

SENATE BILL NO. 3—COMMITTEE OF THE WHOLE

FEBRUARY 25, 2010

Referred to Committee of the Whole

SUMMARY—Revises provisions governing unpaid furlough leave for state employees and requires closure of most state offices on Fridays. (BDR S-16)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to state employees; revising the amount of unpaid furlough leave that certain state employees are required to take during the 2010-2011 Fiscal Year; providing for a temporary reduction in salary in lieu of furlough leave for state employees who are exempt from taking unpaid furlough leave; requiring the approval of a plan for additional overtime to be approved before the overtime worked; providing for a temporary reduction in compensation for employees of the Senate and Assembly; providing for the closing of state offices on certain days and the revision of the workweek of state employees with certain exceptions and exemptions; temporarily authorizing local governments to require employees to take unpaid furlough leave; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires state employees to take unpaid furlough leave during the
2 2009-2011 biennium and authorizes exemptions from that requirement. (Sections 3
3 and 5 of chapter 391, Statutes of Nevada 2009, pp. 2159 and 2161) **Section 1** of
4 this bill increases the amount of unpaid furlough leave for full-time state employees
5 from 8 hours per month to 10 hours per month for the 2010-2011 Fiscal Year.
6 **Section 1** also provides flexibility for employees of the Budget Division of the
7 Department of Administration, Legislature and Legislative Counsel Bureau to use
8 the unpaid furlough leave in increments of less than 1 day in the same manner as
9 classified employees. In addition, **section 1** authorizes local government employers
10 to require employees to take unpaid furlough leave unless the requirement would
11 conflict with a collective bargaining agreement. **Section 3** of this bill provides that



12 the salary of any employee who is exempt from the furlough requirement must be
13 reduced by 5.75 percent in lieu of furlough leave for the 2010-2011 Fiscal Year.

14 Existing law provides that employees who are subject to the furlough
15 requirement be held harmless in the accumulation of retirement service credit and
16 reported salary for purposes of the Public Employees' Retirement System. (Section
17 4 of chapter 391, Statutes of Nevada 2009, p. 2160) **Section 2** of this bill provides
18 similar protections for employees whose salaries are reduced by 5.75 percent in lieu
19 of furlough leave.

20 Existing law sets forth the compensation of employees of the Senate and
21 Assembly. (NRS 218A.605) **Section 4** of this bill requires that such compensation
22 be reduced by 5.75 percent in lieu of furlough leave and prohibits certain step
23 increases in that compensation for the 2010-2011 Fiscal Year.

24 Existing law requires that state offices be open for the transaction of business
25 for at least 8 hours on every day of the year, with the exception of Saturdays,
26 Sundays and legal holidays. (NRS 281.110) **Section 5** of this bill provides for the
27 closing of state offices on Fridays and for the revision of the regular workweek of
28 state employees to four 10-hour days. **Section 5** also authorizes exemptions for
29 state offices that must remain open on Fridays because of the need to provide
30 appropriate services that are necessary to the protection of public health, safety and
31 welfare. **Section 5** further provides an extension of the time for filing any paper
32 with or complying with any deadline involving a state office that is closed on
33 Friday if the last day for filing the paper or complying with the deadline falls on
34 that Friday. **Section 6** of this bill provides additional exceptions to the requirements
35 of **section 5** for the employees of the Department of Corrections and the Nevada
36 System of Higher Education.

37 **Section 7** of this bill provides that certain additional overtime required by state
38 agencies may only be worked pursuant to a plan that is approved before the
39 overtime is worked. **Section 13** of this bill declares void all exemptions from
40 furlough leave that were granted on or before June 30, 2010, but authorizes the
41 reapplication for and granting of such exemptions. **Section 14** of this bill sunsets
42 this bill and the provisions which originally required the furlough leave on June 30,
43 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 3 of chapter 391, Statutes of Nevada 2009,
2 at page 2159, is hereby amended to read as follows:

3 Sec. 3. 1. Except as otherwise provided in section 5 of
4 this act:

5 (a) For the period beginning on July 1, ~~2009,~~ **2010**, and
6 ending on June 30, 2011, each employee of the State, other
7 than a classified employee ~~§~~ **or an employee of the**
8 ***Legislature, Legislative Counsel Bureau or Budget Division***
9 ***of the Department of Administration***, shall take 1 day of
10 unpaid furlough leave each month.

