The State may use this information for a range of purposes that benefit both employees who drive State vehicles, employee passengers, and the public.
   d. Telematics data may be used to address operational training and performance management issues (e.g., driving unsafely, using a State vehicle in violation of any law or policy, or for an unacceptable use). Employees who use State property in an unauthorized manner may be subject to corrective or disciplinary action.
   e. Telematic information may be available for review by authorized personnel, including Fleet Coordinators, Human Resource representatives, supervisors and managers, Risk Management, Fleet Services, Attorney General's Office, and, in the event of a claim or litigation, third parties.
      i. Access to the data produced by the telematics system will be strictly controlled and

securely maintained at all times by any authorized user.

ii. Printed reports must be securely maintained with tightly controlled access.

iii. Distribution of telematics data should not occur without approval from an agency human resources representative or appointing authority.

iv. Disclosure of telematics information to third parties, including law enforcement, for administrative or legal proceedings, when otherwise necessary to respond to claims, to protect the State's legitimate interests or the health and safety of others, or as required by law are subject to applicable statutes and regulations.

3. Data from telematic systems are maintained by the Fleet Services Division and purged based on the State retention policy, except when subject to a legal hold.

4. Department directors, managers, and Supervisors responsible for overseeing authorized drivers are responsible for;
   a. Informing employees that all driving is monitored by telematics;
   b. Creating a telematics data and driver performance review process.
   c. Reviewing data to determine how drivers are behaving in variable traffic, road and weather conditions;
   d. Enforcing compliance with authorized use of State vehicles.

5. Tampering or Altering Telematic System:
   a. Tampering with or altering the physical telematics equipment in a State vehicle is prohibited.
   b. Tampering with or altering the telematics equipment by intentionally blocking or interfering with the electrical systems, wireless signal, or satellite receiver/antennae is prohibited.
   c. Attempting to repair or adjust the telematics system in a state vehicle is prohibited.

C. Employees who believe that the telematics system in a State Fleet vehicle is not working properly should report the malfunction immediately to the agency vehicle coordinator.

1400 Fleet Services Division

1402 Purpose

The Fleet Services Division provides safe, efficient, environmentally friendly, and cost-effective transportation solutions to State employees.

1404 Policy

To ensure economical utilization of State-owned vehicles, eliminate unauthorized use of State-owned vehicles, provide a ready means of transportation for State employees on State business, reduce the need for use of private vehicles on official State business and to provide central administration for maintenance, care and operation.

1405 Services Provided

The Fleet Services Division provides the following services:

1. Long-term assigned vehicles. Fleet Services maintains a diverse inventory of vehicles for agency use;
2. Short-term assigned vehicles for daily use. Fleet Services maintains a diverse inventory of vehicles for agency use;
3. Maintenance and repairs;
4. Fueling network;
5. Washing facilities; and
6. Vehicle acquisition and disposal.

Agencies utilizing vehicles owned by their respective department may utilize any of the services provided by the Fleet Services Division on a charge-back basis.

1406 Fleet Services Charges and Monthly Trip Reporting

A. Vehicle usage is charged either on a daily basis or on a monthly basis. Daily rates apply on a 24-hour basis. For specific rate or billing information contact the Fleet Services Division at 775-684-1880 or reference the Fleet Services website https://motorpool.nv.gov/

B. Fleet Services will not be responsible for reimbursement of vehicle expenses resulting from:
   1. running out of fuel;
   2. charges for lost or misplaced keys;
   3. parking charges;
   4. towing, when not a result of mechanical failure;

5. failure to obtain fuel at designated State fuel facilities (except for emergencies); or
6. citations issued for violations of traffic laws or parking ordinances.

C. 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 business days after the end of the month. Failure to submit timely reports will result in a late fee assessment for each day late and may result in vehicles being reassigned. In the event circumstances prevent timely submission, contact the Fleet Services Administrator in advance to request a time extension.

1407 Vehicle Utilization Requirements

A. 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).

B. 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 any department, division or agency. Agencies are required to notify Fleet Services of the utilization group to which the vehicle has been assigned.

C. The utilization table and agency fleet assessment worksheet are available by accessing the following links: Fleet Assessment Worksheet and Vehicle Utilization Table

D. Agencies that have assigned monthly rentals in Group 1 (Pooled Administrative Vehicles), Group 2 (Individually Assigned Administrative Vehicles) and Group 3 (Maintenance/Contractors Equipment) must adhere to the minimum usage requirements each year. The Fleet Services Division is responsible for monitoring each agency's minimum usage. Monthly vehicle usage data is required to be reported to Fleet Services by each agency (see SAM 1406). Fleet Services will send each agency formal notification of any monthly rental vehicles that are not meeting the usage standards. Failure to utilize Group 1, 2, or 3 vehicles at a minimum level may result in reassignment of those vehicles to another agency by the Fleet Services Division.

E. Any agencies that cannot utilize its Group 1, 2, or 3 vehicles at the minimum level must demonstrate a mission-critical need to retain the vehicle and must request an exemption to the usage requirements from the Board of Examiners (BOE). Exemption requests must be in the form of a memorandum from the agency to BOE with a copy to the Fleet Services Division. If an exemption is not requested from or approved by BOE, and there is a failure to maintain the minimum required usage, the agency vehicle will be reassigned by the Fleet Services Division.

F. Agencies that have vehicles to be assigned to either Group 4 (Public Safety) or Group 5 (Specialty) that are NOT exempt from the usage guidelines must request an exemption to the usage requirements from BOE. This includes vehicles leased from the Fleet Services Division and assigned to individual agencies. Those agencies are responsible for seeking their own exemptions after being notified that they must do so by the Fleet Services Division.

1408 Facility Hours of Operation

Note: The office hours listed are subject to change. Please call the Fleet Services office you will be utilizing for current hours of operation.

A. Reno
2550 Terminal Way, Reno NV 89502
Phone: 775-688-1325
Fax: 775-688-1309
Email: rnomp@admin.nv.gov
Hours: 7:00 a.m. to 5:00 p.m. Monday through Friday

B. Carson City
750 East King Street, Carson City, NV 89701 Phone: 775-684-1880
Fax: 775-684-1888
Email: ccmpool@admin.nv.gov
Hours: 7:00 a.m. to 5:00 p.m. Monday through Friday

C. Las Vegas
7060 La Cienega St. Las Vegas, NV 89119 Phone: 702-486-7050
Fax: 702-486-7042
Email: lvmp@admin.nv.gov
Hours: 7:00 a.m. to 5:00 p.m. Monday through Friday

1410 How to Request a Vehicle

A. Short-term assignments—30 calendar days or less:
   1. Reservations may be made online at http://fleetres.nv.gov or
   2. Email a Fleet Services Rental Request form (MP-2) to the location where you will be picking up the vehicle.
   3. At times, Fleet Services may have insufficient vehicles to cover anticipated rentals. At these times, Fleet Services utilizes outside rental car agencies to provide additional vehicles.
   4. Fleet Services will make all arrangements for rental vehicles and assume responsibility for the necessary paperwork when the vehicles are reserved through the Fleet Services Division.
   5. The Fleet Services Division will not assume liability for payment for rental cars booked directly with the rental company by the agency.

B. Long-Term Assignment – Assigned on a Monthly Basis
   1. Requests for long-term assignment should be included in the agency biennial budget request. This will allow the Fleet Services Division a chance to review the available inventory and adjust as needed to provide for the request.
   2. Submit a Fleet Services Vehicle Request form (MP-5) to the Carson City Fleet Services office.
   3. If the request was not included in the agency budget request, every attempt will be made to fulfill requests as inventory levels permit.

1412 Care and Maintenance of Fleet Services Vehicles

A. Refer to the Fleet Services Vehicle Use Manual for the care and maintenance of State vehicles. Vehicle use manuals are located in the glove box of each fleet services vehicle. Copies may also be downloaded from the fleet services website https://motorpool.nv.gov/

B. Fleet Services is not responsible for notifying agencies that their assigned vehicles are scheduled for maintenance. Agencies are responsible for returning their assigned vehicles to Fleet Services for any required maintenance. Agency failure to cooperate with regular maintenance schedules may result in the agency assigned fuel cards being temporarily shut down or possible reassignment of agency vehicles by the Fleet Services Division.

1414 Insurance and Accident Reporting

A. All accidents or incidents involving a Fleet Services vehicle must be reported within 48 hours to the Fleet Services Division and to the Tort Claims Manager of the Office of the Attorney General.

1. **Accident** refers to any collision involving a State vehicle with a pedestrian, other vehicle or other fixed or stationary object, whether or not any physical damage or bodily injury occurs.

2. **Incident** refers to non-accident personal injury or physical damage, i.e., vandalism, window or body damage from flying objects, lost or stolen vehicle parts or accessories, vehicle body damage from tire snow chains, etc.

B. An accident report packet is located in the glove box of each vehicle. Accidents reports may be downloaded from the fleet services website https://motorpool.nv.gov/

1415 Driver Responsibility

A. Employees who operate a State of Nevada vehicle are responsible for the following:

1. Maintaining, in their possession while operating a State-owned vehicle, a valid, non-restrictive drivers license of the appropriate class for the vehicle they are driving;
2. Obeying all traffic laws and associated regulations;
3. Adjusting behavior to account for variable traffic, road and weather conditions;
4. Reporting to their employer any traffic citations received or accidents occurring in a State-owned vehicle;
5. Reporting to their employer any medical condition that may impact their ability to safely operate an agency State of Nevada vehicle;
6. Paying any traffic or parking citations received in a State-owned vehicle ;and
7. Using the State-owned vehicles only for proper work-related purposes.

B. Failure to observe Fleet Services policies while operating a State-owned vehicle may subject the individual to liability for vehicle expenses incurred and/or revocation of Fleet Services privileges.

C. Smoking is prohibited in all Fleet Services vehicles. A fee will be charged for cleaning vehicles that have been smoked in and drivers smoking in vehicles may be reported to their agency head.

D. The Defensive Driving course is required for all executive branch employees whose job functions require driving a Fleet Services rental vehicle for State business. Reference the Risk Management Division website for further details and exceptions at http://risk.state.nv.us.

1416 Vehicle Fuel and Service Available to Other Agencies

A. Fleet Services utilizes the Department of Transportation (NDOT) fueling network and the current State contracted fuel provider's commercial card lock fueling network. For current information please contact your local Fleet Services office or reference the Fleet Services website https://motorpool.nv.gov/

B. Since both the NDOT fueling network and the commercial card lock fueling network are accessible, two fuel cards are assigned to each individual Fleet Services vehicle and are prohibited to be used for any other vehicle than which the card is assigned. The Fleet Services Division will monitor all fuel card transactions and will notify agencies of any misuse of fuel cards. Agencies will be charged for unauthorized purchases and may be reported to the Attorney General's Office.

C. Agencies shall not use fuel cards for normal vehicle maintenance or the purchase of auto parts, tires or accessories without the expressed authorization of the Fleet Services Division. Agencies will be billed for all unauthorized fuel card charges.

D. Lost or stolen fuel cards must be reported immediately to the Fleet Services Division.

1418 Energy Management

A. The Fleet Services Division, by law, must incorporate alternatively fueled vehicles into the fleet. Fleet Services has traditionally been proactive in purchasing, utilizing and advocating the use of alternative fueled vehicles. Fleet Services is proactive in exploring and embracing all future alternative fuel opportunities. Please direct any questions or concerns to the Fleet Services Administrator.

B. Agencies assigned alternative fueled vehicles must use the approved alternative fuel in these vehicles while operating in Clark and Washoe counties.

1600 Information Technology

1602 General

Chapter 242 of the Nevada Revised Statutes authorized the creation of the Governor's Office of the Chief Information Officer (OCIO) for the coordinated, orderly and economical processing of information in State government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various agencies. The purpose of the OCIO is to perform information services for agencies and to provide technical advice but not administrative control of the information systems within agencies.

The OCIO provides the following services:

A. **Communication Systems:** Provides primary public safety communication infrastructure support for State agencies, federal and local public safety entities operating in Nevada. Also provides communication transport services, microwave communication channels, mountaintop communication site space and engineering.

B. **Computer Operations:** Provides computer-processing services (24 x 7 x 365) using various computing platforms, including mainframe and server farm. Also provides hosting of server hardware for agencies.

C. **Data Networking (SilverNet):** OCIO statewide data network providing high-speed/broadband network connectivity services for State agencies, local and county governments. Secure services include high-speed internet access, dialup and Virtual Private Network connectivity.

D. **Database Administration:** Provides comprehensive database and information management services for the executive branch of State government. This includes database and information administration services such as database design and support, and specialized and multi-user data file design and management.

E. **Documentation:** Coordinates departmental and statewide IT policies, standards and procedures and the online State Telephone Directory.

F. **Internet Services:** Hosts websites and web applications. Also provides specialized web functions such as e-mail and online conferencing.

G. **Strategic Planning:** Identifies and documents the IT vision, supporting strategies, and guiding principles to meet current State business needs and support long-term strategies.

H. **Capacity Planning:** Forecasts technology resource needs for mainframe, internet, network, server farm and storage for the State. Coordinates with users to ensure that enterprise capacity and performance needs are met.

I. **Agency Planning:** Consults with customer agencies in their development of IT Strategy plans. Technical assistance and workshops are also provided for completing the Technology Investment Notification (TIN) document.

J. **Policy:** Responsible for developing an enterprise-wide IT strategic plan as well as policies and standards for the information systems and the IT infrastructure of the executive branch of State government.

K. **Production Services:** Coordinates off-line processing for customer agencies' business applications and report generation.

L. **IT Governance:** Supports the Governor's IT Governance committee structure. Guides agencies in transitioning through the IT investment lifecycle, which involves project planning, vendor and resource acquisition, project implementation and agency accountability. This includes guidance in acquiring appropriate professional project management and quality assurance resources.

M. **Security:** Provides information security and contingency planning consulting services for agencies. Also provides project oversight on all security aspects of IT projects.

N. **Software Design and Development:** Provides all aspects of software systems development, including project design and analysis, programming, installation, documentation and maintenance. Provides web development, administration and support of agency websites. Applications can be developed on a complete range of platforms from mainframe systems to the latest web-enabled applications. Provides team leads for software consultants and assists in drafting and overseeing software deliverables. Additionally, programmers provide technical support on all aspects of program and software development and can assist as technical advisers.

O. **Technical Support:** Provides installation and maintenance of Local Area Networks (LAN), PCs and related hardware system software.

P. **Webpage Presence:** The Web Development Unit assists agencies with all aspects of their office's internet presence. This unit offers new development of websites for agencies with no web presence, continuous maintenance of existing websites and training of agency employees if requested. The web unit is proactive in developing and implementing procedures for agencies to offer new web technologies as they become available and making it possible for all agencies to be able to offer them with minimal expense and effort.

Q. **Voice/Telephone:** Coordinates agency telephone system design, installation and maintenance, system administration of the State Telephone System, issuing of phone cards, toll-free numbers; phone and data wiring installation, moves, adds, changes of telecommunications equipment; cellular and paging services and State Operator assistance.

1604 Responsibility

The OCIO's major responsibilities are:

A. To provide IT systems/services to agencies. See NRS 242.115 and 242.131 for exemptions.

B. To develop policies, procedures, standards and regulations for the procurement, development, implementation, and maintenance of information technology and systems within the executive branch and for elected officials.

C. To establish and maintain a statewide information infrastructure that provides easy access to

government information for everyone authorized to use it.

