

SENATE BILL NO. 3—COMMITTEE OF THE WHOLE

FEBRUARY 25, 2010

Referred to Committee of the Whole

SUMMARY—Revises provisions relating to governmental administration. (BDR S-16)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to governmental administration; 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 school districts to require employees to take unpaid furlough leave; prohibiting certain additional compensation and adjustments to the salaries of newly hired classified state employees; 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 school districts to require



10 employees to take unpaid furlough leave unless the requirement would conflict with
11 a collective bargaining agreement. **Section 1** also provides that the furlough
12 requirements do not apply to a board, commission or agency the sole function of
13 which is regulating a profession, occupation or business and which is not subject to
14 the State Budget Act.

15 **Section 3** of this bill provides that certain exemptions from the furlough
16 requirement must be approved by the Interim Finance Committee and that the
17 salary of any employee who is exempt from the furlough requirement must be
18 reduced by 5.75 percent in lieu of furlough leave for the 2010-2011 Fiscal Year.

19 Existing law provides that employees who are subject to the furlough
20 requirement be held harmless in the accumulation of retirement service credit and
21 reported salary for purposes of the Public Employees' Retirement System. (Section
22 4 of chapter 391, Statutes of Nevada 2009, p. 2160) **Section 2** of this bill provides
23 similar protections for state employees whose salaries are reduced by 5.75 percent
24 in lieu of furlough leave but provides school districts with discretion as to whether
25 such protections are provided to its employees.

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

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

43 **Section 7** of this bill provides that certain additional overtime required by state
44 agencies may only be worked pursuant to a plan that is approved before the
45 overtime is worked. **Section 9** of this bill revises the calculation of overtime to
46 account for workweeks consisting of 8-hour or 10-hour days and with respect to
47 corrections officers of the Department of Corrections.

48 Existing law authorizes certain supplemental compensation and adjustments to
49 the base rate of pay of classified employees for various purposes. (NRS 209.183,
50 284.175, NAC 284.206-284.218) **Sections 7.5 and 8.5** of the bill prohibit such
51 supplemental compensation and adjustments to the salaries of classified employees
52 hired on or after March 1, 2010.

53 **Section 13** of this bill declares void all exemptions from furlough leave that
54 were granted on or before June 30, 2010, but authorizes the reapplication for and
55 granting of such exemptions. **Section 14** of this bill sunsets on June 30, 2011, the
56 requirement: (1) for unpaid furlough leave or a salary reduction in lieu of such
57 leave; (2) that state agencies are closed on Fridays; and (3) that state employees
58 work 10-hour days.



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 *subsection*
4 **9 and** section 5 of 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 ~~and~~ **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
14 Education, the Public Employees' Retirement System and all
15 other entities of state government.

16 ↪ The requirements of this section do not apply to employees
17 of the Department of Cultural Affairs whose standard
18 workweek was reduced from 40 hours to 32 hours effective
19 July 1, 2009.

20 2. Except as otherwise provided in this subsection, for
21 the purposes of this section "1 day" consists of the number of
22 hours an employee works in a standard workday, but not
23 more than ~~8~~ **10** hours. An employee must take 1 day of
24 furlough leave each month and cannot take portions of a day
25 that combine to total the amount of the required monthly
26 furlough leave. A full-time employee whose standard
27 workday is longer than ~~8~~ **10** hours shall take ~~8~~ **10** hours of
28 furlough leave on a single workday and may take annual
29 leave for the remainder of the day, work a reduced schedule
30 that day or work a modified schedule approved by his
31 employer. An employee who works less than full time with a
32 fixed schedule shall take as furlough leave the portion of ~~an~~
33 ~~8-hour~~ **a 10-hour** day that his scheduled workweek or
34 biweekly schedule bears to a full-time workweek or biweekly
35 schedule.

36 3. For the period beginning on July 1, ~~2009,~~ **2010**, and
37 ending on June 30, 2011, each employee in the classified
38 service of the State ~~and~~ **and each employee of the Legislature,**
39 **Legislative Counsel Bureau and Budget Division of the**
40 **Department of Administration** shall:



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

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

7 ↪ An employee in the classified service of the State *or an*
8 *employee of the Legislature, Legislative Counsel Bureau or*
9 *Budget Division of the Department of Administration* may
10 take unpaid furlough leave in portions of a day that combine
11 to total the amount of required yearly leave. To the extent
12 practicable, full-time classified employees *and full-time*
13 *employees of the Legislature, Legislative Counsel Bureau*
14 *and Budget Division of the Department of Administration*
15 should take ~~[8]~~ 10 hours of unpaid furlough leave per month.
16 To the extent practicable, a classified employee *or an*
17 *employee of the Legislature, Legislative Counsel Bureau or*
18 *Budget Division of the Department of Administration* who
19 works less than full time with a fixed schedule should take as
20 unpaid furlough leave the portion of ~~[an 8-hour]~~ *a 10-hour*
21 day his scheduled workweek or biweekly schedule bears to a
22 full-time workweek or biweekly schedule.