11 (b) Except as otherwise provided in subsection 5, the
12 furlough requirement applies to all branches of state
13 government and includes the Nevada System of Higher



1 Education, the Public Employees' Retirement System and all
2 other entities of state government.

3 ↪ The requirements of this section do not apply to employees
4 of the Department of Cultural Affairs whose standard
5 workweek was reduced from 40 hours to 32 hours effective
6 July 1, 2009.

7 2. Except as otherwise provided in this subsection, for
8 the purposes of this section "1 day" consists of the number of
9 hours an employee works in a standard workday, but not
10 more than ~~[8]~~ 10 hours. An employee must take 1 day of
11 furlough leave each month and cannot take portions of a day
12 that combine to total the amount of the required monthly
13 furlough leave. A full-time employee whose standard
14 workday is longer than ~~[8]~~ 10 hours shall take ~~[8]~~ 10 hours of
15 furlough leave on a single workday and may take annual
16 leave for the remainder of the day, work a reduced schedule
17 that day or work a modified schedule approved by his
18 employer. An employee who works less than full time with a
19 fixed schedule shall take as furlough leave the portion of ~~[an~~
20 ~~8-hour]~~ a 10-hour day that his scheduled workweek or
21 biweekly schedule bears to a full-time workweek or biweekly
22 schedule.

23 3. For the period beginning on July 1, ~~[2009,]~~ 2010, and
24 ending on June 30, 2011, each employee in the classified
25 service of the State ~~[]~~ and each employee of the Legislature,
26 *Legislative Counsel Bureau and Budget Division of the*
27 *Department of Administration* shall:

28 (a) If he is a full-time employee, take ~~[96]~~ 120 hours of
29 unpaid furlough leave. ~~[each-year.]~~

30 (b) If he is employed less than full time, take a number of
31 hours of unpaid furlough leave each year which is equal to
32 the average number of hours worked per working day
33 multiplied by 12.

34 ↪ An employee in the classified service of the State *or an*
35 *employee of the Legislature, Legislative Counsel Bureau or*
36 *Budget Division of the Department of Administration* may
37 take unpaid furlough leave in portions of a day that combine
38 to total the amount of required yearly leave. To the extent
39 practicable, full-time classified employees *and full-time*
40 *employees of the Legislature, Legislative Counsel Bureau*
41 *and Budget Division of the Department of Administration*
42 should take ~~[8]~~ 10 hours of unpaid furlough leave per month.
43 To the extent practicable, a classified employee *or an*
44 *employee of the Legislature, Legislative Counsel Bureau or*
45 *Budget Division of the Department of Administration* who



1 works less than full time with a fixed schedule should take as
2 unpaid furlough leave the portion of ~~[an 8-hour]~~ **a 10-hour**
3 day his scheduled workweek or biweekly schedule bears to a
4 full-time workweek or biweekly schedule.

5 4. *For the period beginning on July 1, 2010, and*
6 *ending on June 30, 2011, except as otherwise provided in*
7 *subsection 8 and notwithstanding any other specific statute*
8 *to the contrary, a local government employer may require*
9 *each employee to take unpaid furlough leave in the amount*
10 *and manner determined by the employer.*

11 5. Furlough leave pursuant to this section must be
12 scheduled and approved in the same manner as other leave.
13 Notwithstanding any statute or regulation to the contrary and,
14 *with respect to employees of the State*, except as otherwise
15 provided by regulation adopted pursuant to this section by the
16 Personnel Commission, an employee *of the State or any*
17 *other participating public employer* who is on furlough leave
18 is considered to have worked that day or portion of a day, as
19 applicable, for all purposes except payment of salary and
20 determination of overtime, including without limitation:

- 21 (a) Accrual of sick and annual leave;
- 22 (b) Determining the employee's pay progression date;
- 23 (c) Continuity of service and years of service for the
24 purposes of payments pursuant to the plan to encourage
25 continuity of service;
- 26 (d) The duration of a probationary period;
- 27 (e) Determining eligibility for holiday pay if the shift
28 immediately precedes a holiday;
- 29 (f) Seniority for all purposes, including layoffs;
- 30 (g) The Public Employees' Benefits Program; and
- 31 (h) The Public Employees' Retirement System, including
32 for the purposes of contributions to the System, subject to the
33 requirements of sections 4 and 5 of this act.

34 ~~[5.]~~ 6. The Board of Regents of the University of
35 Nevada shall determine and implement the method by which:

36 (a) The professional employees of the Nevada System of
37 Higher Education will participate in the furlough requirement
38 pursuant to this section; or

39 (b) The overall costs for the professional employees of
40 the Nevada System of Higher Education will be reduced in an
41 amount at least equal to the savings which would have
42 otherwise been produced by furlough leave pursuant to this
43 section.