D. To assist agencies in the selection of solutions for their information needs that meet established standards.

E. To develop standards to ensure information systems security and disaster recovery.

F. To create and publish strategic plans for information technology for the executive branch and elected officials.

G. To provide guidance to agencies in developing short and long-term information systems plans.

H. To provide guidance to agencies in developing their information technology budgets for appropriate OCIO services.

1606 Funding

A. The OCIO operates as an Internal Service Fund. All funding is received through billings for user services or assessments.

B. Annually, the OCIO establishes billing rates for the services provided by the operating divisions. These rates are developed in accordance with federal ratemaking standards and are monitored on a monthly basis. Adjustments are made to the established rates as needed, but usually no more often than annually.

1608 How and When to Utilize Services

A. Executive branch agencies and elected officials should contact the OCIO at the time of initial planning for any information system/project regardless of technology being considered (voice, data, image, video, etc.). This includes the telephone equipment, local telephone service and long-distance telephone service. Requests for such services should be initiated by contacting the OCIO Help Desk at (775) 684-4333.

B. The OCIO and an agency requesting services will jointly develop a needs assessment. The needs assessment will specify the scope of the required services, projected growth of services needed, and the corresponding budget required for service.

1610 Hardware Repair and Maintenance

Agencies that do not have in-house repair and maintenance resources should call the OCIO help desk immediately when assistance is needed. OCIO staff or contractual assistance will be provided.

1612 Policy, Procedures, Standards and Guidelines

The Chief Information Officer is responsible for developing policy, procedures, standards and guidelines for information technology activities within the executive branch. The most current policies, standards and procedures are posted to the OCIO's website. This includes an Acceptable Use Policy for State-owned technology resources, including but not limited to computers, tablets, and cellular devices.

1614 Telephone Toll Calls

Toll calls should be held to an absolute minimum. Agencies should institute proper internal controls of toll calls in order to verify toll billing. Personal long-distance calls including 900 service are not to be placed from State telephones at State expense.

1616 Cellular Telephones

A. Each department of the State of Nevada must develop a cellular telephone, portable tablet, or other mobile device policy that meets the department's specific needs regarding the necessary use of such devices for work-related activities while operating within budget authority, addressing the potential legal issues regarding access to the record of the devices' use, and ensuring compliance with any federal or State regulations that apply to either the device, data, user, or agency, and being compliant with State personnel rules associated with requiring employees to be available for contact after their regular working hours.

B. The departmental policy must fully address security issues and must specifically identify criteria to determine eligibility to receive a cellular telephone, portable tablet, or other mobile device at State expense or a stipend for the use of a personal device. There must be a compelling reason directly related to efficiencies to be gained and the employee's job duties and responsibilities that necessitates a cellular telephone, tablet, or other mobile device for business purposes.

C. There are three (3) acceptable methods to provide for employee use of a cell phone, tablet, or other mobile device:

1. State issued device – the agency provides the employee with an approved State device pursuant to the statewide contract for such services and pays the monthly charges directly to the service provider. The device remains the property of the State, and the employee must comply with all policies regarding personal use of State devices. If the employee's personal use of the device results in additional costs to the State, the employee must reimburse the State for such charges at least monthly. Agencies must take care to choose the appropriate plan level for the needed use for State purposes. This may include prepaid phones that only include voice services. Upon separation from the agency that issued the device, the employee shall return the device. Departmental policy must include acknowledgement of receipt of device and terms and conditions of use that should be retained in employee file.

2. Stipend paid by State for employee using personal device for State purposes – the State pays an employee a monthly stipend to use their personal device to conduct State business. The base plan cost is understood to include cellular telephone, internet, and/or data services. The employee is responsible for contracting with a service provider, paying for any initial plan charges, the cost of the device, and paying the monthly bills. The State is not responsible for any penalties should the employee terminate the contract with the service provider.

   Because the cellular telephone, tablet or other mobile device is owned personally by the employee, the employee may use the device for both personal and business purposes as needed. Use of the device in any manner contrary to local, State or federal laws will constitute misuse and will result in immediate termination of the stipend. The device must adhere to State and agency security standards when used to conduct State business, and to transmit and/or store State data. The stipend will not be taxable to the employee and will not be reported on their W-2, Wage and Tax

Statement. The stipend amount will be established by each department director when they develop the policy for their respective department.

3. Employee voluntarily uses personal device to conduct State business without compensation. The device must adhere to State and agency security standards when used to conduct State business, and to transmit and/or store State data.

D. Employees must be aware that it is possible the record of use for any device used for State business could be considered a public record.

E. Regardless of the reimbursement method used, each employee using a device for State business or connected to State IT infrastructure must sign an "Acceptable Use Agreement" and an "Agreement for Use of a Mobile Device." The respective department policy must be attached to each "Acceptable Use Agreement" and "Agreement for Use of a Mobile Device" and shall be retained in the employee's file.

F. An agency may rescind a State-issued device or stipend at any time if the business necessity or budget authority no longer exists.

G. Employees are expected to comply with all applicable laws regarding the use of cellular devices while operating a motor vehicle. Each department policy shall include a reference to SAM 1307.

1618 Technology Investments

A. A Technology Investment is defined as the implementation of IT improvements, enhancements, replacements or other expenditures (e.g., cloud services, computer, telecommunications, or other information technology services or equipment) through any funding mechanism or added value using IT services provided by a vendor, the OCIO or an agency. Technology investments can be for existing systems or new solutions. Contact the Technology Investment Notification (TIN) Administrator with any questions. Refer to TIN procedures and instructions posted on the OCIO's IT Investments website at http://it.nv.gov /tin/home/. Any executive branch agency wishing to invest in an IT project that costs more than $50,000 must develop a business case with the TIN form.

B. The TIN forms addressed in the posted instructions are required for executive branch agencies as part of their biennial budget process as well as for interim funding of IT projects. This Technology Investment information is required regardless of the funding source (including grant funding), as well as in situations where the funding already exists and the agency is requesting authority for expenditure. This also applies to projects mandated by either the federal government or the Nevada State Legislature. Agencies with federally funded and mandated interim projects should contact the OCIO for guidance on how to best proceed regarding potentially concurrent TIN and Procurement Request for Proposal (RFP) processes.

C. Agencies preparing IT contracts for the BOE should contact the OCIO regarding TIN requirements. New contracts related to an IT project may require a TIN and other additional information. In cases when work programs fund more than $50,000 of an IT project, the agency should consult with the OCIO to see if technology investment forms are required.

D. All IT Investments in cloud services less than the $50,000 Technology Investment Notification (TIN) threshold are to be reported to the OCIO via the Cloud Investment Notification (CIN) process due to

potential security ramifications and the possibility of solution duplication without adequate review. IT Investments in cloud services include, but are not limited to:

1. Software-as-a-Service – applications;
2. Platform-as-a-Service – application platforms;
3. Function-as-a-Service; and
4. Infrastructure-as-a-Service – cloud infrastructure.

E. Refer to CIN procedures and instructions posted on the OCIO's IT Investments website at http://it.nv.gov.

F. Every agency submitting a request for a Technology Investment that meets one of the criteria below must present its project to the Nevada IT Strategic Planning Committee (ITSPC). During the biennial budget session, this committee will submit its recommendations to the Governor's Finance Office regarding the prioritization and inclusion of IT projects in the biennial budget.

1. An investment of $500,000 in value or more, or
2. Critical in nature to State operations, or
3. Significant risk of adverse consequences to the State of Nevada.

1620 Project Management Quality Assurance and Project Oversight

A. All IT projects as defined below must have a qualified IT Project Manager, a Quality Assurance Manager, and Project Oversight staff assigned to the project. The level of resources for these services must be budgeted in accordance with accepted IT industry standards and included in the TIN, and if funded, utilized specifically for these services. This requirement does not apply to:

1. Projects for ongoing / routine replacement of existing hardware (PCs, routers, servers, etc.) and software (upgrades, releases, licenses, etc.)
2. Projects of short duration where:
   a. Vendor or internal involvement is at a minimum
   b. There is only minor component reconfiguration
   c. Installation is only within the agency
   d. Purchases are internal to the agency
   e. The project is transparent to the users

B. A qualified Project Manager is an individual who meets or exceeds the experience and credentials as outlined in the IT Project Manager Qualification and Selection Standard 9.12 developed by the State of Nevada Information Technology Project Oversight Committee.

C. The OCIO should be contacted if there are questions regarding what constitutes a qualified Project Manager or Quality Assurance Manager.

D. The purpose of Project Oversight is to determine that a qualified project manager is assigned to the project, the project is being managed in compliance with the project plan, that sound management practices are being observed, that the project is adequately staffed, schedules are reasonable and are being met, and to identify and take action to assist in remediation of risky and potentially unsuccessful project activities and problem situations at the earliest possible time.

1622 Utilization of OCIO Services as Budgeted

Executive branch agencies that have approved OCIO funding, whether through the legislative budget process or via work programmed funds added in the interim, must use the funding for that purpose. If an agency believes an exception is warranted, the agency must submit a written request to the Chief Information Officer (CIO). The CIO and the Governor's Finance Office must approve this request. The Governor's Finance Office will notify the requesting agency of the decision.

1624 Grant Applications with IT Components

All executive branch agencies applying for grants that have IT components must submit the IT portion of their grant application to the OCIO for review and approval prior to submittal of the grant. Also, if the grant contains funding for IT positions, the requested funds must be based on standard usage of hourly rates, rather than salaries for dedicated positions. This will ensure that the IT component is technically feasible, within State standards, and the funding requested is adequate to accomplish the project.

1626 Contracts for IT Services

Prior to submitting a contract for IT services to the Board of Examiners (BOE) for approval, agencies must submit the contract to the OCIO for review and approval. Agencies are encouraged to schedule that review prior to obtaining signatures on the contract documents, thus avoiding delays resulting from modifications to the documents. Contracts related to IT projects must adhere to section 1618 regarding TINs and CINs. Signatures are obtained electronically by utilizing the Nevada Executive Budget System (NEBS), Contract Entry and Tracking System (CETS) Module.

1700 Attorney General

1702 General Responsibility

A. The Attorney General and their 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. (NRS 228)

B. 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

A. The Office of the Attorney General provides a broad range of legal services pursuant to its legal authority. Agencies should be proactive in consulting the Attorney General on potential legal issues and requesting general legal advice.

B. Unlike general legal advice, formal attorney general opinions issued pursuant to NRS 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.

C. 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.

D. 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 agencies not supported by the State General Fund for all service and costs their 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)

1710 Service of Process

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

A. Nevada Revised Statutes (Chapter 344) 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 Office of the Legislative Counsel Bureau whenever possible. State Printing offers all services, including complete offset printing, digital printing, copying, binding and finishing operations.

B. For all jobs with an expected expense of $999.99 and under, the 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 agency must obtain at least three (3) quotes, one of which must be State Printing. If an agency so chooses, it may directly utilize State Printing at any amount under $4,999.99 without obtaining outside quotes. For anticipated amounts above $5,000.00, the agency must direct their purchase through State Purchasing pursuant to SAM 0300. In soliciting quotes or bids, State Purchasing must always solicit a quote or bid from State Printing.

1804 Ordering

A. When ordering, agencies should place orders as far in advance as possible. If orders are time-sensitive, agencies should specify the date requested for completion of the order. Printers typically charge a premium for rush orders.

B. 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.

C. 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. Contact State Printing at 775-684-6950 or printing@lcb.state.nv.us for additional information.

D. 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

A. 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 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, 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, 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, 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 embedded. If fonts or resource files are not included the order will be delayed. Most printers support PC and MAC platforms.

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

A. To complete the 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

B. 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 needs.

1850 Printing Authorization

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

1900 State Public Works Division

1902 General

A. The State Public Works Division (SPWD) consists of the Administrator, the State Public Works Board (SPWB), the Professional Services Section, Code and Enforcement Section, and the Buildings and Grounds Section. The SPWD and SPWB are responsible for developing the Capital Improvement Program and the SPWB recommends to the Governor the priority of all proposed projects. SPWD staff support the Governor in providing the Governor's recommendation to the Legislature.

B. SPWD also provides all State departments with architectural and engineering services for the construction of any building constructed on State property or on property held in trust for any division of State government, or for which money has been appropriated by the Legislature, allocated by the Interim Finance Committee, or otherwise funded by the Agency. All departments are required and authorized to use such services for new building construction, remodeling or major repairs. The following are exempted from this requirement:

1. Buildings used in maintaining highways; and
2. Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made in State parks by the State Department of Conservation and Natural Resources or by the Department of Wildlife.

C. Services may consist of:

1. Advance planning;
2. Designing;
3. Estimating of costs;
4. Preparation of bidding documents;
5. Project management and Inspection of construction work; and
6. Building official for State-owned facilities.

D. The SPWD may retain architects and engineers to prepare bid documents if the SPWD deems such action desirable. The cost of such consulting services and the cost of all architectural and engineering services shall be charged against the appropriations made by the Legislature or other funds allocated to the project.

E. The SPWD may delegate its authority for project management services for some projects to other agencies. All requests for Delegation of Authority shall be directed to the Administrator. Any agency that receives Delegation of Authority from the SPWD must comply with NRS 338, including bidding and prevailing wage requirements.

1904 Capital Improvement Program

A. Before October 1 of each even-numbered year, the SPWB must submit its recommendations for capital

improvement projects in the next biennium to the Governor. The Administrator supports the Governor's recommendations and prepares the Capital Improvement Program for Legislative approval. To develop its recommendations, every State Department is allowed to submit its requests for new building construction, remodeling, or major repairs. Included in their requests, all proposed work should include any maintenance, repair, or replacement projects greater than $300,000. All Americans with Disabilities Act (ADA), Roofing, Advance Planning, Underground Storage Tank, Mold Abatement and Indoor Air Quality projects should also be requested in the Capital Improvement Program. Proposed maintenance work such as painting, carpeting, drapes, are not considered capital improvements and should be requested in the agency operating budgets . Interior improvements that include items like carpeting and drapes have code smoke and flame spread requirements and therefore are required to be submitted to the State Fire Marshal for approval.

B. February 1 of the even year the State Public Works Division (SPWD) posts a link on its website for agencies to submit their CIP requests, which are due by April 1. The failure of an agency to meet time deadlines or to properly complete all required documentation might result in the State Public Works Board (SPWB) refusing to consider the request.

C. The SPWD also has the authority to conduct advanced planning for future projects. It is the policy of the SPWD to perform advance planning for projects with an estimated construction cost of $10 Million or more when practicable. At the discretion of the SPWD, advanced planning funding may be available during the biennium.

1906 New Construction

Except as otherwise specified in Section 1902, the SPWD has final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

1908 Remodeling, Repairs, and Maintenance Work

Remodeling, repairs and maintenance work of a non-structural nature financed with agency operating funds and estimated to cost less than $300,000 do not need the project management services of the SPWD and may be made by the agency controlling the building. However, all remodeling projects on State land or land held in trust for any division of the State government must be reviewed by the SPWD to ensure code compliance through plan check and inspection services. Non-structural alterations mean alterations that do not affect the safety of the building and do not change, in any manner, its structural elements.

1910 Acceptance of Grants and Contracts

On projects requiring the services of the SPWD which have not been approved or authorized by the Legislature, the SPWD is required to seek approval of the Interim Finance Committee (IFC) before proceeding with the work. The SPWD may, with the approval of IFC when the Legislature is not in regular or special session, or with the approval of the Legislature by concurrent resolution when the Legislature is in regular or special session, use grants of money for the design and construction of public buildings for which no appropriation has been made by the Legislature. Grants of money may also be used for the additional acquisition, design and construction of public buildings for which the original legislative appropriation made no provisions. (NRS 341.121)

1912 Inspection of State Buildings

The SPWD has developed a Facility Condition Assessment Group to carry out required inspections of all State buildings. The function of the SPWD Facility Condition Assessment Group is to coordinate a statewide series of inspections of State buildings relating to roofing, compliance with the Americans with Disabilities Act, fire safety, and other issues relating to the safety of State employees and the general public. (NRS 341.128) Inspections are of critical importance as they aid in the development of future requests for capital improvement funding. Reports of such inspections, including findings and recommendations, shall be submitted to the appropriate State agency.