23 4. *For the period beginning on July 1, 2010, and*
24 *ending on June 30, 2011, except as otherwise provided in*
25 *subsection 8 and notwithstanding any other specific statute*
26 *to the contrary, a school district may require each employee*
27 *to take unpaid furlough leave in the amount and manner*
28 *determined by the school district.*

29 5. Furlough leave pursuant to this section must be
30 scheduled and approved in the same manner as other leave.
31 Notwithstanding any statute or regulation to the contrary and
32 except as otherwise provided by regulation adopted pursuant
33 to this section by the Personnel Commission, an employee *of*
34 *the State* who is on furlough leave is considered to have
35 worked that day or portion of a day, as applicable, for all
36 purposes except payment of salary and determination of
37 overtime, including without limitation:

- 38 (a) Accrual of sick and annual leave;
39 (b) Determining the employee's pay progression date;
40 (c) Continuity of service and years of service for the
41 purposes of payments pursuant to the plan to encourage
42 continuity of service;
43 (d) The duration of a probationary period;
44 (e) Determining eligibility for holiday pay if the shift
45 immediately precedes a holiday;



- 1 (f) Seniority for all purposes, including layoffs;
- 2 (g) The Public Employees' Benefits Program; and
- 3 (h) The Public Employees' Retirement System, including
- 4 for the purposes of contributions to the System, subject to the
- 5 requirements of sections 4 and 5 of this act.

6 ~~[5.]~~ 6. The Board of Regents of the University of

7 Nevada shall determine and implement the method by which:

8 (a) The professional employees of the Nevada System of

9 Higher Education will participate in the furlough requirement

10 pursuant to this section; or

11 (b) The overall costs for the professional employees of

12 the Nevada System of Higher Education will be reduced in an

13 amount at least equal to the savings which would have

14 otherwise been produced by furlough leave pursuant to this

15 section.

16 ~~[6.]~~ 7. Except as otherwise provided in subsection ~~[5.]~~

17 6, the Personnel Commission shall adopt regulations *which*

18 *are applicable to employees of the State* to carry out the

19 provisions of this section.

20 8. *The provisions of subsection 4 do not apply to the*

21 *extent that those provisions conflict with the provisions of a*

22 *collective bargaining agreement entered into pursuant to*

23 *chapter 288 of NRS.*

24 9. *The provisions of this section do not apply to a*

25 *board, the commission or agency the sole function of which is*

26 *the regulation of a profession, occupation or business and*

27 *which is not subject to the provisions of NRS 353.150 to*

28 *353.246, inclusive.*

29 10. *As used in this section, "public employer" has the*

30 *meaning ascribed to it in NRS 286.070.*

31 **Sec. 2.** Section 4 of chapter 391, Statutes of Nevada 2009, at

32 page 2160, is hereby amended to read as follows:

33 Sec. 4. 1. It is the intent of the Legislature to establish

34 a program whereby employees of the State and other

35 participating *public* employers ~~[who]~~ :

36 (a) *Who* take furlough leave due to extreme fiscal need ~~[;~~

37 ~~including employees required to take furlough leave pursuant~~

38 ~~to section 3 of this act.]; or~~

39 (b) *Whose salaries are reduced in lieu of furlough leave,*

40 *↪ be held harmless in the accumulation of retirement service*

41 *credit and reported salary pursuant to chapter 286 of NRS [;],*

42 *except that, in the case of an employee of a school district,*

43 *the school district shall determine whether the employee will*

44 *be so held harmless.*



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

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

10 (b) The public employer certifies to the System that the
11 employer is participating in the furlough program established
12 pursuant to section 3 of this act and that the furlough leave
13 which is reported for the employee is taken in accordance
14 with the requirements of section 3 of this act.

15 3. In any month in which a day of furlough leave is
16 taken, an employee is entitled to receive full-time service
17 credit for the furlough leave in accordance with the normal
18 workday for the employee. An employee who is less than full
19 time is entitled to service credit in the same manner and to the
20 same extent as though the employee had worked the hours
21 taken as furlough leave.