44 ~~[6.]~~ 7. Except as otherwise provided in subsection ~~[5.]~~
45 6, the Personnel Commission shall adopt regulations *which*



1 *are applicable to employees of the State* to carry out the
2 provisions of this section.

3 *8. The provisions of subsection 4 do not apply to the*
4 *extent that those provisions conflict with the provisions of a*
5 *collective bargaining agreement entered into pursuant to*
6 *chapter 288 of NRS.*

7 *9. As used in this section, "public employer" has the*
8 *meaning ascribed to it in NRS 286.070.*

9 **Sec. 2.** Section 4 of chapter 391, Statutes of Nevada 2009, at
10 page 2160, is hereby amended to read as follows:

11 Sec. 4. 1. It is the intent of the Legislature to establish
12 a program whereby employees of the State and other
13 participating *public* employers ~~[who]~~ :

14 (a) *Who* take furlough leave due to extreme fiscal need,
15 including employees required to take furlough leave pursuant
16 to section 3 of this act ~~[]~~ ; or

17 (b) *Whose salaries are reduced by 5.75 percent in lieu of*
18 *furlough leave pursuant to section 5 of this act or any other*
19 *specific statute,*

20 ~~to~~ be held harmless in the accumulation of retirement service
21 credit and reported salary pursuant to chapter 286 of NRS.

22 2. Except as otherwise required as a result of NRS
23 286.537 and notwithstanding the provisions of NRS 286.481,
24 an employee is entitled to receive full service credit for time
25 taken as furlough leave pursuant to the program established
26 pursuant to section 3 of this act if:

27 (a) The employee, *if he is an employee of the State,* does
28 not take more than ~~[96]~~ 120 hours of furlough leave ~~[in a~~
29 ~~year:]~~ *for the period beginning on July 1, 2010, and ending*
30 *on June 30, 2011;* and

31 (b) The public employer certifies to the System that the
32 employer is participating in the furlough program established
33 pursuant to section 3 of this act and that the furlough leave
34 which is reported for the employee is taken in accordance
35 with the requirements of section 3 of this act.

36 3. In any month in which a day of furlough leave is
37 taken, an employee is entitled to receive full-time service
38 credit for the furlough leave in accordance with the normal
39 workday for the employee. An employee who is less than full
40 time is entitled to service credit in the same manner and to the
41 same extent as though the employee had worked the hours
42 taken as furlough leave.

43 4. *If the salary of any member is reduced by 5.75*
44 *percent in lieu of furlough leave pursuant to section 5 of*
45 *this act or any other specific statute, the public employer*



1 *shall certify to the System that the salary of that member*
2 *has been so reduced.*

3 5. When a member is on furlough leave pursuant to the
4 program certified by the public employer in accordance with
5 this section, *or when the salary of a member is reduced by*
6 *5.75 percent in lieu of furlough leave and certified by the*
7 *public employer in accordance with this section,* the public
8 employer must:

9 (a) Include all information required by the System on the
10 public employer's regular monthly retirement report as
11 provided in NRS 286.460; and

12 (b) Pay all required employer and employee contributions
13 to the System based on the compensation that would have
14 been paid to the member but for the member's participation in
15 the program. The public employer may recover from the
16 employee the amount of the employee contributions set forth
17 in NRS 286.410.

18 ~~[5.]~~ 6. Service credit under the program established
19 pursuant to this section must be computed according to the
20 fiscal year.

21 ~~[6.]~~ 7. As used in this section:

22 (a) "Member" has the meaning ascribed to it in
23 NRS 286.050.

24 (b) "Public employer" has the meaning ascribed to it in
25 NRS 286.070.

26 (c) "System" means the Public Employees' Retirement
27 System.