1914 Building Official Role

A. Regardless of the source of funding, the Deputy Administrator for Compliance and Code Enforcement shall serve as the Building Official for all buildings and structures on property of the State or held in trust for any division of the State government. When acting as the Building Official, the Deputy Administrator for Compliance and Code Enforcement shall have authority to issue stop work orders based upon reasons of health, safety, violations of building codes, other laws or regulations, or for failure to obtain an appropriate building permit from the SPWD. All agencies of the State shall coordinate with the SPWD in the design, construction, tenant improvements and remodels of buildings or structures subject to the requirements of this section. Coordination shall include obtaining a permit and approvals on all design work prior to advertising any project for bid or prior to the institution of any other contractor procurement method. (NRS 341.100(9)) The Deputy Administrator for Compliance and Code Enforcement is the Building Official even for those projects exempted under **Section 1902** if they are constructed on State land.

B. Any construction activity on lands not owned by the State is governed by the local building jurisdiction. Approvals, permits and inspections may be required by the local building jurisdiction; therefore, it is advised that the agency contact them for their requirements.

C. The SPWD is a fee-based agency. Fees are charged for investigation, plan check, permit, and inspection services. Early contact should be made with the Division prior to the institution of any new construction or remodeling projects.

1916 Emergency Contract Authority

If the SPWD determines that an emergency exists, a contract, or contracts, necessary to contend with the emergency may be let without complying with the provisions of NRS 338.011 and NAC 341.151. Any agency believing that the condition of a State building or structure warrants the issuance of an emergency construction contract should immediately notify the Administrator of the SPWD.

2000 Nevada State Library, Archives and Public Records

2002 NSLAPR Functions

The Nevada State Library, Archives and Public Records (NSLAPR) is a division of the Department of Administration. The NSLAPR exists to meet the information and research needs of State government; to coordinate and supplement a State network of library resources for Nevada; and to preserve, maintain and coordinate State and local government records and archives. Archives and Records works with the State Historical Records Advisory Board and the State Records Committee to ensure proper maintenance of and access to Nevada government records. The Library works with the State Council on Libraries and Literacy in surveying and reporting on the status of libraries and literacy programs in Nevada and in making recommendations "to foster and further the establishment and proper maintenance of superior libraries." (NRS 380A.011) The Library administers federal and State funds to local libraries. (NRS 378.081(h), 378.087 and 378.100)

2004 NSLAPR Location, Hours ofService

The offices of NSLAPR are in the State Library and Archives Building at 100 N. Stewart Street, Carson City, NV 89701-4285. Hours are 9:00 a.m. to 3:00 p.m., Monday through Friday with the exception of legal holidays.

2006 State Library Services

A. **Library.** The Library provides visitors access to its collections. Access services staff include professional librarians and highly trained library assistants who cover the reference desk, reply to email inquiries, and Ask-A-Librarian queries. The Library directly loans materials to visitors who are Nevada residents with a valid Nevada library card. The Library borrows and lends materials with libraries around the country as part of the Interlibrary Loan Program. The Library provides in-depth reference and research services to Nevada State government personnel and Nevada residents. It provides consulting to libraries, librarians, library boards and State controlled institutions on aspects of library and information services technology, and professional development.

B. **Reference and Research Services.** A staff of professional librarians provides reference and research services by utilizing its collections, databases, and other information sources to supply requested information. (NRS 378.080(d))

C. **State Publications Distribution Center.** The Library provides a State Publications Distribution Center to acquire, index and distribute State, city and county publications. NRS 378.180 requires every State agency to deposit with the State Publications Distribution Center ten (10) copies of each publication that was published, printed or copied by the State agency itself or by a private printer, or by the State Printing Division. Every local government shall, upon release, deposit with the State Publications Distribution Center at least six (6) copies of each of its publications. If the publication is in an electronic format or medium, the State agency or local government shall notify the State Publications Distribution Center of such release and provide the Center with access to the Publication.

D. **Nevada State Data Center.** The Library, through contract with the U.S. Bureau of Census, is the State Data Center for Census information. The Library and State Data Center affiliates receive and

disseminate census information to State government agencies and citizens.

E. **Services to the Blind and Physically Handicapped** Nevada Talking Books Services. The Library also provides services to Nevada's blind and print disabled through the Talking Book Services program. This program provides equitable access to reading materials for qualifying Nevada residents in audio and braille and the devices on which to play them. Staff assists patrons with all aspects of the program. Most books are provided by the National Library Services, Library of Congress. The Talking Book Services supplements this collection by recording titles in audio of local interest.

F. **Loan Services.** The primary clientele of the Nevada State Library are State officials, State employees and Nevada residents. The Library lends material to any patron with a valid library card from any Nevada library without charge. State employees located outside Carson City may receive library materials on request through interlibrary loan. Materials on loan are subject to recall. Materials are loaned for a period of four (4) weeks, with renewal privileges that can be made by telephone. Materials not found in the State Library collection may be requested on interlibrary loan from libraries in the United States and worldwide. Such loans may include handling postage or other charges that the lending library charges.

G. **Technical Assistance.** The Library assists and cooperates in the development of a statewide informational service network of public, academic, school and special libraries to facilitate access by all citizens to State library resources. Access to all library catalogs statewide and to major licensed databases is provided via the Internet. Extensive information is available from the State Library, Archives and Public Records Homepage.

2010 State Library Collections

The Library is the official office of record for public access to proposed, temporary, emergency and permanent regulations of State government. The Library collects a wide variety of materials, in all formats, to meet reference and information needs of State agencies and to enable it to act as a resource center to other libraries within the State. All materials are selected according to a written collection development policy.

A. **Reference Collection.** The Library has bibliographies, encyclopedias, indexes, directories, yearbooks, handbooks, federal, State and local government publications as well as access to commercially available databases and via the Internet and other materials necessary to perform in-depth reference and research services. Subjects of particular interest to State agencies include statistical and demographic data, business and personnel management information, federal and State laws, rules and regulations, public affairs and administration, government, grants writing, etc.

B. **Nevada Collection.** The Library keeps books, periodicals, newspapers and other publications about Nevada and coordinates collections with other agencies throughout State government.

C. **Library Science/Archives Administration.** The Library has an in-depth collection of materials on library science, archives, records management, and conservation to aid in promoting library, archives and records management development throughout the State. Areas of special interest are standards, administration, planning, training, financing, building and preservation.

D. **Government Publications.** The Library keeps federal, State and local government publications. As a selective federal depository, the Library provides access to publications and databases available through the Federal Depository Library Program. The State and local publication collections provide access to publications printed by the State Printing Office and individual Nevada State and local government agencies.

2012 State Library and Archives Publications of Interest to State Offices

A. **Nevada Library Directory and Statistics.** The directory includes public, special, academic and school libraries in Nevada. Statistics are available for Nevada public libraries who participate in the Public Library Services (PLS).

B. **Library Services and Technology Act (LSTA) State Plan for Nevada.** Contains the legal authorization and agreements for State participation in federal funding under the LSTA. Program activity and five-year projected planning for statewide library development are presented therein.

C. **Nevada State Library, Archives and Public Records Master Plan.** Issued biennially, provides a five-year plan of development for the NSLAPR.

2014 Records: State Records Management Services

The State Records Management program establishes the standards, procedures and practices for managing public records and serves as the primary records management resource for State and local governments. It provides State and local governmental agencies with analytical support and consultations, using records and information management controls, on the creation, maintenance, and disposition of all records. For questions about agency records retention or storage, visit the State Records office in Carson City, call 775-684-3411 or visit the State Records website.

2018 Records: Retention and Disposition Schedules

A. Records retention and disposition schedules (NAC 239.926) identify the length of time official State records (NAC 239.705) must be retained before final disposition, which includes destruction or transfer to the State Archives. The approved State Agency Retention Schedules and the General Records Retention Schedule are available on the State Records website.

B. Disposition Schedule Statements:

1. Destroy (destruction of non-confidential records, which may be deleted or recycled)
2. Destroy Securely, which is to destroy in such a manner that the records cannot be reconstructed per NAC 239.722.
3. Permanent, Transfer to the State Archives
4. Permanent, Retained by Agency

C. Retention Schedule Revision:

1. Records officers should periodically review agency retention schedule to determine if all records of the agency (NAC 239.705) are addressed in the schedule.
2. Reviews of agency schedules should occur after every legislative session, or at a minimum every five years.
3. Records officers may request amendments or revisions to the agency schedule at any time. Reasons for amendments or revisions may include but are not limited to:
   a. The creation of new record series;
   b. Changes implemented through Nevada Revised Statutes (NRS) or Nevada Administrative Code (NAC); or
   c. Reorganization of an agency or office.
4. Instruction and guidance on the scheduling process, as well as a change request form, are available on the Nevada State Library, Archives and Public Records website: https://nsla.nv.gov/state_records_services.

2020 Storing Records in the State Records Center

A. Executive branch agencies, constitutional officers, and boards and commissions may transfer any official records (as defined in NAC 239.705) to the State Records Center (hereafter Records Center) for storage. The records must be assigned to a records disposition authorization (RDA), in accordance with NRS 239.080. The records must have a minimum of one year of their retention period remaining. The Records Center accepts paper records that are not duplicated elsewhere. Paper records that have been microfilmed, placed on microfiche, or digitized and stored electronically may not be stored in the Records Center.

B. All records storage requests are processed electronically through the Records Center Web Portal. For information on the Web Portal, visit the website for the State Records Center. All boxes and records stored in the Records Center must be in compliance with the State Records Center Policy and Procedures. Boxes or records not in compliance cannot be accepted for storage.

C. Official records stored in the Records Center remain in the legal custody of the agency that transferred the records.

D. Each agency must maintain an Authorization List identifying all agency staff with rights to access agency records stored in the Records Center. Updates to lists may be submitted at any time. Agencies should review and update Authorization Lists annually. Access to records is limited to staff authorized by the agency. The Authorization List form is available on the State Records Center website.

E. The State Records Center runs an annual report identifying records in its possession which are no longer required as indicated by the approved agency records retention schedule or the General Records Retention Schedule and should be scheduled for destruction. A Disposition Notice is sent to the Records Officer of each agency annually containing a list of records in the State Records Center scheduled for destruction.

1. The agency is given 60 days to respond to the Disposition Notice. The agency may justify retention

on the records for a disposition hold or withdraw them from the State Records Center.

2. If no response is received from the agency, records stored in the Records Center will be destroyed after the 60-day time period.

2024 Records: Destruction of Official State Records

A. Official records must not be destroyed until destruction has been authorized by a Records Retention and Disposition Schedule (hereafter Schedule) approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records (hereafter the Committee). Records must only be destroyed in accordance with an approved schedule. (NRS 239.080)

B. Destruction of confidential records , regardless of format, must be done is such a manner as to ensure there is no reasonable risk that the information may be recovered. (NAC 239.722) Agencies must work closely with information technology staff to guarantee that electronic records containing confidential information are destroyed in a manner which ensures that the information contained in the record cannot be retrieved or reconstructed. (NAC 239.722 and NAC 239.165) See also SAM 0406 Electronic Records.

C. A "disposition hold" pauses the regularly scheduled destruction of records. Records may not be destroyed if any litigation, investigation, audit, public records request, or other official action involving the record is initiated before the retention period expires. If an agency has a disposition hold on some records, the agency records officer must immediately request an extension for the storage of the records by contacting the Records Center staff and submitting a letter including evidence of the hold to the State Records Manager. The records placed on hold must be retained until the completion of the action and the resolution of all issues that arise from the action.

2026 Records: Storage of Records in Space of Facility Other than the State Records Center

A. To the extent possible, inactive and semi-active official State records shall be housed in permanent State-owned facilities, such as the State Records Center. Any official records stored by a State agency in a non-State owned space must receive written permission from the person designated by the State Library, Archives and Public Records Administrator (NAC 239.740), and the facility must meet the conditions of storage described in NAC 239.742.

B. Only authorized personnel may access State records. If records are stored in a non-State-owned space, an authorization list must be maintained for that facility as it is for the Records Center in SAM 2020(D).

2038 State Archives

A. The Nevada State Archives is the official State repository mandated with responsibility to assist State agencies with the preservation of inactive government records of enduring historical value. (NRS 378.240) For information about agency historical records, call the State Archives at 775-684-3310, visit the Research Room at 100 N. Stewart Street in Carson City, Nevada, or visit the State Archives website.

B. Records that have been appraised as having archival value must be submitted to the State Archives.

Records accessioned into the State Archives are in the legal custody of the State Archives except as provided by law. (NRS 378.250, 378.260, and 378.320)

C. Transfer procedures are available on the State Archives website. Agencies should consult applicable retention schedules to determine which records are eligible for transfer. If an agency does not have a records retention schedule and holds records of historical value (as defined in NAC 239.597), Archives and Records Management staff will appraise the records. Unscheduled records or records scheduled for destruction on schedules older than three years may have historical value. State Archives can receive these records under NRS 378.250.

D. The State Archives accepts electronic records identified as possessing historical value (as defined in NAC 239.597), and will collaborate with agencies and information technology staff in preserving these records. (NAC 239.940(1)). At the time of transfer of electronic records, the agency must provide all appropriate system documentation (such as a description of operating systems, special hardware, or software needed to render the transferred files) and a description of the records' content and arrangement (such as the record types, record dates, file formats, and a file directory).

E. The Archives will follow best practices to preserve and document the provenance and properties of records. The Archives, information technology professionals, and agencies should work together to ensure the ongoing accessibility of permanent records. Archives and information technology staffwill advise agencies regarding acceptable file formats and conversion of atypical file formats to ensure ongoing accessibility and use of permanent records. See also SAM 0406 Electronic Records Management.

2040 Imaging and Preservation Services

A. Imaging and Preservation Services (IPS) provides digitization services to Nevada State and local governmental agencies. (NRS 378.255) For information about Imaging and Preservation Services, visit the office at 100 N. Stewart Street in Carson City, call 775-684-3414, or visit the IPS website.

B. IPS converts long term and permanent records (including but not limited to lose paper, bound paper volumes, microfiche, microfilm, glass plates, photographic prints, negatives, and slides) to digital format. Services include digitization of oversized records (such as maps and plans) and fragile historical records. Upon request, IPS also provides on-site consultations and recommendations about national digitization standards for agencies to employ when digitizing their own records.

2400 Division of Internal Audits

2401 Overview

The Division of Internal Audits (DIA) consists of:

1. **Executive Branch Audits.** Audits agencies' programs and statewide processes, such as contracting, debt collections and use of federal funds, to improve efficiency and effectiveness; reviews the implementation status of Legislative audit recommendations. Trains agency personnel in internal controls and assists agencies with developing written fiscal policies and procedures.

2. **Compliance Review.** Examines agencies' internal processes and transactions to determine adequacy of internal controls and compliance with fiscal laws, regulations and guidelines.

2402 Executive Branch Audits

A. Audits

1. NRS 353A.075 provides which records and information must be made available to the DIA.

2. NRS 353A.085 outlines the submission of preliminary findings and recommendations to the audited agency and the timeframe for and contents of the agency response to the findings and recommendations. Agencies should include a timetable for addressing implementation of recommendations in their response. This statute also provides that a final report be submitted to the Executive Branch Audit Committee (EBAC) and the head of the audited agency.

