

EXHIBIT K

Dear Board of Prison Commissioners,

My name is Sergeant Rod Lightsey. I am a Correctional Sergeant at Ely State Prison, and I would like to comment on AR 323.

NAC 284.554 Sick leave: Authorized use. (NRS 284.065, 284.155, 284.345, 284.355)

An employee is *entitled* to use sick leave if:

1. He is unable to perform the duties of his position because he is sick, injured or physically incapacitated due to a medical condition;
2. The employee is physically incapacitated due to pregnancy or childbirth and is therefore unable to perform the duties of the employee's position;
3. He is quarantined;
4. He is receiving required medical, psychological, optometric or dental service or examination;
5. He is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section; or
6. There is an illness, death or other authorized medical need in his immediate family and he complies with the requirements of NAC 284.558 or 284.562.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73;

This NAC specifies the lawful use of Sick Leave. AR 323 could be used to penalize employees who use Sick Leave even though they used their Sick Leave in accordance with NAC 284 and NRS 284. NAC 284 uses the word *entitled* in the employee's right to use their earned Sick Leave.

We supervisors are instructed to count at a minimum the first day of any unscheduled Sick Leave absence towards the points defined in AR 323. This includes a Family Death and a Hospitalization. If an employee has a bad year, they could be terminated from their employment despite proper usage in accordance with NAC 284. As examples;

An employee with 700 hours of Sick Leave. This amount of Sick Leave shows this employee has not used an excessive amount.

- 2 days Sick Leave flu
- 2 days Sick Leave flu
- 1 day Sick Leave injury (cut requiring stitches)
- Family Death (only the first day counts)
- Family Death (only the first day counts)
- Family Death (only the first day counts)
- 1 day Family Sick (Child to the hospital for a broken leg)
- 1 day Family Sick (Wife had car accident and went to the hospital)

Total: 8 x 8 x 10 = 640 Suspension

- 2 days Sick Leave flu
- 2 days Sick Leave flu
- 1 day Sick Leave injury (cut requiring stitches)
- 1 day Sick Leave injury (only the first day counts, to the hospital for a broken leg)
- Family Death (only the first day counts)
- Family Death (only the first day counts)
- Family Death (only the first day counts)
- 1 day Family Sick (Child to the hospital for a broken leg)
- 1 day Family Sick (Wife had car accident and went to the hospital)

Total: 9 x 9 x 11 = 891 Termination

I do not understand how using your sick leave exactly as specified by the NAC's and NRS's can result in disciplinary action. I agree with trying to reduce Sick Leave call offs. Perhaps a solution is not counting sick leave days which were supported by documentation, such as a document showing you were at the hospital, doctor, dentist or mortuary. I know it seems impossible that a supervisor would count such days against an employee, but I am sure my Warden and other Supervisors would enforce any days listed in the AR without any option for review. Under this policy, if you had a terrible year with 10 close relatives dying, you would face termination on top of your grieving. I find this unacceptable.

Thank you for your consideration,
Sergeant Rod Lightsey