28 **Sec. 3.** Section 5 of chapter 391, Statutes of Nevada 2009, at
29 page 2161, is hereby amended to read as follows:

30 Sec. 5. 1. It is the intent of the Legislature to limit
31 exceptions to the requirement of furlough leave for
32 employees of the State pursuant to section 3 of this act to
33 identified areas of critical need. If an employer, ~~including the~~
34 ~~State,~~ *other than a local government employer,* participating
35 in the program established pursuant to section 3 of this act
36 determines that a position cannot be subject to furlough leave
37 because of the need to provide appropriate services that are
38 necessary to the protection of public health, safety and
39 welfare, the governing body of the agency must make
40 findings on the record in a public meeting that:

41 (a) The position is necessary to the protection of public
42 health, safety, or welfare;

43 (b) The public health, safety or welfare will be
44 significantly diminished if mandatory furlough leave is
45 implemented for employees in these positions; *and*



1 (c) No alternatives exist to provide for the protection of
2 public health, safety or welfare . ~~[- and~~

3 ~~—(d) The agency has identified and will implement other~~
4 ~~methods to reduce overall costs equal to the savings produced~~
5 ~~by furlough leave under the program or received an allocation~~
6 ~~of funds as set forth in section 8 of this act.]~~

7 2. For the purposes of subsection 1:

8 (a) Except as otherwise provided in this subsection, the
9 State Board of Examiners shall determine positions within the
10 Executive Branch of State Government that cannot be subject
11 to furlough leave.

12 (b) The Board of Regents shall determine positions within
13 the Nevada System of Higher Education that cannot be
14 subject to furlough leave.

15 (c) The Public Employees' Retirement Board shall
16 determine positions within the
17 Public Employees' Retirement System that cannot be subject
18 to furlough leave.

19 (d) The Supreme Court shall determine positions within
20 the Judicial Branch of State Government that cannot be
21 subject to furlough leave.

22 (e) The Legislative Commission shall determine positions
23 within the Legislative Branch of State Government that
24 cannot be subject to furlough leave.

25 3. The entities described in subsection 2 shall report to
26 the Interim Finance Committee on a quarterly basis all
27 positions that have been determined not to be subject to
28 furlough leave pursuant to this section and the reasons for
29 such determinations.

30 *4. The salary of any position that has been determined*
31 *not to be subject to furlough leave pursuant to this section*
32 *must be reduced by an amount of 5.75 percent in lieu of*
33 *furlough leave.*

34 **Sec. 4. For the period beginning on July 1, 2010, and ending**
35 **on June 30, 2011:**

36 *1. The compensation of employees of the Senate and*
37 *Assembly due pursuant to NRS 218A.605 must be reduced by 5.75*
38 *percent in lieu of furlough leave;*

39 *2. In calculating the amount of compensation due such an*
40 *employee pursuant to NRS 218A.605, no additional step increase*
41 *authorized by that section may be applied; and*

42 *3. If such an employee is a member of the Public Employees'*
43 *Retirement System who is contributing to the System, the*
44 *provisions of section 4 of chapter 391, Statutes of Nevada 2009, at*



1 *page 2160, as amended by section 2 of this act, apply with respect*
2 *to the employee.*

3 **Sec. 5.** 1. *Notwithstanding the provisions of NRS 281.110*
4 *or any other statute or regulation to the contrary, except as*
5 *otherwise provided in this section and section 6 of this act, for the*
6 *period beginning on July 1, 2010, and ending on June 30, 2011,*
7 *the offices of all state officers, departments, boards, commissions*
8 *and agencies must be closed on Fridays and be open for the*
9 *transaction of business at least from 7 a.m. until 12 p.m. and from*
10 *1 p.m. until 6 p.m. on Monday through Thursday. The workweek*
11 *of the employees of those offices must consist of four 10-hour*
12 *days, Monday through Thursday.*

13 2. *During any week in which falls one or more legal holidays*
14 *pursuant to NRS 236.015, all such offices must be open for the*
15 *transaction of business at least from 8 a.m. until 12 p.m. and from*
16 *1 p.m. until 5 p.m. on each day which is not a legal holiday, and*
17 *the workweek of the employees of those offices during that week*
18 *must consist of 8-hour days. No furlough leave may be taken by*
19 *an employee on any 8-hour day described in this subsection.*

20 3. *An office and its employees may be exempted from the*
21 *requirements of this section upon a determination pursuant to*
22 *subsection 4 that the office must remain open on Fridays because*
23 *of the need to provide appropriate services that are necessary to*
24 *the protection of public health, safety and welfare.*

25 4. *For the purposes of subsection 3:*

26 (a) *Except as otherwise provided in this subsection, the State*
27 *Board of Examiners shall determine exemptions from the*
28 *requirements of this section for offices within the Executive*
29 *Branch of State Government.*

30 (b) *The Board of Regents shall determine exemptions from the*
31 *requirements of this section for offices within the Nevada System*
32 *of Higher Education.*

33 (c) *The Public Employees' Retirement Board shall determine*
34 *exemptions from the requirements of this section for offices within*
35 *the Public Employees' Retirement System.*