3. NRS 353A.055(2) addresses limitations of the DIA to provide certain services.

4. NRS 353A.085(3) and 353A.100 provide for the confidentiality of reports and working papers of the DIA.

B. Follow-ups

1. NRS 353A.090 requires, within six months after the audit report is submitted, the Administrator of DIA (Administrator) to inform the EBAC and the head of the audited agency if appropriate corrective actions are being taken. In order to meet the statutory deadlines, forty-five (45) days prior to the six-month reporting deadline, the agency will provide a recommendation status report with supporting documentation to the Administrator. The report should outline the actions taken to implement each recommendation. Additionally, when recommendations are not fully implemented, the agency shall provide revised dates of completion. Recommendation status shall be described as:

   a. Fully implemented. The agency took all actions necessary to satisfy the recommendation as of the date of the status report.
   b. Partially implemented. The agency took some actions to satisfy the recommendation, but not all necessary actions to implement the audit finding as of the date of the status report.
   c. No action. The agency did not take any action on the recommendation as of the date of the status report.

2. The DIA will continue to follow up with the agency annually until recommendations are fully implemented or deemed no longer applicable. The Administrator will report the results of annual follow-ups to the EBAC and the head of the audited agency.

C. Training and Internal Controls

1. Provides trainings to agency personnel responsible for administrating budgetary accounts pursuant to NAC 353A.100. Training results are summarized in a separate report to each agency.

2. Develops, documents, and maintains the uniform system of internal accounting and administrative controls as required by NRS 353A.020.

3. Assists agencies with designing policies and procedures that comply with the uniform system of internal accounting and administrative controls as required by NRS 353A.020.

4. Reviews agencies submitted Report on Internal Controls, summarizes results and reports as required by NRS 353A.025.

D. State Fraud, Waste, and Abuse Hotline. The Hotline, established pursuant to NRS 353A.049, is to be used to report fraud, waste, or abuse of State money, or federal money received and distributed by an agency. The confidential Hotline number is (775-687-0150). Callers should leave a detailed message and contact information. The identity of the caller will remain confidential.

2404 Implementation ofLegislative Audit Recommendations

A. NRS 218G.250(1)(c) requires State agencies, other than elected officers of the State, to submit a plan for corrective action to the Director of the Governor's Finance Office (GFO) within 60 working days after receipt of notification an audit has been accepted by the Legislative Commission or Audit Subcommittee if the audit contains recommendations for corrective action. The agency should also submit a copy of the plan to the Administrator and to the Legislative Auditor.

B. NRS 218G.270(2) requires the GFO to report on the status of the implementation of Legislative Audit recommendations within six months after the period for submission of the plan for corrective action. In order to meet statutory deadlines, 45 days prior to the six-month reporting deadline, the agency shall provide the DIA with a status report along with supporting documentation indicating the status for each recommendation included in the plan for corrective action. Recommendation status shall be described as:

1. Fully implemented. The agency took all actions necessary to satisfy the recommendation as of the date of the status report.

2. Partially implemented. The agency took some actions to satisfy the recommendation, but not all necessary actions to implement the audit finding as of the date of the status report.

3. No action. The agency did not take any action on the recommendation as of the date of the status report.

C. NRS 218G.260 allows the Director of the GFO to take certain actions if an agency refuses to submit or implement a corrective plan of action.

2406 Audit Reports

NRS 353.325 requires a State agency receiving an audit report to submit the report and any response by the agency to the GFO within 10 days of receipt and allows for certain uses of the report, including the opinion and any findings in the audit report, without consent of the auditor. Under this provision, agencies should also submit the results of federal monitoring site visit review reports as well as any other correspondence that requires an agency response or corrective action plan. Submission of the report to the Administrator satisfies this requirement.

2414 Compliance Review

A. The Compliance Review section is responsible for testing State agency expenditures to determine their correctness in accordance with NRS 353.090.

B. An agency shall provide copies of or make available its written policies and procedures as well as access to its records upon request from Compliance Review section staff.

C. Reviews the agency to determine compliance with internal control standards, written policies and procedures and applicable laws and regulations. This consists of reviewing agency policies and procedures, observing operating procedures, interviewing agency personnel and testing transactions. Reviews may be on-site or conducted remotely. Staff may employ any reasonable techniques to determine agency compliance in the processing of its transactions.

D. Upon completion of the review and/or evaluation, Compliance Review may issue findings of non-compliance or recommendations for improvements to the agency.

E. Within ten(10) business days after receipt of the preliminary findings and recommendations, the head of the reviewed agency shall provide a written response to the Administrator, including a statement of acceptance, explanation or rebuttal concerning the findings or recommendations, and a timetable for implementing any required corrective actions.

F. Reasons for not addressing any recommendation shall be justified in writing to the Administrator and made available to the Director of the GFO.

2416 Internal Control

A. NRS 353A.020 requires the Director of the GFO, in consultation with the EBAC and the Legislative Auditor, to adopt a uniform system of internal accounting and administrative control and requires each agency to develop written procedures to carry out its system of internal accounting and administrative control.

B. The purpose of internal control is to help ensurethat the following objectives are being achieved:

1. Effectiveness and efficiency of operations

2. Reliability of financial reporting
3. Compliance with applicable laws and regulations

C. There are five standards of internal control:

1. Control Environment: Management and employees should establish and maintain an environment throughout the organization that sets a positive and supportive attitude toward internal control and conscientious management.

2. Risk Assessment: Internal control should provide for an assessment of the risks the agency faces from both external and internal sources.

3. Control Activities: Policies, procedures, techniques and mechanisms implemented by management to address all levels and all functions of an agency covering operational, financial reporting and compliance issues.

4. Information and Communication: Information should be recorded and communicated to management and others within the entity who need it in a form and within a time frame that enables them to carry out their internal control and other responsibilities.

5. Monitoring: Internal control monitoring should assess the quality of performance over time and ensure that the audit findings and other issues are promptly resolved.

D. Refer to the DIA website. Developing Written Procedures for guidance in the development and documentation of agency policies and procedures for compliance with the uniform system of internal accounting and administrative control and minimum internal control guidelines.

2418 Agency Review/Evaluation and Biennial Reports

A. NRS 353A.025 requires each agency to periodically review its system of internal accounting and administrative control. To meet the requirements of this statute, each agency is required to perform, at a minimum, a biennial internal control review and evaluation to identify potential areas of weaknesses and non-compliance. The review should include:

1. An evaluation of the agency's actual procedures by completing the Self-Assessment Questionnaire (SAQ) and comparing agency written procedures to the SAQ to ensure written procedures address all possible processes. This evaluation should include observation and interview of persons involved with each fiscal process.

2. A comparison of the actual procedures used by agency staff to agency's written procedures.

3. A sample test of each type of transaction processed by the agency. Agencies may use the transaction testing checklist available on the DIA website – Forms and Resources or an equivalent document.

4. The SAQ and the transaction testing checklist must be maintained by the agency, but does not need to be submitted to the DIA.

B. Upon completion of the above evaluations, each agency shall address any areas of weakness or non-compliance and document a corrective action plan. Findings and corrective action plans should be summarized on the Report on Internal Controls. For departments with multiple divisions or agencies, findings and corrective action plans for each division or agency should be summarized on one departmental Report on Internal Controls. Findings and corrective actions should by identified by individual agencies. The Report on Internal Controls should be submitted to the Director of the GFO on or before July 1 of each even-numbered calendar year. Submission of the report to the DIA Administrator satisfies this requirement.

C. Some agencies use a centralized fiscal office to perform their fiscal and accounting services. A centralized fiscal office may complete one SAQ for all the agencies it assists as long as the procedures used by the centralized fiscal office are the same for all agencies for whom it provides services. Both the Department Director over the centralized fiscal office and the lead supervisor of the centralized fiscal office must sign the SAQ. An agency using a centralized fiscal office must still complete a SAQ for any procedures it performs directly and must coordinate with the centralized fiscal office to ensure all applicable questions are answered. The centralized fiscal office must make any agency for which it provides services aware of any non-compliance noted in the SAQ.

D. The DIA summarizes agencies' findings and corrective action plans and identifies any agencies not submitting the Report of Internal Controls in a report issued per NRS 353A.025.

E. Useful Links:

1. Self-Assessment Questionnaire (SAQ)
2. Sample Transaction Testing Checklist
3. Biennial Report Instructions
4. Biennial Report on Internal Controls

2500 Budgeting

2502 State Budget Act

A. The Budget Division of the Governor's Finance Office (GFO) is responsible for administering the provisions of NRS 353.150 to 353.246, the State Budget Act, except NRS 353.226 to 353.229. The State Budget Act requires the Chief of the Budget Division to, among other duties:

1. Appraise the quantity and quality of services rendered by each agency in the executive branch of State Government and the needs for such services or any new services.

2. Prepare the executive budget report for the Governor.

3. Prepare a proposed budget for the executive branch for the next two fiscal years (a biennium), which must include a complete financial plan and must set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the executive branch.

4. Examine and approve work programs and allotments to the agencies in the executive branch and changes therein.

5. Do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the executive branch.

B. This chapter describes policies and procedures for agencies to adhere to in order for the Chief of the Budget Division to carry out their duties and responsibilities.

2504 Budget Exclusions

A. The State Budget Act does not apply to the Public Employees' Retirement System, the judicial branch, the Tahoe Regional Planning Agency or the legislative branch. These entities submit their budgets to the Legislature in the same format as the Executive Budget unless otherwise directed by the Legislative Commission. (NRS 353.246) The revenues and expenditures of the exempt agencies will be incorporated in the Executive Budget. (NRS 353.210)

B. In addition, most boards and commissions are not subject to the Budget Act and do not submit their budgets to the Budget Division for transmission to the Legislature.

2506 Budget Preparation

The Budget Division issues biennial budget instructions to all agencies in the executive branch every even numbered year and posts a copy of the instructions on the Budget Division website. The budget instructions contain detailed instructions on how agencies are to prepare their budget requests. The instructions also contain a timetable of important dates applicable to the submittal of agency request budgets.

2508 Budget Presentations with the Director of the Governor's Finance Office

Agencies will have an opportunity to present their Agency Request budget to the Director of the GFO, the Governor's Office, their assigned Executive Branch Budget Officer within the Budget Division, and the Legislative Counsel Bureau, Fiscal Analysis Division after submitting their budget. These budget presentations are scheduled by the Budget Division.

2510 Priorities and Performance Based Budgeting

A. Priorities and Performance Based Budgeting is the process of mapping expenses at the budget account level to the goals and priorities identified by the Governor. Performance based budgeting identifies the services the State provides and measures the effectiveness and efficiency of delivering the outcomes. The Governor's Office determines the strategic planning framework, which may include strategic priorities, core functions of government, mission driven goals, and objectives to achieve. Agencies' performance measures should support the statewide objectives.

B. Performance measures should reflect the extent to which the budget as presented will enable the agency to achieve the goals and objectives of the Executive Budget. Performance metrics should be constructed to encourage performance improvement, effectiveness, efficiency and appropriate levels of internal controls. Performance measures gauge success or identify shortcomings and monitor progress toward goals.

C. The performance measurement data in the Executive Budget must be reliable. Numerical entries, percentages, and rates exhibited in the measurement indicators should reflect and support the agency request. Furthermore, agencies must be prepared to indicate the impact of individual enhancement decision units on the overall measurement indicators. For example, if an agency enhancement request includes enough support to accommodate 100% of a given indicator and either the Budget Division or the Legislature reduces the amount of the request, the agency must be prepared to show what effect that reduction would have on that measurement indicator, i.e., 85%, 75%, etc.

D. As the performance measures are developed for the biennial budget, agencies should consider the following questions:

   1. Are your performance measures SMART? (Specific, Measurable, Attainable, Realistic, Timely)
   2. Is the data computed the same way every year?
   3. Does the data accurately quantify the performance measures described in the Executive Budget?

E. In an effort to provide satisfactory answers to these questions, agencies must adhere to the following requirements:

   1. Develop written procedures on how the performance measures are computed. Include the formulas and information on where the data is obtained and which reports are used, if applicable. Consider using program-wide totals rather than averaging large and small programs.
   2. Assign both fiscal and program staff the responsibility of reviewing the performance measurement

procedures and ensure that they are followed.

3. Retain the records used in computing performance measures for three fiscal years.

2512 Operation and Maintenance for Capital Improvements

A. The proposed budget submitted to the Legislature must include a separate statement of the anticipated expense, including personnel, for the operation and maintenance of each capital improvement constructed during the current biennium and thereafter which is to be used during those fiscal years or future fiscal years. Included in the statement will be the proposed source of funding. If the preliminary proposal is approved, the agency may proceed with the development of a complete cost estimate for inclusion in the agency request. (NRS 353.185(6))

B. In order to be included in the Governor's recommended capital improvement budget, or before construction begins for a previously approved capital improvement project, funding for the operation and maintenance of the improvement must be obtained for the fiscal year in which construction is completed. This requirement applies to the construction of a capital improvement subject to the supervision of the State Public Works Division.

2514 Bill Draft Requests

A. By law, the Legislative Counsel Bureau (LCB) is required to advise and assist agencies and departments in the preparation of measures to be submitted to the Legislature. Except as provided in subsections 2 and 3 of NRS 218D.175, LCB is prohibited from preparing proposed legislation for any agency of the executive branch of the State government for introduction at any regular session of the Legislature, unless the request is approved by the Governor or a designated member of his staff and transmitted to LCB on or before August 1st preceding the convening of the session. A request submitted on or after August 2 is late and must be approved by the Legislative Commission before it can be drafted. (NRS 218D.105)

B. To provide a systematic review and correlation of requests within the framework of the strategic planning and budget process, all bill draft requests (BDRs) must be submitted through the GFO in the format as prescribed by the Director of the GFO. All BDRs must be entered in the NEBS BDR module. The Director will set appropriate submittal deadlines to allow adequate time for review and action.

C. Requests must be designated as either:

1. Budget, i.e., necessary to implement the proposed budget;
2. Corrective, i.e., necessary to address issues within existing statutes that are hindering agency efficiency or mission compliance; or
3. Core, must align with the Governor's Plan/Policy Matrix.

D. This will help expedite the review process and facilitate the bill drafting. If agencies are not sure if a request is Corrective or Core, include it with the Core requests. Agencies must submit a separate request for each BDR, and each bill must be limited to one subject but may contain proposed revisions regarding more than one NRS section that relates to the single subject of the proposed bill.

E. Introduction of Legislation

1. All agency BDRs drafted by the Legislative Counsel Bureau will be divided between the Majority Leader of the Senate and the Speaker of the Assembly.
2. If an agency wishes to make changes to a BDR, notify the Governor's Office immediately. If the change is approved, the Governor's Office will notify the LCB as soon as possible. Agencies may track the introduction and progress of legislation on the Legislature's website as well as utilizing the Legislature's online bill tracking.

2516 Fiscal Notes

A. Fiscal notes are an analysis required by statute that is prepared by an executive branch agency or local government that estimates the changes to revenues and/or expenditures that would be realized if the proposed legislation is passed. The Fiscal Analysis Division of the LCB is responsible for ensuring that every bill that appears to have a determinate fiscal impact to the State (i.e., tax impact, budgetary impact, transfers to local government, etc.) has a fiscal note associated with the "As Introduced" version of the legislation. The threshold for requiring a fiscal note is $2,000 of either revenue decrease or expenditure increase. The Fiscal Analysis Division is responsible for notifying the executive branch, boards and commissions, and/or local governments to prepare the necessary fiscal notes where warranted. (NRS 218D.400 – 218D.495)

B. NRS 218D.430 outlines requirements for fiscal notes. Fiscal notes are not required for bills or joint resolutions that pertain exclusively to the Executive Budget. The fiscal note must contain a reliable estimate of the anticipated change in appropriation authority or fiscal liability of State revenue under the bill or joint resolution including, to the extent possible, a projection of such changes in future biennia.