22 4. *If the salary of any member is reduced in lieu of*
23 *furlough leave, the public employer shall certify to the*
24 *System that the salary of that member has been so reduced.*

25 5. When a member is on furlough leave pursuant to the
26 program certified by the public employer in accordance with
27 this section, *or when the salary of a member is reduced in*
28 *lieu of furlough leave and certified by the public employer*
29 *in accordance with this section*, the public employer must:

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

33 (b) Pay all required employer and employee contributions
34 to the System based on the compensation that would have
35 been paid to the member but for the member's participation in
36 the program. The public employer may recover from the
37 employee the amount of the employee contributions set forth
38 in NRS 286.410.

39 ~~[5.]~~ 6. Service credit under the program established
40 pursuant to this section must be computed according to the
41 fiscal year.

42 ~~[6.]~~ 7. As used in this section:

43 (a) "Member" has the meaning ascribed to it in
44 NRS 286.050.



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

3 (c) "System" means the Public Employees' Retirement
4 System.

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

7 Sec. 5. 1. It is the intent of the Legislature to limit
8 exceptions to the requirement of furlough leave for
9 employees of the State pursuant to section 3 of this act to
10 identified areas of critical need. If ~~[an]~~ *a state* employer,
11 ~~[including the State,]~~ participating in the program established
12 pursuant to section 3 of this act determines that a position
13 cannot be subject to furlough leave because of the need to
14 provide appropriate services that are necessary to the
15 protection of public health, safety and welfare, the governing
16 body of the agency must make findings on the record in a
17 public meeting that:

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

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

23 (c) No alternatives exist to provide for the protection of
24 public health, safety or welfare. ~~;~~ *and*

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

29 2. For the purposes of subsection 1:

30 (a) Except as otherwise provided in this subsection, the
31 State Board of Examiners shall determine positions within the
32 Executive Branch of State Government that cannot be subject
33 to furlough leave. *Any such determination is not effective*
34 *unless approved by the Interim Finance Committee.*

35 (b) The Board of Regents shall determine positions within
36 the Nevada System of Higher Education that cannot be
37 subject to furlough leave. *Any such determination is not*
38 *effective unless approved by the Interim Finance*
39 *Committee.*

40 (c) The Public Employees' Retirement Board shall
41 determine positions within the
42 Public Employees' Retirement System that cannot be subject
43 to furlough leave.



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

4 (e) The Legislative Commission shall determine positions
5 within the Legislative Branch of State Government that
6 cannot be subject to furlough leave.

7 3. The entities described in subsection 2 shall report to
8 the Interim Finance Committee on a quarterly basis all
9 positions that have been determined not to be subject to
10 furlough leave pursuant to this section and the reasons for
11 such determinations.

12 *4. The salary of any position that has been determined*
13 *not to be subject to furlough leave pursuant to this section*
14 *must be reduced by an amount of 5.75 percent in lieu of*
15 *furlough leave, except that the payment of any special or*
16 *other adjustments to the base rate and any overtime that is*
17 *worked by an employee who is filling such a position must*
18 *be calculated based on the employee's unreduced salary.*

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

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

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

27 *3. If such an employee is a member of the Public Employees'*
28 *Retirement System who is contributing to the System, the*
29 *provisions of section 4 of chapter 391, Statutes of Nevada 2009, at*
30 *page 2160, as amended by section 2 of this act, apply with respect*
31 *to the employee.*

32 **Sec. 5.** *1. Notwithstanding the provisions of NRS 281.110*
33 *or any other statute or regulation to the contrary, except as*
34 *otherwise provided in this section and section 6 of this act, for the*
35 *period beginning on July 1, 2010, and ending on June 30, 2011,*
36 *the offices of all state officers, departments, boards, commissions*
37 *and agencies must be closed on Fridays and be open for the*
38 *transaction of business at least from 7 a.m. until 12 p.m. and from*
39 *1 p.m. until 6 p.m. on Monday through Thursday. The workweek*
40 *of the employees of those offices must consist of four 10-hour*
41 *days, Monday through Thursday.*

42 *2. During any week in which falls one or more legal holidays*
43 *pursuant to NRS 236.015, all such offices must be open for the*
44 *transaction of business at least from 8 a.m. until 12 p.m. and from*
45 *1 p.m. until 5 p.m. on each day which is not a legal holiday, and*



1 *the workweek of the employees of those offices during that week*
2 *must consist of 8-hour days. No furlough leave may be taken by*
3 *an employee on any 8-hour day described in this subsection.*