36 (d) *The Supreme Court shall determine exemptions from the*
37 *requirements of this section for offices within the Judicial Branch*
38 *of State Government.*

39 (e) *The Legislative Commission shall determine exemptions*
40 *from the requirements of this section for offices within the*
41 *Legislative Branch of State Government.*

42 5. *An entity described in subsection 4 shall report to the*
43 *Interim Finance Committee not later than 60 days after*
44 *determining that an office is exempt from the requirements of this*



1 *section concerning the determination and the reasons for the*
2 *determination.*

3 *6. Notwithstanding the provisions of section 3 of chapter 391,*
4 *Statutes of Nevada 2009, at page 2159, as amended by section 1 of*
5 *this act, to the contrary, an employee of an office that is exempted*
6 *from the requirements of this section may take portions of a day as*
7 *furlough leave that combine to total the amount of the furlough*
8 *leave required by that section, except that any such employee*
9 *described in NRS 284.148 shall take all required furlough leave*
10 *each month during the same week.*

11 *7. If the last day limited by a specific statute for filing any*
12 *paper with or complying with any deadline involving an office that*
13 *is closed on a Friday pursuant to this section falls on that Friday,*
14 *the period so limited must expire on the following business day at*
15 *5 p.m.*

16 **Sec. 6.** *For the period beginning on July 1, 2010, and ending*
17 *on June 30, 2011:*

18 *1. The Department of Corrections shall establish a schedule*
19 *consisting of two 12-hour shifts per day, Monday through Sunday,*
20 *to be staffed by those employees who are employed in facilities that*
21 *are required to provide 24-hour services. Upon a motion of the*
22 *Committee or request of the Department of Corrections that has*
23 *been approved by the Chief of the Budget Division of the*
24 *Department of Administration, exceptions to this subsection may*
25 *be granted by the Interim Finance Committee if the Committee*
26 *determines that the exception is necessary to protect health and*
27 *safety.*

28 *2. The Board of Regents shall establish a schedule consisting*
29 *of rolling 10-hour days which is designed to allow staffing by*
30 *employees of the Nevada System of Higher Education on Monday*
31 *through Friday, with each employee working on only four of those*
32 *days.*

33 **Sec. 7.** *For the period beginning on July 1, 2010, and ending*
34 *on June 30, 2011, if any state agency determines that it will*
35 *require its employees to work more overtime than the amount of*
36 *overtime the state agency required of its employees during the*
37 *preceding fiscal year or, if the overtime requirements of the state*
38 *agency vary substantially during each year of a biennium, during*
39 *the corresponding year of the preceding biennium, the additional*
40 *overtime may only be worked pursuant to a plan that is approved*
41 *in advance by one of the following entities:*

42 *1. Except as otherwise provided in this subsection, the State*
43 *Board of Examiners must approve overtime plans for the*
44 *Executive Branch of State Government.*



1 2. *The Board of Regents must approve overtime plans for the*
2 *Nevada System of Higher Education.*

3 3. *The Public Employees' Retirement Board must approve*
4 *overtime plans for the Public Employees' Retirement System.*

5 4. *The Supreme Court must approve overtime plans for the*
6 *Judicial Branch of State Government.*

7 5. *The Legislative Commission must approve overtime plans*
8 *for the Legislative Branch of State Government.*

9 **Sec. 8.** NRS 245.210 is hereby amended to read as follows:

10 245.210 1. The board of county commissioners of each of the
11 several counties shall, by ordinance or agreement pursuant to
12 chapter 288 of NRS, provide for annual, sick and disability leave for
13 elected and appointed county officers and county employees. The
14 provisions of such an ordinance or agreement may be more
15 restrictive but not more extensive than the provisions set forth in this
16 section.

17 2. The ordinance or agreement must include provisions in
18 substance as follows:

19 (a) A provision that all elected and appointed officers and
20 employees are entitled to annual leave with pay of ~~[1 1/4 working~~
21 ~~days]~~ *10 hours* for each month of service, which may be cumulative
22 from year to year not to exceed ~~[30 working days.]~~ *240 hours.*

23 (b) A provision that the board of county commissioners may by
24 order provide for additional annual leave for long-term appointed
25 officers and employees and for prorated annual leave for part-time
26 employees.

27 (c) A provision that if an appointed officer or employee dies and
28 was entitled to accumulated annual leave under the provisions of the
29 ordinance, the heirs of the deceased officer or employee who are
30 given priority to succeed to his or her assets under the laws of
31 intestate succession of this State, or the executor or administrator
32 of his or her estate, upon submitting satisfactory proof to the board
33 of county commissioners of their entitlement, are entitled to be paid
34 an amount of money equal to the number of days earned or accrued
35 annual leave multiplied by the daily salary or wages of the deceased
36 officer or employee.