C. Agencies must complete and return fiscal notes to LCB within five (5) business days, which includes the review by the GFO. The Fiscal Analysis Division will provide a fiscal note due date when issuing a request for a fiscal note. Agencies must be prepared to discuss their fiscal note when the bill is heard by a committee. Agencies should track the bills for which they have prepared fiscal notes, to see if any amendments change the fiscal note, and be prepared to communicate with LCB staff or the membership of any legislative committee regarding changes to fiscal impact.

2518 Contacting the Governor's Finance Office

A. Each Executive Branch Budget Officer within the Budget Division is assigned to specific agencies. Agencies should contact their assigned budget officer for assistance on budgeting, work program and position control matters. Specific staff assignments are published on the GFO website.

B. Questions concerning agency audits and internal controls should be directed to the Division of Internal Audits. A staff directory for Internal Audits is also available on the GFO website.

2520 Fiscal Year Opening and Closing

A. Prior to the start of any given fiscal year, the Director of the GFO, on behalf of the Governor, provides the Controller's Office with an electronic file of the executive branch's legislatively approved budget

(work program) to download into the State's accounting system. Non-executive budget accounts require a work program at the beginning of each fiscal year to establish the account in the State's accounting system. Agencies should compare the information in the State's accounting system with their Legislatively Approved budget reports in the Nevada Executive Budget System (NEBS) to ensure it is accurate. Contact your assigned budget officer if there are discrepancies.

B. Once all transactions have been posted for a fiscal year, agencies must complete the State Fiscal Year End (SFYE) closing process. The Controller's Office requires agencies to complete the SFYE closing document form at the end of each State fiscal year for all budget accounts, including non-executive accounts. Each fiscal year, the Controller's Office publishes guidance on the closing process, including deadlines for posting transactions.

C. The SFYE closing document module and instruction manual is available on the GFO website. Agencies are required to prepare and submit a budget cash closing reconciliation with their SFYE submittal. The template for the cash reconciliation is found on the GFO website under Budget Forms.

2522 Year End Reversions

Except for the balance in any proprietary fund and appropriated or authorized reserves, any balance remaining at the end of a fiscal year in a budget account of an agency, department or institution of the State, reverts to the source of funding supporting the agency, department or institution. If that source of funding is federal money or a source of revenue the use of which is restricted by statute, then the balance may be authorized for expenditure under a work program for the subsequent fiscal year in accordance with the provisions of NRS Chapter 353.

2524 Work Program Revisions

A. A work program is the document used to request changes to a legislatively approved budget or to establish a budget for a non-executive budget account. It identifies the proposed sources of funds to be received by an agency and shows a plan of how the money is to be spent. It must be self-supporting. NRS 353.220 describes the procedure for work programs, including the thresholds for IFC approval.

B. To assist agencies, the GFO publishes the Work Program Manual that explains the purpose of work programs and procedures to complete a work program. The GFO also publishes a decision tree related to IFC thresholds for work programs under the Forms menu on the website. In limited circumstances, agencies may, with the approval of the Governor, process work programs due to an emergency, as defined in NRS 353.263(1), to ensure protection of life and property. Emergency work programs must be reported to the IFC at its next meeting after the work program processes. (NRS 353.220(5)(a)) Similarly, expeditious action work programs may be processed with the approval of the Governor and the GFO. If an expeditious action work program is approved, IFC has 15 days after the request is submitted to consider the work program. (NRS 353.220(5)(b))

2526 Authority to Accept Gifts and Grants

A. NRS 353.335 provides the authority for agencies to accept gifts and grants other than those that are already included in the legislatively approved budget. Agencies should follow the general guidelines listed below and consult the statute and their assigned Executive Branch Budget Officer as necessary

to determine how to proceed with any work programs. New governmental grants less than or equal to $200,000 may be added to a budget account via work program without approval by the IFC, but those over $200,000 require IFC approval.

B. Non-governmental gifts or grants less than or equal to $200,000 may be added to a budget account via work program without IFC approval, but those over $200,000 require IFC approval. However, if a work program requiring IFC approval is not necessary, agencies may still have to provide an action item for IFC's consideration.

C. When agencies receive a grant (typically a block grant) from the federal government that requires a public hearing, NRS 353.337 allows agencies to submit the item to IFC in lieu of a public hearing in accordance with NRS 241.

D. This section does not apply to:

1. The Nevada System of Higher Education;

2. The Department of Health and Human Services while acting as the State health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or NRS 435.490;

3. Legal services provided on a pro bono basis by an attorney or law firm engaged in private practice of law to the State of Nevada or any officer, agency or employee in the Executive Department of the State Government pursuant to a contract for legal services enter into by or at the request of the Attorney General in accordance with NRS 228.112 to 228.1127, inclusive;

4. Artifacts donated to the Department of Tourism and Cultural Affairs.

5. The initial $250,000 received by the Department of Wildlife pursuant to subsection 1 of NRS 501.3585 as a gift, donation, bequest or devise, or combination thereof, for an unanticipated emergency event, as defined in NRS 501.3585; or

6. A gift or grant that will be deposited in a budget account that consist of money which is not appropriated by or authorized for expenditure by the Legislature.

2528 Interim Finance Contingency Account

A. Agencies qualifying under the provisions of NRS 353.268 shall submit a request to the Board of Examiners (BOE) for an allocation from the IFC Contingency Account. Requests for an allocation from the IFC Contingency Account must be for an emergency use to supplement regular legislative appropriations that fail to cover unforeseen expenses and to meet expenses pursuant to requirements of law, or as provided by specific statute.

B. A memorandum from the department, division, or agency to the Director of the GFO is required, explaining why the allocation from the IFC Contingency Account is necessary. In addition to the memorandum, agencies must submit a non-IFC work program as backup to the request. The work program is non-IFC because the request for an allocation from the IFC Contingency Account is agendized as an action item at the IFC meeting where it is considered.

C. The BOE will review the request for an allocation from the IFC Contingency Account and make a recommendation to the IFC regarding the request. If the BOE recommends approval of an allocation from the IFC Contingency Account, BOE will forward the recommendation to the IFC. The IFC is not bound by the recommendation of the BOE.

2530 Sale or Lease of State Land

With the approval of the BOE and the IFC, the State Land Registrar may sell or lease any land owned by the State. (NRS 321.335)

2532 Obligation of Unauthorized Funds

A. It is unlawful for any State officer, commissioner, head of any State department or other employee whether elected or appointed, to expend more money than the sum specifically appropriated or authorized by the Legislature or approved under the provisions of NRS 353.220 to 353.335 for any such office, commission or department. It is also unlawful to bind, or attempt to bind, the State or any fund or department in any amount in excess of the specific amount provided by law for any purpose whatever.

B. Any officer, elective or appointive, who violates any of these provisions, shall be guilty of malfeasance in office. All other persons shall be guilty of a misdemeanor. (NRS 353.260)

C. Agencies are responsible for tracking their revenues and expenditures throughout the fiscal year and must ensure that they have sufficient budgetary authority and/or cash prior to obligating or expending any funds.

2534 Petty Cash Accounts

Pursuant to NRS 353.252, the BOE may delegate to its Clerk the authority to approve requests for petty cash accounts of not more than $500. The Director of the GFO is the Clerk of the BOE. A request for a petty cash account must define the purpose for which it will be used and the budget resources to replenish the account. The Clerk will maintain a log by agency and amount of all petty cash accounts that are approved on behalf of the Board.

2536 Board of Examiners Emergency Account

Agencies funded with General Fund appropriations may apply to the BOE for an additional appropriation if the purpose of the additional funding constitutes an emergency as defined in NRS 353.263. Emergency includes certain damages to buildings and their mechanical and electrical systems when immediate repairs are necessary to maintain the integrity of the structure or its systems.

2538 Disaster Relief Account

A. When natural disasters (including, but not limited to fire, flood, earthquake, civil disturbance) result in severe property damage and/or injury to persons that requires immediate action to protect health,

safety and welfare, agencies may have access to the Disaster Relief Account. (NRS 353.2705 – 2771) Unlike the Emergency Account in SAM 2536, Disaster Relief Account funds may be provided to agencies that are not funded with General Fund appropriations.

B. Both State agencies and local governments may be provided grants or loans from the Disaster Relief Account, after contacting the Division of Emergency Management (DEM) for assistance in conducting an assessment of the damages resulting from a disaster event. The DEM will then determine whether the event constitutes a disaster for which grants or loans may be made from the Disaster Relief Account, and if determined appropriate, will, after coordination with the Department of Taxation, submit the request for a grant or loan to the BOE for approval. If the BOE recommends approval, the request will be submitted to IFC for final approval of a grant or loan from the Disaster Relief Account.

2540 Board of Examiners Reserve for Statutory Contingency Account

A. The BOE administers the Reserve for Statutory Contingency Account to cover specific claims that are obligations of the State and eligible claims for which the legislative appropriation is depleted. NRS 353.264

B. The BOE has delegated approval authority to its Clerk (the Director of the GFO), or their designee, for payment of allowable claims under $50,000. Claims over $50,000 must be approved by the BOE at one of its meetings.

C. The following outlines the extent to which Reserve for Statutory Contingency Account funds may be used and the applicable statute:

1. Specific obligations of the State:
   a. 41.03435 Employment of special counsel by the Attorney General. This statute allows federal grants or funding other than General Fund, if available, to be used before the Statutory Contingency Fund
   b. 41.0347 Defense of State officers or employees
   c. 41.950 Claims arising from wrongful conviction
   d. 62I.025 Claims arising from Interstate Compact on Juveniles
   e. 176.485 Costs of specified death penalty-related investigations
   f. 179.310 Rewards for the apprehension of robbers
   g. 212.040 Expenses for the recapture and return escaped prisoners
   h. 212.050 Rewards for the apprehension of escaped prisoners
   i. 212.070 Costs of prosecution related to prisoner escapes or crimes committed in prison
   j. 281.174 Unpaid travel advances
   k. 282.290 and 282.330 Restitution of losses suffered by local entities on surety bonds issued under prior law
   l. 282.315 Costs of investigations of losses due to negligence or malfeasance of public officers or employees
   m. 293.253 Costs of publishing proposed Statewide ballot questions and explanations
   n. 293.405 Costs of recount; commencement and completion of recount; limitation on additional recount
   o. 298.710 Cost of presidential preference primary election
   p. 304.230 Cost of special election not consolidated

q. 353.120 Specified refunds that cannot be paid from the account in which the deposit was originally made
r. 353.262 Reimbursement of terminal leave pay up to $12,000 for unused Sick Leave and unused annual leave
s. 412.154 Attorney General's costs for defense of members of the Nevada National Guard in active service to the State
t. 475.235 Fire Department claims for fighting fires on State property

2. Eligible expenses when legislative appropriations are depleted:
   a. 07.155 Public Defender compensation
   b. 34.750 Attorney fees for indigent petitioners, if Public Defender cannot pay claims
   c. 41.0349 Indemnification of present or former public officers, employees or legislators, if the Fund for Insurance Premiums cannot pay claims
   d. 41.037 Tort claims against the State, if the Fund for Insurance Premiums cannot pay claims
   e. 176A.640 Expenses of returning arrested probationer to court, if Parole and Probation Division cannot pay claims
   f. 179.225 Extradition costs, if the Attorney General cannot pay claims
   g. 213.153 Expenses for return of parole violators, if Parole and Probations Division cannot pay claims
   h. 353.264 Forestry Division reimbursement involving the protection of life and property (NRS Chapter 472)
   i. 535.030 Dangerous dam conditions

2542 Position Control

A. Position control refers to the maintenance of the records of the number and type of authorized positions within each budget account in the Executive Budget. The Budget Division is responsible for updating the records in the State's human resources system as position changes occur. Prior to agency budget building, the Budget Division will load records from the human resources system into the Nevada Executive Budget System (NEBS). As part of the Budget Instructions, the Budget Division requires agencies to reconcile their positions between NEBS and the human resources system. The Budget Division publishes a Budget Building Manual which provides detailed steps to follow when reconciling positions. The manual can be found on the GFO website. During the biennium, agencies may need to add positions or reclassify them. The Division of Human Resource Management (DHRM) is responsible for the management of the State's classification system pursuant to NRS 284.160. NAC 284.126 outlines the process for creating a new class, reclassifying a position, or reallocating an existing class.

B. The Budget Division is responsible for ensuring sufficient budget authority exists for any requests for new positions or reclassification of existing positions. Once budget authority is verified and DHRM determines the applicable class series, the Budget Division creates the new position or updates the existing position in the human resources system. Establishment of a position and issuance of a position control number by the Budget Division does not determine the classification of the position. This is the responsibility of the DHRM.

2544 Legislative Approval for Occupational Group Changes

Pursuant to NRS 353.224, agencies must have the Legislature or IFC approval to change a position from one occupational group to another. The DHRM will submit the request to IFC on behalf of the agency once they determine the applicable class and the Budget Division has determined funding is available.

2546 Statewide Cost Allocation Plan (SWCAP)

A. The State of Nevada prepares a Central Services Cost Allocation Plan in compliance with federal guidelines. The cost allocation requirements for state governments have been consolidated with other federal guidance at 2 CFR Part 200. Cost allocation guidance is issued by the federal Office of Management and Budget. Each state's central cost allocation plan assesses all programs their share of costs for central services. The federal guidance explains allowable costs and the allocation basis for the costs to be identified to each agency that benefits from central services. This benefit may be a direct benefit, e.g., computer services, or an indirect benefit, e.g., Controller's Office accounting services. The procedures followed and approved for each type of cost may result in an allocation of the costs where there is no actual, direct usage by an agency, but only an indirect benefit. The plan is reviewed, negotiated and approved by the State's federal cognizant agency, the Division of Cost Allocation, U.S. Department of Health and Human Services. All departments have been allocated costs on the basis of the same allocation method for each statewide cost function.

B. Each agency assessed a charge in the Statewide Cost Allocation Plan has a special category identified as State Cost Allocation included in its budget (Category 88). Agencies must recover the amounts shown in this category and those amounts are remitted to the General Fund.

C. Agencies can recover these costs, where applicable, through additional billings of federal programs for costs to federal grants and contracts, increased fees and increased assessments to those benefiting from the services. Since the methods of potential recovery vary significantly from agency to agency, specific statewide instructions cannot be developed. However, Statewide Cost Allocation assessments should be treated no differently than any other agency cost. The State's federal cognizant agent has approved these assessments. The assessments should be allocated or charged to agency programs the same way agency direct costs or other overhead costs are charged. This could mean that the indirect costs are allocated to programs on the basis of the program total direct costs, salaries and wages, full- time equivalent (FTE) counts, clients served or other basis that is currently used by each agency to recover costs. It is important that all programs be included in the base for the costs to be equitably assessed. If past cost can be claimed, retroactive claims should be developed.

D. The amount shown in Category 88 as Statewide Cost Allocation represents the non-General Fund share of the total cost in the federally approved Statewide Cost Allocation Plan. The Administrative Services Division of the Department of Administration will automatically draw these funds from the participating budget accounts. The costs reflected in Category 88 may not reflect the total costs approved for each budget account. Agencies should pay only that amount which has been included in Category 88 for each year of the biennium. However, agencies that prepare their own federally-approved indirect cost plans should use the total SWCAP allocated to the agency in their submissions to the federal government. The total amounts can be found on the Department of Administration, Administrative Services website. If there are any questions related to the amount to be included in an individual agency's federally approved cost recovery plan submission, please contact the

Administrative Services Division for assistance.

2548 Attorney General Cost Allocation Plan (AGCAP)

A. The State prepares a cost recovery plan for the services provided by the Office of the Attorney General for submission to the federal government. Each agency that utilizes the services of the Attorney General will have its share of the total costs placed into a dedicated category during each budget cycle. The AGCAP is budgeted in Category 89 (AG Cost Allocation Plan).

B. A budget's total AGCAP bill represents both the costs allocable to General Fund and non-General Fund revenues within that budget. In this way, the AGCAP differs from the SWCAP. The SWCAP is a recovery mechanism for the General Fund, while the AGCAP is a billing procedure for the Attorney General's clients. The Office of the Attorney General will automatically draw these funds from participating budget accounts.

C. If an agency has questions about the basis for its AGCAP, questions may be directed to the Office of the Attorney General.

2600 Claims

2601 Authority

The Board of Examiners (BOE) is created in the Nevada Constitution Article 5, Section 21. More information regarding claims and BOE can be found in Nevada Revised Statutes Chapter 353.

2602 State Accounting System

A. The State maintains an accounting system to track the receipt and expenditure of funds.

B. Cash Receipt (CR) documents should be keyed into the accounting system on the same day the funds are deposited at the bank, but in no circumstance shall they be entered in more than two business days after the deposit has been made.

C. Expenditure documents (purchase orders, payment vouchers and receipts of goods) and adjustment documents (journal vouchers) should be keyed into the accounting system timely in order to process orders and payments and maintain accurate accounting of State revenues and expenditures.

D. The State maintains a set of accounting policies and procedures for the use of the accounting system which are issued by the State Controller and are available on-line at the following link: http://scointranet.nv.gov/component/edocman/?task=document.viewdoc&id=573&Itemid=0

2610 Review of Each Individual Claim by Board of Examiners Not Required

The BOE does not generally act on individual claims. NRS 353.090 allows BOE to adopt regulations providing for the use of sampling procedures and post audit techniques for determining the correctness of claims for payment from the State pursuant to an appropriation or authorization by the Legislature. The BOE has set up rules for the Compliance Review section in the Division of Internal Audits to follow regarding test samples of agencies' fiscal transactions for compliance with statutes, laws, regulations and internal control standards. Exceptional transactions may be referred to BOE for its action.

2614 Invoices

A. **Invoice** is a document issued by a vendor showing the character, quantity, price, terms, nature of delivery and other particulars of goods sold or of services rendered.

B. All invoices are to be processed for payment following the vendor's standard payment terms unless a discount for early payment is offered. Payments should generally be made within 30 calendar days of invoice date.

2616 Supporting Documentation for Transactions

A. Agencies (or the agency providing fiscal services for the agency) should use General Ledger account

coding in accordance with Controller's Office Account Policies.

B. Departments, agencies, or offices of State government, as well as any boards/commissions utilizing the State accounting system (or the agency providing fiscal services for same) shall maintain original documentation:

1. Justifying each expenditure, including purchase orders, original invoices, receiving documents and any other original evidence documenting the State's obligation to pay the claim;

2. Justifying each non-expenditure transaction, including check copies, deposit slip copies or any other original evidence supporting the posting of the transaction;

3. If original documentation is not available, the documentation retained should indicate it is to be used as original documentation.

C. When deviating from standard procedures, written explanations should be included with supporting documentation.

D. Each transaction must have support that is signed or initialed by the agency's approving authority. Facsimile signatures or initials, or scanned signatures or initials are acceptable in lieu of original signatures.

E. Employees requesting reimbursement for out-of-pocket expenses for items purchased on behalf of the State must submit the invoice and proof of payment or a signed statement which certifies the invoice has been paid. Employees must not approve their own claims unless they are the head of the agency.

2622 Stale Claims

A. **Stale claim** is defined in NRS 353.097(1).

B. Pursuant to statute, the BOE may authorize its Clerk (the Director of the Governor's Finance Office), or a person designated by the Clerk, to approve stale claims on behalf of the BOE. The BOE has authorized the Clerk to approve stale claims. Pursuant to statute, agencies may pay from the appropriate budget account in the current fiscal year (i.e., the budget account from which the claim would have been paid had it been received prior to the close of the fiscal year), if funding is available, a stale claim of the State agency which is:

1. Less than $100; or
2. For medical expenses pursuant to a claim from a third-party administrator; or
3. For payroll expenses.

C. All other stale claims must be submitted to the Budget Division for approval.

D. When submitting a stale claim, the agency must specify whether the stale claim will be paid from agency resources or from the Stale Claims Account established pursuant to NRS 353.097(2). In some cases, partial payment may be made from the Stale Claims Account and partial payment from the current year funds of the budget account where the claim was incurred.

E. Payment of stale claims from the Stale Claims Account for an agency may not exceed the amount reverted by that agency for the fiscal year during which the claims were incurred. If the stale claims of an agency exceed the amount reverted for the fiscal year in which the obligations represented by the stale claims were incurred, the State agency may:

1. Pay the balance from the appropriate budget account with current year funds; or
2. If savings cannot be generated to cover the stale claims expenditure within the current fiscal year, request Interim Finance Committee Contingency Account funds or, if the Legislature is in session, a supplemental appropriation.

F. Stale claims from available federal grants or from a permanent fund other than the State General Fund or the State Highway Fund may be paid from the appropriate budget account with current year funds once approved. For non-General Fund or non-Highway Fund stale claims, the payment from current year funds cannot exceed the amount that was available to pay the claim in the account at the close of the fiscal year in which the obligation was incurred.

2624 Clerk's Authority

A. Agencies requesting funding from the Stale Claims Account, the Emergency Account or the Reserve for Statutory Contingency Account must submit a written request including the reasons the funds are needed and copies of supporting documents that demonstrate the need for the funds as well as the timing and cause of the request.

B. If the submission falls within thresholds approved by the BOE for designation to the Clerk, the Clerk will review and approve or deny the request. If the agency disagrees with the Clerk's determination, the agency may appeal the decision to the BOE.

C. If the submission is outside of the thresholds delegated to the Clerk, the request will be placed on the next BOE agenda for consideration.

2626 Subscriptions

A. Subscriptions for the purchase of books, magazines, newspapers, newsletters, films, software instructions or other publications shall be in the name of the agency and the position, not in the name of the incumbent. All subscriptions must be relevant to the operations of the agency.

B. Payment of new or renewal subscriptions, for up to two years, may be made in the fiscal year in which the original subscription begins, or the renewal invoice is received. The subscription period does not need to coincide with the State fiscal year.

2628 Professional Association Dues

A. Professional association dues for individual State employees are not an allowable State expense.

B. State funds may be used to pay for professional association dues if:

1. The State employee is eligible by virtue of the unique State position held;
2. The membership is institutional; and
3. There are demonstrable benefits accruing to the State rather than the individual.

2629 Professional Licensure and Continuing Professional Education Costs

A. Where applicable, the State abides by federal and State laws and accreditation requirements regarding licensure, registration and certification of employees. Any employee whose position requires a license, registration or certification must obtain and maintain an active license, registration or certification unless:
   1. There is an exception in statute and the employee meets the conditions for the exception; or
   2. The director of the agency is able to and has, for good cause, waived the requirement for a period of time in order for the employee to obtain the license, registration or certification. Exceptions and waivers must be properly documented and justified, and employees must obtain the license, registration or certification within the timeframe allowed by the exception or the waiver.

B. For positions which are required by statute, regulation or for which the classification specifications require a professional license, registration or certification, costs for obtaining the license, registration or certification as well as renewal costs to maintain the license, registration or certification are reimbursable expenses subject to budget availability of the agency.
   1. This provision only applies to permanent full-time employees who have worked for the State for at least one (1) year.
   2. This provision does not apply to employees under a collective bargaining agreement unless the agreement specifically provides for the reimbursement of professional licenses, registrations or certifications.
   3. This provision only applies to licenses, registrations or certifications required for the position. If the employee has other licenses, registrations or certifications that are not required by statute, regulation or the classification specification, they are not a reimbursable expense.
   4. The reimbursement is limited to the amount of the license, registration or certification. Other costs, including late fees, are not reimbursable expenses.

C. The State encourages employees to keep their job skills current, and the continuing education and training of employees is an allowable expense, up to $250 annually if the continuing education or training relates to the employee's work assignments and/or benefits the agency for which the employee works.
   1. Continuing education and training expenses are subject to budget availability of the agency for which the employee works.
   2. Continuing education and training expenses may include the reimbursement of college tuition for which the final grade is a "C" or higher. Textbooks and other expenses are not reimbursable.
   3. Continuing education credits for the sole purpose of renewing licensure or other professional certification are not reimbursable.
   4. Conference registration fees are permissible expenses if:

a. Continuing professional education credits are only incidental to attendance; and
b. The name and dates of the conference, and the employee's name are listed on the registration receipt; and
    i. An employee participates in the program or gives a presentation; or
    ii. An employee must attend as part of his/her state duties; or
    iii. The events or other activities are related to or sponsored by State economic development or tourism marketing;

2630 Decorating Offices

A. It is the policy of the State to furnish offices with appropriate furniture and equipment for the position.

B. To the extent budgetary authority is available for this purpose, expenses for decorating common areas of State offices are allowable.

C. Personal decorations are not an allowable State expense.

D. Live plants in State-owned or leased buildings must be maintained in a manner that prevents damage to State property and maintains a neat and sanitary work environment.

E. Permanent wall displays may be installed by Buildings and Grounds in State offices.

F. Hanging of personal items on walls of State-owned and leased buildings is permitted so long as they are appropriate to the State or agency and are installed in a secure manner that permits removal without damage to the surface.

G. Employees are responsible for the repair of any damage caused by plants or wall hangings.

2632 Meeting Room Rentals

Meeting rooms are available in State or government-owned buildings throughout the State. Agencies should explore the availability and allowable use of all such facilities prior to incurring expenses relating to the rental of meeting rooms.

2634 Portrait Photographs

State policy prohibits payment of claims for portrait photography with the exception of full-time elected officials who are entitled to one official State photograph during their term in office, if funds are available.

2636 Refreshments/Host Fund

A. Refreshments served to individuals in offices or to attendees of meetings, receptions or other activities associated with State economic development or tourism marketing are allowable expenditures only if the agency has a legislatively approved host fund or the activity is financed with non-public revenues such as registration fees charged to individual conference attendees.

B. Agencies which have a legislatively approved host fund may conduct activities associated with State economic development or tourism marketing, and incur actual costs such as transportation, lodging and food/refreshments for hosted dignitaries and/or client attendees. Host funds cannot be used to purchase alcoholic beverages. The person or persons hosting such dignitaries or client attendees may be reimbursed for the actual cost of their meal associated with the hosted event. Normal and reasonable

gratuities paid to service providers at agency directed, produced or hosted functions are allowable expenditures. All claims must be approved by the department head or authorized representative, and any claim in excess of $5.00 must be substantiated by receipts and accompanied by a detailed expense report.

C. Host funds may not be used for normal agency social functions or as adjuncts to an agency's normal course of business (e.g., board meetings or grant review panels).

D. In certain cases, the Legislature may authorize food expenditures without specifically authorizing a Host Fund. Agencies may not expend any State funds on food without legislative approval.

2638 Conference Hosting

Agencies may charge registration fees to finance contracts or other costs related to organizing seminars or conferences at State owned or non-State-owned facilities. If refreshments served to attendees and/or lodging and meals for seminar or conference participants exceed State rates, the agency shall provide documentation that the contract costs are not coming directly from funds originally under control of the agency. Agencies may pay the registration fees for employees only if they meet the criteria under Section 2629.

2640 Sales and Use Tax

Sales and use tax is not paid on purchases made within the State or purchases shipped in from another state. Sales and use tax may be reimbursed to an employee when claimed as an out-of-pocket expense.

2644 Service Awards and Plaques

A. The Governor or head of an agency may present service awards to State employees. A **service award** means a suitable symbol, other than money, for faithful and exceptional public service.

B. Plaques may be presented to new or expanded businesses or to individuals in appreciation of their contributions to the State.

C. The costs for service awards and plaques:
   1. Must not exceed $100.
   2. Must come from existing budgetary authority the Office of the Governor or the agency has that is available for such costs.
   3. Are not allowed to be included in their requested budget.

2646 Awards/Gifts to Volunteers

A. Individuals performing a service for a particular agency on a voluntary basis and for which they are not otherwise compensated may be presented with an award/gift from that agency if:
   1. The service performed is on the individual's own time and is not in the normal course of their employment;
   2. The cost of each award/gift does not exceed $100; and

3. The agency has sufficient funds available for such awards/gifts.

B. Members of a State board or commission are not eligible under the definition of a volunteer.

2650 Purchase of Bottled Water

Generally, the purchase of bottled water is not an allowable expense.
If a State agency believes there are health related issues associated with either the source of domestic water or the inadequacy of the domestic water delivery system, the agency must work with Buildings and Grounds to determine if the issue can be resolved. If the issue cannot be resolved, the agency may submit justification of the need to purchase bottled water to the Governor's Finance Office. Any approved justification must be kept on file at the respective agency and attached to each biennial budget submission.

The purchase of paper cups is only permitted when the public is the consumer.

2652 Break Room Supplies

The purchase of break room supplies is not an allowable expense. Breakroom supplies include but are not limited to: coffee; napkins; cups; plates; and utensils.

The purchase of break room appliances is an allowable expense. The purchase of break room appliances must be in consultation with Buildings and Grounds to ensure the building can handle the appliances being purchased and the appliances purchased meet energy efficiency requirements. Once purchased, the appliances will be owned by Buildings and Grounds.

Toasters, ovens, and mini refrigerators are prohibited in State owned and leased buildings when appliances have been provided by Buildings and Grounds.

2656 Medical Malpractice Insurance

Medical professionals in State employment are not required to carry medical malpractice insurance as the State indemnifies those employees for acts or omissions carried out in their duty as State employees.

2900 Tort Claims

2901 Accidents

A. Automobile Accidents:

1. Damage to the Vehicles of Others and Bodily Injury. The Tort Claims Administrator in the Office of Attorney General handles claims for damages to property (other than State owned vehicles or property) or for injuries to people who are not State employees. The telephone number is 775-684-1263.

2. Damage to vehicles Rented by the State. Please refer to SAM 0504.

3. Injured State Employees. Claims for injuries to State employees in automobile accidents while on State business should be referred to the Risk Management Division. The telephone number is 775-687-6522.

4. Damage to State Vehicles or Property. Risk Management handles claims for damages to State vehicles or property. The telephone number is 775-687-1750

5. Accidents with an Employee-Owned Vehicle. Injury and damages to third parties arising out of the use of an employee's vehicle on State business are the responsibility of the employee and their insurance company. These must be reported to the employees' insurance company and the Tort Claims Administrator at 775-684-1263. The State will contribute to the settlement of a claim payment after the employee's insurance limits have been exhausted.

6. Damage to an Employee-Owned Vehicle while on State business. (See SAM 0504.)

7. In the event of an accident:
   a. Notify the proper authority, e.g., local law enforcement agency or fire department, if applicable.
   b. Call your supervisor as soon as possible.
   c. If a Fleet Services Division Vehicle is involved, the Fleet Services Division shall also be notified.
   d. You must complete the vehicle accident report – RSK001. A copy should be in the packet in the glove compartment of the State vehicle.
   e. You should also gather all relevant facts, take photos, tag and preserve any evidence and forward copies to the Tort Claims Administrator at 100 N. Carson St., Carson City Nevada 89701 and Risk Management at 201 S Roop Street, Suite 201., Carson City, Nevada 89701 as they become available.
   f. You must cooperate in the investigation of any claim by the Office of the Attorney General or its contract adjusters.