37 (d) A provision that an elected county officer must not be paid
38 for accumulated annual leave upon termination of the officer's
39 service.

40 (e) A provision that during the first 6 months of employment of
41 any appointed officer or employee, annual leave accrues as provided
42 in paragraph (a), but annual leave must not be taken during this
43 period.

44 (f) A provision that an appointed officer or employee must not
45 be paid for accumulated annual leave upon termination of



1 employment unless he or she has been employed for 6 months or
2 more.

3 (g) A provision that all elected and appointed officers and
4 employees are entitled to sick and disability leave with pay of ~~1 1/4~~
5 ~~working days~~ 10 hours for each month of service, which may be
6 cumulative from year to year.

7 (h) A provision that the board of county commissioners may by
8 order provide for additional sick and disability leave for long-term
9 employees and for prorated sick and disability leave for part-time
10 employees.

11 (i) A provision that any appointed officer or employee may be
12 granted a leave of absence without pay.

13 3. Such an ordinance or agreement may include a provision
14 that upon termination of employment, retirement or death all elected
15 and appointed officers and employees are entitled to payment for
16 their unused sick leave at their rate of salary at the time of
17 termination, retirement or death.

18 4. Such an ordinance or agreement may include a provision
19 that elected and appointed county officers and employees may
20 donate portions of their accumulated annual and sick leave to other
21 elected and appointed county officers and employees. If such a
22 provision is adopted, donated time must be converted into money at
23 the hourly rate of salary of the donor and the money must be
24 converted into sick leave at the hourly rate of salary of the recipient.

25 **Sec. 9.** NRS 284.180 is hereby amended to read as follows:

26 284.180 1. The Legislature declares that since uniform salary
27 and wage rates and classifications are necessary for an effective and
28 efficient personnel system, the pay plan must set the official rates
29 applicable to all positions in the classified service, but the
30 establishment of the pay plan in no way limits the authority of the
31 Legislature relative to budgeted appropriations for salary and wage
32 expenditures.

33 2. Credit for overtime work directed or approved by the head
34 of an agency or the representative of the head of the agency must be
35 earned at the rate of time and one-half, except for those employees
36 described in NRS 284.148.

37 3. Except as otherwise provided in subsections 4, 6, ~~7~~ and
38 ~~9, 8~~, overtime is considered time worked in excess of ~~8~~:

39 ~~(a) Eight hours in 1 calendar day;~~

40 ~~(b) Eight hours in any 16-hour period; or~~

41 ~~(c) A] a 40-hour week.~~

42 4. Firefighters who choose and are approved for a 24-hour shift
43 shall be deemed to work an average of 56 hours per week and 2,912
44 hours per year, regardless of the actual number of hours worked or
45 on paid leave during any biweekly pay period. A firefighter so



1 assigned is entitled to receive 1/26 of the firefighter's annual salary
2 for each biweekly pay period. In addition, overtime must be
3 considered time worked in excess of:

4 (a) Twenty-four hours in one scheduled shift; or

5 (b) Fifty-three hours average per week during one work period
6 for those hours worked or on paid leave.

7 ➔ The appointing authority shall designate annually the length of
8 the work period to be used in determining the work schedules for
9 such firefighters. In addition to the regular amount paid such a
10 firefighter for the deemed average of 56 hours per week, the
11 firefighter is entitled to payment for the hours which comprise the
12 difference between the 56-hour average and the overtime threshold
13 of 53 hours average at a rate which will result in the equivalent of
14 overtime payment for those hours.

15 5. The Commission shall adopt regulations to carry out the
16 provisions of subsection 4.

17 6. ~~For employees who choose and are approved for a variable~~
18 ~~workday, overtime will be considered only after working 40 hours~~
19 ~~in 1 week.~~

20 ~~—7.]~~ Employees who are eligible under the Fair Labor Standards
21 Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour
22 work schedule within a biweekly pay period and who choose and
23 are approved for such a work schedule will be considered eligible
24 for overtime only after working 80 hours biweekly. ~~[, except those~~
25 ~~eligible employees who are approved for overtime in excess of one~~
26 ~~scheduled shift of 8 or more hours per day.~~

27 ~~—8.]~~ 7. An agency may experiment with innovative workweeks
28 upon the approval of the head of the agency and after majority
29 consent of the affected employees. The affected employees are
30 eligible for overtime only after working 40 hours in a workweek.

31 ~~[9.]~~ 8. This section does not supersede or conflict with existing
32 contracts of employment for employees hired to work 24 hours a
33 day in a home setting. Any future classification in which an
34 employee will be required to work 24 hours a day in a home setting
35 must be approved in advance by the Commission.

36 ~~[10.]~~ 9. All overtime must be approved in advance by the
37 appointing authority or the designee of the appointing authority. No
38 officer or employee, other than a director of a department or the
39 chair of a board, commission or similar body, may authorize
40 overtime for himself or herself. The chair of a board, commission or
41 similar body must approve in advance all overtime worked by
42 members of the board, commission or similar body.

43 ~~[11.]~~ 10. The Budget Division of the Department of
44 Administration shall review all overtime worked by employees of
45 the Executive Department to ensure that overtime is held to a



1 minimum. The Budget Division shall report quarterly to the State
2 Board of Examiners the amount of overtime worked in the quarter
3 within the various agencies of the State.

4 **Sec. 10.** NRS 284.350 is hereby amended to read as follows:

5 284.350 1. Except as otherwise provided in subsections 2, 3
6 and 4, an employee in the public service, whether in the classified or
7 unclassified service, is entitled to annual leave with pay of ~~[1-1/4~~
8 ~~working days]~~ **10 hours** for each month of continuous public
9 service. The annual leave may be cumulative from year to year not
10 to exceed ~~[30 working days.]~~ **240 hours**. The Commission may by
11 regulation provide for additional annual leave for long-term
12 employees and for prorated annual leave for part-time employees.

13 2. Except as otherwise provided in this subsection, any annual
14 leave in excess of ~~[30 working days]~~ **240 hours** must be used before
15 January 1 of the year following the year in which the annual leave in
16 excess of ~~[30 working days]~~ **240 hours** is accumulated or the
17 amount of annual leave in excess of ~~[30 working days]~~ **240 hours** is
18 forfeited on that date. If an employee:

19 (a) On or before October 15, requests permission to take annual
20 leave; and

21 (b) The employee's request for leave is denied in writing for any
22 reason,

23 ➤ the employee is entitled to payment for any annual leave in
24 excess of ~~[30 working days]~~ **240 hours** which the employee
25 requested to take and which the employee would otherwise forfeit as
26 the result of the denial of the employee's request, unless the
27 employee has final authority to approve use of the employee's own
28 accrued leave and the employee received payment pursuant to this
29 subsection for any unused annual leave in excess of ~~[30 working~~
30 ~~days]~~ **240 hours** accumulated during the immediately preceding
31 calendar year. The payment for the employee's unused annual leave
32 must be made to the employee not later than January 31.

33 3. Officers and members of the faculty of the Nevada System
34 of Higher Education are entitled to annual leave as provided by the
35 regulations adopted pursuant to subsection 2 of NRS 284.345.

36 4. The Commission shall establish by regulation a schedule for
37 the accrual of annual leave for employees who regularly work more
38 than 40 hours per week or 80 hours biweekly. The schedule must
39 provide for the accrual of annual leave at the same rate
40 proportionately as employees who work a 40-hour week accrue
41 annual leave.

42 5. No elected state officer may be paid for accumulated annual
43 leave upon termination of the officer's service.



1 6. During the first 6 months of employment of any employee in
2 the public service, annual leave accrues as provided in subsection 1,
3 but no annual leave may be taken during that period.

4 7. No employee in the public service may be paid for
5 accumulated annual leave upon termination of employment unless
6 the employee has been employed for 6 months or more.

7 8. Upon the request of an employee, the appointing authority of
8 the employee may approve the reduction or satisfaction of an
9 overpayment of the salary of the employee that was not obtained by
10 the fraud or willful misrepresentation of the employee with a
11 corresponding amount of the accrued annual leave of the employee.

12 **Sec. 11.** NRS 284.355 is hereby amended to read as follows:

13 284.355 1. Except as otherwise provided in this section, all
14 employees in the public service, whether in the classified or
15 unclassified service, are entitled to sick and disability leave with pay
16 of ~~[1 1/4 working days]~~ **10 hours** for each month of service, which
17 may be cumulative from year to year. After an employee has
18 accumulated ~~[90 working days]~~ **720 hours** of sick leave, the amount
19 of additional unused sick leave which the employee is entitled to
20 carry forward from 1 year to the next is limited to one-half of the
21 unused sick leave accrued during that year, but the Commission may
22 by regulation provide for subsequent use of unused sick leave
23 accrued but not carried forward because of this limitation in cases
24 where the employee is suffering from a long-term or chronic illness
25 and has used all sick leave otherwise available to the employee.