B. Other types of accidents:

1. These claims typically include slip and falls on State premises, people who lose money because documents were not properly processed and civil rights violations. The Tort Claims Administrator in the Office of Attorney General handles these claims. The telephone number is 775-684-1263.

2. Injured State Employees. Claims for injuries to State employees while at work should be referred to the Risk Management Division. The telephone number is 775-687-6722.

3. In the event of an accident, other than an automobile accident:
   a. An incident report must be completed on any occurrence that could become a claim against the State.
   b. Use TC-2 "Potential Liability Form." Please provide the names and addresses of any witnesses. Please indicate if you or any other State employee knew of the hazard that caused the accident. Any material evidence must be preserved. Forward the completed form to the Tort Claims Administrator in the Office of Attorney General.
   c. Any person who directly contacts an agency concerning a claim or potential claim shall be referred to the Tort Claims Administrator at 775-684-1263 for further handling.

2903 Inmate Claims

Claims of less than $500 are evaluated, then denied or paid by the Department of Corrections. They must be filed within six months of the date of loss. Claims for damages more than $500 will be evaluated by the Department of Corrections and forwarded with a recommendation to the Attorney General's Office for consideration of payment or denial.

2905 Paying Claims

A. The Board of Examiners (BOE) has authorized the Office of the Attorney General to pay tort claims under $100,000. Payment of claims over $100,000 must be approved by the BOE.

B. Pursuant to NRS 41.0375, any agreements to settle a claim or action brought under NRS 41.031 is a public record.

2906 State Duty to Defend Employees

A. When civil action is brought against a State employee, the employee is usually entitled to a defense by the Office of the Attorney General. Should a judgment be entered against him as an individual, the employee is usually entitled to indemnification. (NRS 41.0305 to 41.039)

B. When a judgment is entered against a present or former employee of the State, the State will indemnify him unless:

   1. The person failed to submit a timely request for a defense;
   2. The person failed to cooperate in good faith in the defense of the action;
   3. The act or omission of the person was not within the scope of his public duty; or
   4. The act or omission of the person was wanton or malicious.

2907 Automobile Insurance Coverage

A. Adding or deleting coverage. All agencies must notify the Office of Attorney General in writing of

any vehicle additions or deletions. Use the "Fleet Insurance Changes Form". The following information must be included for your vehicle insurance to be processed. Without complete information, your form will be returned unprocessed.

1. Year
2. Make
3. Model
4. Vehicle identification number (VIN)
5. License plate number
6. Coverage requested (liability is mandatory, physical damage coverage is optional)
7. Effective date of change
8. Agency
9. Budget account number from which the auto insurance premium is paid

B. Proof of insurance cards. Automobile Liability Insurance for State Vehicles. The State is self-insured for automobile liability. NRS 485.370 exempts the State from the need to carry proof on insurance cards in its vehicles.

C. Liability insurance on leased or rented vehicles. State Purchasing has negotiated overriding rental agreements. Vehicles must be rented under these agreements. The rental company provides the State with liability insurance under these agreements.

2908 Insurance Premiums

A. The Office of the Attorney General calculates liability rates for the State. Agencies are billed based on their legislatively approved full-time equivalent positions, the number of automobiles they have, and their claims history as determined by the Office of the Attorney General.

B. State Boards shall be billed based on their legislatively approved full-time equivalent positions, the number of Board members at the same rate as full-time equivalent positions, the number of automobiles they have, and their claims history as determined by the Office of the Attorney General.

C. All agencies covered under the State's self-insured auto and general liability programs must pay their share of the premiums and administrative fees as determined by the rating plan adopted by the Office of the Attorney General.

2909 Loss Prevention

A. Each department or agency is responsible for its own loss prevention. The Office of the Attorney General will assist the agency as requested.

B. The agency must cooperate with the Office of Attorney General in the investigation of claims, loss prevention surveys and the remediation of unsafe conditions.

3000 Grant Requirements

3002 Purpose

This chapter assists executive branch agencies in complying with federal and State law, regulation, and procedure as they relate to grants and cooperative agreements. It incorporates statutory requirements outlined in NRS 223.460 to NRS 223.498, including provisions for the Nevada Grant Matching Program. This chapter provides a policy-level overview, while detailed grant-related procedures are published in the Nevada Grant Manual, available on the Office of Federal Assistance website.

3003 Centralized Coordination of Federal Grants

The Office of Federal Assistance (OFA), created in 2022, serves as the centralized coordination and compliance entity of federal and non-federal assistance. OFA is responsible for assisting agencies in identifying, applying for, and managing federal grants in alignment with the State Plan for Maximizing Federal Assistance. State Agencies will engage with OFA in accordance with NRS 223.478 and provide notification of all grant activities under NRS 223.480.

3004 Intergovernmental Review and Notification

The Office of Federal Assistance (OFA) is designated as Nevada's Single Point of Contact under the Federal Executive Order 12372, Intergovernmental Review of Federal Programs and oversees the State's intergovernmental grant coordination. In alignment with NRS 223.478 and the Nevada Grant Manual, state agencies must notify OFA of all grants applied for or received and report any unexpended balances at the end of the grant performance period. This process supports data-driven decisions and statewide grant tracking through OFA's centralized systems.

3006 Interagency Coordination and Strategic Alignment

To advance statewide priorities and avoid duplication of effort, state agencies are encouraged to coordinate with other executive branch entities when pursuing major federal opportunities. Agencies should consult with the Office of Federal Assistance (OFA) when:

A. Applying for large or cross-sector federal grants;
B. Responding to a funding opportunity aligned with statewide or interagency strategies (e.g., workforce development, infrastructure, broadband);
C. Developing a new grant program that may require shared implementation of data collection.

OFA may convene or facilitate collaborative planning efforts to align applications with the State Plan for Maximizing Federal Assistance and ensure the best positions of the State as a whole.

3008 State Clearinghouse

Nevada State Clearinghouse, within the Department of Conservation and Natural Resources State Lands Division, administers the State's review process of federal direct development and grant-in-aid projects.

The review process coordinates the preparation of comments for federal agencies on public land transfers, military activities and major development projects requiring environmental impact analysis. State Clearinghouse operations are authorized by Federal Presidential Executive Order 12372, Intergovernmental Review of Federal Programs issued in 1982. This order implements Section 201 and Title IV of the Intergovernmental Cooperation Act of 1968 and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. They also help implement Section 102 (2) (c) of the National Environmental Policy Act of 1969. State agencies engaged in direct development projects that are subject to review under the National Environmental Policy Act of 1969 must submit a copy of each project document (Environmental Assessments or Environmental Impact Statements) to the Nevada State Clearinghouse, or send the address of the website on which the document is posted.

3016 Grant Workforce Development and Training

To promote a high-performing grants workforce, each agency is encouraged to designate a grant point of contact and ensure staff involved in federal grant writing or administration receive ongoing training. The Office of Federal Assistance (OFA) offers training and technical assistance in areas such as:

A. Federal Uniform Guidance (2 CFR 200)

B. Risk assessment and monitoring

C. Indirect cost recovery and budgeting

D. Grant writing and performance reporting

State agency staff are encouraged to complete annual refresher training or onboarding via OFA or approved equivalents.

3018 Pre-Award Processes

A. Prior to the submission of an application and acceptance of a grant award, an agency must ensure that internal controls and a financial management system are in place to adequately manage funds and activities. Prior to grant proposal submission, an internal review must be completed to determine if appropriate resources are available to commence and maintain program activities. Furthermore, the agency must determine that it has the authority to submit the application on the State's behalf.

B. If the internal review determines appropriate resources are available to maintain the program and the agency has authority to submit a grant application on the State's behalf, the steps below are guidelines for writing a grant proposal. Refer to the Nevada Grant Manual for additional guidance on preparing for and managing a successful grant application.

1. Identify the problem, gap in service, or need;
2. Determine measurable goals and objectives;
3. Define an approach or methodology to meet the goals and to solve the problem;
4. Catalog all available resources and additional resources needed for the proposed project;
5. Create a timeline for completion;
6. Develop a reasonable budget for the activities involved in the proposal, including indirect costs, if

applicable;

7. Identify any match, cost sharing, or maintenance of effort* requirements of the grant;
8. Create an evaluation plan for continuous quality improvement and sustainability;
9. Evaluate whether the proposed project addresses the needs of underserved or frontier communities. Grant applications that propose targeted strategies for equity, access, and community inclusion are encouraged, in alignment with the State Plan for Maximizing Federal Assistance. Agencies are encouraged to incorporate community data, demographic analysis, and stakeholder input into proposal design; and
10. For grants requiring a cost-share or match, assess eligibility for support under the Nevada Grant Matching Program (GMP) (NRS 223.490). This includes documenting attempts to secure alternatives of match and providing the required risk and technical documentation for review by OFA.

*A maintenance of effort provision requires the State to maintain its financial support to a program for some period of time and may require future legislative appropriations at a certain level.

C. **Subaward vs. Contract.** Prior to submitting a federal grant application, the best practice is to determine whether awarded funds will be passed through to subrecipients or contracted to vendors. Agencies should evaluate the substance of the relationship and make a case-by-case determination using the guidelines in the Nevada Grant Manual. If an entity is determined to be a contractor/vendor, an agency must use Nevada's procurement policy and procedures in SAM 0300. If an entity is determined to be a subrecipient, SAM 3022 applies.

3022 Post Award Processes

A. Pursuant to NRS 353.245, each agency must provide a copy of its grant application and its grant awards to both the Governor's Finance Office and the Legislative Counsel Bureau's Fiscal Analysis Division.

B. An agency may not incur expenditures without proper budget authority. Therefore, agencies must budget for the grant award if it was not approved as part of the legislatively approved budget. Changes to existing budget authority are completed through work program requests. (see SAM 2524) The information on the notice of grant award and the submitted application will assist in the completion of the work program documents. Also, the completion and submission of a Job Number Maintenance Form (KTLOPS-35) to the Controller's Office is necessary to ensure appropriate tracking of revenue and expenditures for each award.

C. Unless authorizing language specifically prohibits it, an agency may use awarded grant funds to:

1. directly implement projects to carry out specified program objectives;
2. subaward to another organization; and/or
3. contract with a vendor to deliver goods and services.

D. Subaward Procedures. The policies below outline the procedures for issuing subawards. Deviations from these policies should be justified, documented, and retained in the agency records.

1. Agencies must develop a Notice of Funding Opportunity (NOFO) for interested parties to ensure the required and necessary information is included in any applications or proposals required by the agency. In accordance with Guidance Memorandum 25-02 and Policy 088-005, all NOFOs must also be submitted to the centralized NevadaEPro (ePro) system for publication and transparency. Submission ensures statewide visibility of funding opportunities and alignment with state-level procurement and grant-making standards.
2. Unless subrecipients were specifically identified in the grant application, the best practice for distribution of grant funds to other State agencies, tribal, and/or nonprofit entities is to conduct a competitive process. The competitive process involves a group of subject matter experts ranking the proposals. Final allocation is based on the ranking and justification from the awarding agency. Agencies not using a competitive process should document the reasons why.
3. State and federal regulations require the disclosure of conflict of interest for evaluators participating in the process of ranking competitive proposals. For non-competitive grant programs, the person with authority to determine the final distribution must provide a conflict-of-interest disclosure.
4. The completion of a subrecipient risk assessment is required before issuing a subaward agreement. The awarding agency is responsible for evaluating each subrecipient to determine the risk of noncompliance with the applicable federal and/or State statutes, regulations, and terms of the subaward. Timeliness is critical to the risk assessment process mandated by 2 Code of Federal Regulations (CFR) 200.519.
5. Prior to issuing a final subaward, the agency must ensure the recipient is not on the federal System for Award Management Excluded Parties list for debarment and/or suspension.
6. Agencies may disburse grant funds to subrecipients either on a reimbursement basis or through advance payments, as appropriate to the terms of the award and the assessed risk level of the subrecipients. Payment requires the submission of correct and complete source documentation to back up all expenditures incurred or obligated in the implementation of the approved project, and an accurately completed fiscal report. Payment to subrecipients must occur within 30 calendar days of the receipt of the request/fiscal report by the awarding agency.
7. Grant agreements must be amended whenever changes to the original approved document occurs. This includes the obligation, compensation, and expiration date. The changes to the key personnel found in the original grant agreement also require an amendment.
8. State agencies with authority to pass through funding to other entities are required to monitor subrecipient compliance with applicable federal and state requirements for grants. Annual review of subrecipient Single Audit Reports is required. Agencies must monitor subrecipients to determine the progress made against goals and indicators of performance to determine whether the desired results are occurring, confirms the implementation is on track and that the results measured are the direct and short-term consequences of program activities.

E. Reporting. An agency receiving grant funds must follow the established policies and procedures for distribution, submission and review of the required fiscal and program reports. Agencies must also comply with any reporting requirements identified in statute or legislation. Best practices and forms are available by contacting the OFA.

1. In addition to financial reporting, performance reporting is also important. Performance reports reflect the activities accomplished in furtherance of the grant objectives and highlight community

impact. Performance reporting may include compliance data to ensure that program activities meet federal and State regulations. Performance reporting also maintains transparency and may be used to leverage additional awards in the future.

2. Performance reports should include both outputs (activities completed) and outcomes (changes resulting from activities). Agencies are encouraged to use logic models, theories of change, or program performance indicators to frame grant reporting. This approach is consistent with the Nevada Grant Manual and supports transparency, accountability, and alignment with state priorities.

3. In preparation of the State Single Audit Report and to confirm the information about grant awards from each agency, the State Controller's Office relies on the agency to certify that the information about grants it manages is correct as reflected at that time in the State financial management system. It is important that agencies provide information on the Controller's Single Audit Reporting Form in a timely fashion so that the State Controller may complete its Schedule of Expenditures of Federal Awards.

F. State Agency Reimbursement via Federal Draw Down

1. A **draw down or draw** is the process used by State agencies to request reimbursement of federal grant expenditures from the federal awarding agency. Draws require an agency to notify the State Treasurer's Office by completing a Federal Draw Request Form located at Nevada Treasurer's Website. The Treasurer's Office will access the appropriate federal portal and perform the draw. When funds are received in the State's bank account, the deposit is placed on the Treasurer's Office Deposit Listing website for the requesting agency to claim the funds and create a cash receipt (CR) document in the State financial management system. Federal grant funds must be requested and disbursed at a minimum on a monthly basis, and only to the extent needed to meet the immediate cash requirements for allowable program costs (2 CFR 200.305)

2. The federal Cash Management Improvement Act requires the federal government and the states to minimize the time between transfer of federal funds and payments made by the states for grant program purposes. Agencies must time draws of federal funds to minimize the time between deposits and disbursements. Drawing federal funds too soon incurs an interest liability to the federal government; drawing them too late costs the State with reduced interest earned on its cash balances.

B. Federal Funding Accountability and Transparency Act Reporting

1. Agencies that issue first-tier subawards or contracts in the amount of $30,000 or more in federal funds are required to report these transactions in accordance with the Federal Funding Accountability and Transparency Act (FFATA).

2. As of March 8, 2025, all subaward reporting must be conducted through SAM.gov, as the former FFATA Subaward Reporting System (FSRS.gov) has been officially decommissioned. Reporting functionality is now available through SAM.gov platform https://sam.gov.

3. Reports must be submitted by the end of the month following the month in which the subaward or contract was obligated.

4. Agencies must also report the total compensation of the five most highly compensated executives of the recipient and subrecipient if the following conditions are met (2 CFR 170):
    a. The subrecipient received 80% or more of its annual gross revenues from federal

contracts (including subcontracts), loans, grants (including subgrants), and cooperative agreements during the preceding fiscal year; and

b. The subrecipient received $25 million or more in annual gross revenues from federal resources during the preceding fiscal year; and
c. The public does not already have access to this information about the compensation of the executives through Securities and Exchange Commission (SEC) filings or Internal Revenue Service (IRS) 990 forms.

5. Agencies are responsible for verifying subrecipient eligibility and maintaining internal controls to ensure accurate and timely reporting.
6. Entities that receive less than $30,000 in gross income from all sources in the previous tax year are exempt from FFATA subaward and executive compensation reporting.
7. Agencies should review the latest guidance on the SAM.gov Subaward Reporting page to ensure compliance and may contact OFA for technical assistance and clarification.

3024 Closeout

A. Grant closeout includes, but is not limited to, the following tasks:

1. Completion of any final draws of funds;
2. Completion of the final program report; and
3. Completion of the final financial report.

B. Reconciliation of expenditures, including subawards, is essential to grant closeout. Subawards close as projects are completed or at the end of their performance period.

C. A balance remaining on a federal award that will not be used is called a deobligation**.** Agencies should minimize deobligations to the federal government. Deobligated funds to a federal awarding agency must be reported to the OFA.

D. State agencies must confirm the completion of all applicable administrative actions and all mandatory work required by a federal grant award or any other award, as outlined in the Nevada Grant Manual. All grant, subgrant and contract documentation for fiscal and program activities must be kept for a minimum of three (3) years from the date of the final reimbursement request.

E. For GMP-supported grants, closeout reports must be submitted to OFA within 30 calendar days of the federal grant period's end. Unused GMP funds will be unencumbered and returned to the Grant Matching Account for future awards (NRS 223.492).

3026 Federal Compliance, Debt Prevention, and Mandatory Notification Requirements

A. This section establishes statewide requirements for early identification, reporting, and coordinated

resolution of federal grant compliance issues and potential federal debts. These requirements align with:

1. NRS 223.460–486 (Governor's Office of Federal Assistance duties, statewide coordination, and reporting)
2. 2 CFR 200 (Uniform Guidance compliance and financial management)
3. SAM 3000–3024 (grant administration, reporting, oversight, and closeout)
    a. This section supplements pre-award requirements (SAM 3018), post-award requirements (SAM 3022), and closeout requirements (SAM 3024).

B. To ensure statewide fiscal protection and compliance with Nevada law, all agencies administering federal awards must notify the Governor's Office of Federal Assistance (OFA), Governors Finance Office (GFO), and the State Controller's Office (SCO) within five business days of identifying any potential or confirmed issue that may result in:

1. Federal noncompliance
2. Unallowable or overspent expenditures
3. Untimely or missing federal programmatic or financial reports
4. Questionable costs
5. Delayed or incomplete grant closeout
6. Any risk of federal debt, disallowance, or recovery action
    a. This requirement is distinct from the reporting obligations in SAM 3022 (Post-Award Processes) and supplements those processes by addressing federal debt escalation risk.

C. Agencies must coordinate with OFA, SCO, and GFO prior to taking any of the following actions:

1. Responding to federal inquiries related to compliance or potential disallowances
2. Communicating directly with federal awarding agencies about corrective actions
3. Negotiating repayment schedules or federal debt determinations
4. Initiating any internal corrective action related to a federal award
    a. This coordination requirement supplements existing oversight functions in SAM 3003 (Centralized Coordination) and SAM 3006 (Interagency Coordination).

D. The U.S. Department of the Treasury may recover federal debts by offsetting funds from any State of Nevada account, regardless of which agency incurred the debt. To prevent Treasury Offset Program escalation, agencies must:

1. Respond promptly to federal notices of potential debt
2. Immediately notify OFA, SCO, and GFO as required in SAM 3026(B)
3. Provide all requested documentation for reconciliation or audit purposes
4. Implement corrective actions within federal deadlines
5. Monitor subrecipients to identify potential issues proactively (consistent with SAM 3022(D)) and SAM 3026(B). Issues with a subrecipient are also subject to reporting within five business days.

E. Agencies administering federal awards remain responsible for:

1. Maintaining internal controls compliant with 2 CFR 200.303
2. Ensuring accurate federal reporting
3. Preventing conditions that could result in federal debt
4. Documenting all corrective actions
    a. If the agency administering the federal award is deemed responsible for causing an offset (Responsible Agency) to another state agency's funding (Impacted Agency), the Responsible Agency will be required to take one of the following actions:
        i. Reimburse the Impacted Agency by transferring the full offset amount from the Responsible Agency's budget; or
        ii. If sufficient funds are not available, the Responsible Agency must coordinate with the GFO, to submit a request for Interim Finance Committee (IFC) Contingency Funds at the next IFC meeting to repay the Impacted Agency.

F. In accordance with recordkeeping requirements established in 2 CFR 200.334 and SAM 3024(D), agencies must retain:

1. Federal communication regarding compliance or potential debt
2. Corrective action plans
3. Audit responses
4. Financial reconciliations

3500 Group Insurance

3502 Public Agency Contributions to Group Insurance

A. The monthly employer subsidy for group life, accident or health coverage for participating public officers and their dependents is funded by an assessment to each State department, commission or public agency which employs an officer or employee where the position is filled, and the incumbent is enrolled in the program.

B. The Budget Division of the Governor's Finance Office determines the methodology and calculates the allocation amount to be paid by each budget account to finance the State contribution for retiree premiums.

3504 Coverage Optional for State Officers and Employees

A. Nothing in the group insurance law makes it compulsory for any officer or employee to accept or join the Public Employees' Benefits Program PEBP), or to assign wages or salary or to authorize deductions from wages or salary in payment for the program. (NRS 287.048)

B. If an employee wants to decline coverage, he must notify both the PEBP and the employee's agency human resources staff and complete an enrollment form and an employment status transaction to decline coverage.

C. When an employee declines group insurance coverage, he is declining coverage for medical, dental, vision, life insurance, and long-term disability benefits.

D. The PEBP provides additional information regarding the plan and benefits which can be obtained from the PEBP by calling Member Services at 775-684-7000 or (800) 326-5496 or by visiting their website at http://pebp.state.nv.us.

3514 Enrollment

Information regarding enrollment and eligibility for both employees and dependents is available from the Division of Human Resources Management in the State of Nevada Employee Handbook: http://hr.nv.gov/uploadedFiles/hrnvgov/Content/Resources/Publications/Employee_Handbook.pdf

or from the PEBP Member Services: 775-684-7000 or 800-326-5496 or http://pebp.state.nv.us

3538 Payment of Premiums

A. An overpayment of premium may occur due to:

1. Clerical error.
2. Employee or retiree reporting changes after the payroll center's cutoff for changes on current month's deduction on their paycheck.
3. Employee or retiree failing to make timely notification that a dependent is no longer eligible for

coverage or a new dependent is eligible for coverage.

B. When an overpayment of premium occurs, credit may only be taken at the same rate at which the overpayment occurred and is:

1. Credited to the payroll center on their next month's premium statement during the current policy year if the participant is an active employee. The payroll center will be responsible for returning money to the employee.
2. Refunded directly to the payer if the participant is a retiree or other qualified self-paying party.
3. Not pro-rated. Coverage is based on a full calendar month beginning on the first and ending on the last day of the month, and premiums paid for a month during which the employee terminates service on any date, for any reason are not considered an overpayment.

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 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 retirement benefits, and may also be consulted.

3604 Membership

A. 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)

B. 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 their behalf, or receipt of retirement or disability allowances by the member.

3606 Employee Defined

A. For the purposes of this chapter, 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.

B. The Public Employees' Retirement Board shall determine who is an employee under this definition.

3608 Part-Time Employees

Persons employed in positions considered to be half time or less according to the full-time work schedule established for that public employer are not eligible for membership in the system. These employees must be enrolled in the FICA alternative program. Contact the Division of Human Resource Management for additional information.

3610 Persons Ineligible for Membership

Certain persons are not eligible to become members of the Public Employees' Retirement System (PERS).

3612 Retirement Funds

A. 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)

B. 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)

C. PERS provides individual accounts for each member. Each account shows the members' contributions to the respective Fund and any legally authorized changes in the amount. (NRS 286.260)

3616 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) 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.

3618 Vesting

Vesting refers to the time period necessary for a member to work in order to earn the right to receive a PERS benefit. Any participating member employed for five (5) or more continuous years is considered vested. If an employee leaves employment before retirement age, they may leave the accrued contribution with the PERS. Then, when the employee reaches retirement age, they may receive the benefits earned during public employment.

3620 Benefits Calculation

A. 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.

B. 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.

3622 Purchase of Service

Any member who has at least five service credit years may purchase up to five years of service. The member must pay the full actuarial cost 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) Payment for purchased years of service credit may be made in a lump sum or by installment agreement.

3624 Termination of Service

If a member's employment is terminated, they may withdraw their 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.

3628 Repayment of Refunded Contributions

A. Whenever a member who withdrew the amount credited to their account returns to the service of a public employer participating in the System and remains a contributing member for six months, 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.

B. Service credit will not be restored until payment is made in full by the employee.

3630 Disability Retirement Allowances

A member with at least five (5) years of creditable service who becomes totally unable to perform their current job or any comparable job for which they are 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.

3632 Survivor Benefits

A. 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 relevant Summary Plan Description to evaluate their options.

B. 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.

3634 Agency Purchase of Service Credits

A. Pursuant to NRS 286.3007, a State agency 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.

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

C. 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. Is eligible to purchase credit;
2. Is eligible to retire or will be made eligible by the purchase of the credit;
3. Agrees to retire upon completion of the purchase; and
4. Has been employed by the agency for five (5) or more years.

D. The percentage of service credit purchased by a State agency, if a State agency is required to purchase credit due to a reduction in employees, is five percent (5%) of the cost of purchasing the credit and an additional five percent (5%) of the cost for each year that the person has been employed by the agency in excess of the minimum requirement of five (5) years.

3700 Unemployment Compensation

3702 General

All State and local employees are covered by unemployment compensation insurance. (NRS 612)

3704 Employer Defined

Employers required to provide unemployment insurance include:

"This State, or any political subdivision thereof, or any instrumentality of this State or its political subdivisions which is owned by this State or one or more of its political subdivisions alone or in conjunction with one or more other states or political subdivisions thereof." (NRS 612.115)

3706 Covered Employment

Covered employment includes all service performed as an employee of the State except:

1. As an elected official;
2. As a member of a legislative body, or a member of the judiciary;
3. As a member of the Nevada National Guard or the Nevada Air National Guard;
4. In employment serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
5. In a position designated by law as a major non-tenured policy making or advisory position, or a policy making or advisory position which ordinarily does not require more than eight (8) hours per week;
6. As a client in a facility conducted for the purpose of carrying out a program of rehabilitation for persons whose earning capacity is impaired by age or physical or mental deficiency;
7. As part of an unemployment work-relief or work-training program; or
8. As an inmate of a custodial or penal institution.

3708 Unemployment Compensation Assessment

A. State law provides that State agencies may reimburse the Unemployment Compensation Fund for all benefits paid on behalf of the State for former employees in lieu of making quarterly contributions. The State has chosen the reimbursement method.

B. In order to provide enough money to reimburse the Unemployment Compensation Fund, each agency will be assessed a percentage of projected gross salaries each year.

3710 Unemployment Benefits

All questions concerning benefits should be directed to the Department of Employment, Training and Rehabilitation, Division of Employment Security, Benefits Section at 775-684-0420 in Carson City.

3800 Deferred Compensation

3802 Authority; Deductions from Payroll; Limitations

A. Pursuant to NRS 287.320, the State, including institutions under the Board of Regents of the Nevada System of Higher Education, may agree with its employees to defer compensation due to them and reduce their current taxable income in accordance with a program authorized by federal law, including but not limited to, 26 U.S.C 401(a), 401(k), 403(b), 457(b), or 3121 (FICA Alternative Plan). Except for a program set up under 26U.S.C. 403(b) by the Board of Regents, this Program must be approved by the Committee to Administer the Public Employees' Deferred Compensation Program (Deferred Compensation Committee).

According to the Program, the employer shall withhold the amount of compensation an employee has directed the employer to defer from their payroll. The amount of compensation set aside by the employer under the program during any calendar year may not exceed the amount authorized by 26 U.S.C. 401(a), 401(k), 403(b) or 457(b).

B. The employer may invest the withheld money in any investment approved by the Deferred Compensation Committee.

C. All compensation amounts deferred pursuant to the Program's adopted plan documents must be held in trust for the exclusive benefit of the participants in the Program and their beneficiaries. NRS 287.320.

3804 Deferred Compensation Committee

A. The Governor appoints Members to the Deferred Compensation Committee. The responsibilities of the Deferred Compensation Committee are outlined in NRS 287.330. With the approval of the Governor, the Deferred Compensation Committee has authorized the Department of Administration to administer the day-to-day duties of the Program.

B. The Deferred Compensation Committee, individual Members and the Department of Administration staff are not liable for any decision relating to investments if the Deferred Compensation 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 one Record Keeper that will provide record keeping services for the program.

5. Solicited proposals from qualified Record Keepers at least once every five years.

3808 Federal Requirements

No program becomes effective, and no deferral may be made until the program meets the requirements of 26 U.S.C 401(a) and 457(b) for eligibility.

3810 Program in Addition to Retirement or Pension Program

The Program must be established in addition to other retirement, pension or benefit systems established by the State or Nevada System of Higher Education and does not supersede, make inoperative, or reduce benefits provided by the Public Employees' Retirement System or by any other retirement, pension or benefit program established by law.

3811 FICA Alternative Plan

A. The Federal Insurance Contributions Act (FICA) Alternative Plan is a substitute for Social Security coverage permitted by the federal Omnibus Budget Reconciliation Act of 1990. It is used in lieu of Social Security for part-time, seasonal, temporary employees or other employees not eligible for participation in the Public Employees' Retirement System or the University of Nevada Retirement Program.

   1. All State employees hired after December 31, 2003, or employees of the Nevada System of Higher Education hired after June 30, 2005 must participate in the plan sponsored FICA Alternative Plan.
   2. All State employees hired before January 1, 2004, or employees of the Nevada System of Higher Education hired before July 1, 2005, may participate in the plan sponsored FICA Alternative Plan

B. Each affected employee must select a Record Keeper to administer their sponsored FICA Alternative Plan prior to participation if the program contracts with more than one Record Keeper.

C. Any Government entity within the State may apply to participate in the State of Nevada FICA Alternative Program. Their participation must be approved by the Deferred Compensation Committee, and the necessary adoption agreements and interlocal contract prescribed by the State must be executed. The entity must also agree to adhere to the rules and guidelines established by the Deferred Compensation Committee and the Department of Administration Staff.

3812 Use of Appropriated Money Forbidden

No State money may be spent on the administration of the Program except as compensation for employees who participated in the administration as part of their regular duties, including without limitation:

1. Members of the Committee; and
2. Employees of the Department of Administration appointed to administer the Program.

3814 Administration

The Director of the Department of Administration appoints the Executive Officer of the Deferred Compensation Committee who is responsible for the day-to-day administration of the Program. The Executive Officer serves as the main support to the Deferred Compensation Committee.