26 2. Upon the retirement of an employee, the employee's
27 termination through no fault of the employee or the
28 employee's death while in public employment, the employee or the
29 employee's beneficiaries are entitled to payment:

30 (a) For the employee's unused sick leave in excess of ~~[30 days,]~~
31 **240 hours**, exclusive of any unused sick leave accrued but not
32 carried forward, according to the employee's number of years of
33 public service, except service with a political subdivision of the
34 State, as follows:

35 (1) For 10 years of service or more but less than 15 years, not
36 more than \$2,500.

37 (2) For 15 years of service or more but less than 20 years, not
38 more than \$4,000.

39 (3) For 20 years of service or more but less than 25 years, not
40 more than \$6,000.

41 (4) For 25 years of service, not more than \$8,000.

42 (b) For the employee's unused sick leave accrued but not carried
43 forward, an amount equal to one-half of the sum of:

44 (1) The employee's hours of unused sick leave accrued but
45 not carried forward; and



1 (2) An additional 120 hours.

2 3. The Commission may by regulation provide for additional
3 sick and disability leave for long-term employees and for prorated
4 sick and disability leave for part-time employees.

5 4. An employee entitled to payment for unused sick leave
6 pursuant to subsection 2 may elect to receive the payment in any
7 one or more of the following forms:

8 (a) A lump-sum payment.

9 (b) An advanced payment of the premiums or contributions for
10 insurance coverage for which the employee is otherwise eligible
11 pursuant to chapter 287 of NRS. If the insurance coverage is
12 terminated and the money advanced for premiums or contributions
13 pursuant to this subsection exceeds the amount which is payable for
14 premiums or contributions for the period for which the former
15 employee was actually covered, the unused portion of the advanced
16 payment must be paid promptly to the former employee or, if the
17 employee is deceased, to the employee's beneficiary.

18 (c) The purchase of additional retirement credit, if the employee
19 is otherwise eligible pursuant to chapter 286 of NRS.

20 5. Officers and members of the faculty of the Nevada System
21 of Higher Education are entitled to sick and disability leave as
22 provided by the regulations adopted pursuant to subsection 2 of
23 NRS 284.345.

24 6. The Commission may by regulation provide policies
25 concerning employees with mental or emotional disorders which:

26 (a) Use a liberal approach to the granting of sick leave or leave
27 without pay to such an employee if it is necessary for the employee
28 to be absent for treatment or temporary hospitalization.

29 (b) Provide for the retention of the job of such an employee for a
30 reasonable period of absence, and if an extended absence
31 necessitates separation or retirement, provide for the reemployment
32 of such an employee if at all possible after recovery.

33 (c) Protect employee benefits, including, without limitation,
34 retirement, life insurance and health benefits.

35 7. The Commission shall establish by regulation a schedule for
36 the accrual of sick leave for employees who regularly work more
37 than 40 hours per week or 80 hours biweekly. The schedule must
38 provide for the accrual of sick leave at the same rate proportionately
39 as employees who work a 40-hour week accrue sick leave.

40 8. The Department may investigate any instance in which it
41 believes that an employee has taken sick or disability leave to which
42 the employee was not entitled. If, after notice to the employee and a
43 hearing, the Commission determines that the employee has taken
44 sick or disability leave to which the employee was not entitled, the



1 Commission may order the forfeiture of all or part of the employee's
2 accrued sick leave.

3 **Sec. 12.** Any use of the term "working day" in a regulation of
4 the Personnel Commission which concerns the earning, calculation
5 or use of annual leave or sick leave must be interpreted to mean a
6 period of work consisting of 8 hours until that regulation is
7 otherwise amended by the Personnel Commission.

8 **Sec. 13.** 1. Each exemption from furlough leave which was
9 granted on or before June 30, 2010, is hereby declared void.

10 2. The provisions of subsection 1 do not preclude the
11 reapplication for and granting of any exemption that is declared void
12 by subsection 1.

13 **Sec. 14.** 1. This act becomes effective on July 1, 2010.

14 2. Sections 1 to 7, inclusive, 11 and 12 of this act, and sections
15 3, 4 and 5 of chapter 391, Statutes of Nevada 2009, expire by
16 limitation on June 30, 2011.