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

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

10 (a) *Except as otherwise provided in this subsection, the State*
11 *Board of Examiners shall determine exemptions from the*
12 *requirements of this section for offices within the Executive*
13 *Branch of State Government.*

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

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

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

23 (e) *The Legislative Commission shall determine exemptions*
24 *from the requirements of this section for offices within the*
25 *Legislative Branch of State Government.*

26 5. *An entity described in subsection 4 shall report to the*
27 *Interim Finance Committee not later than 60 days after*
28 *determining that an office is exempt from the requirements of this*
29 *section concerning the determination and the reasons for the*
30 *determination.*

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

39 7. *If the last day limited by a specific statute for filing any*
40 *paper with or complying with any deadline involving an office that*
41 *is closed on a Friday pursuant to this section falls on that Friday,*
42 *the period so limited must expire on the following business day at*
43 *5 p.m.*

44 8. *The provisions of this section do not apply to a board,*
45 *commission or agency the sole function of which is the regulation*



1 *of a profession, occupation or business and which is not subject to*
2 *the provisions of NRS 353.150 to 353.246, inclusive.*

3 **Sec. 6.** *For the period beginning on July 1, 2010, and ending*
4 *on June 30, 2011, the Board of Regents shall establish a schedule*
5 *consisting of rolling 10-hour days which is designed to allow*
6 *staffing by employees of the Nevada System of Higher Education*
7 *on Monday through Friday, with each employee working on only*
8 *four of those days.*

9 **Sec. 7.** *For the period beginning on July 1, 2010, and ending*
10 *on June 30, 2011, if any state agency determines that it will*
11 *require its employees to work more overtime than the amount of*
12 *overtime the state agency required of its employees during the*
13 *preceding fiscal year or, if the overtime requirements of the state*
14 *agency vary substantially during each year of a biennium, during*
15 *the corresponding year of the preceding biennium, the additional*
16 *overtime may only be worked pursuant to a plan that is approved*
17 *in advance by one of the following entities:*

18 *1. Except as otherwise provided in this section, the State*
19 *Board of Examiners must approve overtime plans for the*
20 *Executive Branch of State Government.*

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

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

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

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

29 **Sec. 7.5.** NRS 209.183 is hereby amended to read as follows:

30 209.183 In addition to his or her regular salary, each person
31 employed *before March 1, 2010*, by the Department of Corrections
32 or the Division of Forestry of the State Department of Conservation
33 and Natural Resources at the Southern Nevada Correctional Center,
34 the Southern Desert Correctional Center, the Indian Springs
35 Conservation Camp, the correctional institution identified as the
36 Men's Prison No. 7 in chapter 656, Statutes of Nevada 1995, and
37 chapter 478, Statutes of Nevada 1997, or the Jean Conservation
38 Camp is entitled to receive, as compensation for travel expenses, not
39 more than \$7.50 for each day he or she reports to work if his or her
40 residence is more than 25 miles from the respective facility. The
41 total cost for compensation for travel expenses authorized by this
42 section must not exceed the amount specially appropriated for this
43 purpose.

44 **Sec. 8.** (Deleted by amendment.)



1 **Sec. 8.1.** NRS 284.065 is hereby amended to read as follows:

2 284.065 1. The Commission has only such powers and duties
3 as are authorized by law.

4 2. In addition to the powers and duties set forth elsewhere in
5 this chapter, the Commission shall:

6 (a) Advise the Director concerning the organization and
7 administration of the Department.

8 (b) Report to the Governor biennially on all matters which the
9 Commission may deem pertinent to the Department and concerning
10 any specific matters previously requested by the Governor.

11 (c) Advise and make recommendations to the Governor or the
12 Legislature relative to the personnel policy of the State.

13 (d) ~~[Adopt]~~ *Except as otherwise provided in subsection 4 of*
14 *NRS 284.175, adopt* regulations to carry out the provisions of this
15 chapter.

16 (e) Foster the interest of institutions of learning and of civic,
17 professional and employee organizations in the improvement of
18 personnel standards in the state service.

19 (f) Review decisions of the Director in contested cases involving
20 the classification or allocation of particular positions.

21 (g) Exercise any other advisory powers necessary or reasonably
22 implied within the provisions and purposes of this chapter.

23 **Sec. 8.3.** NRS 284.155 is hereby amended to read as follows:

24 284.155 1. ~~[The]~~ *Except as otherwise provided in subsection*
25 *4 of NRS 284.175, the* Commission shall adopt a code of
26 regulations for the classified service.

27 2. The code must include regulations concerning certifications
28 and appointments for:

29 (a) Positions in classes having a maximum salary of \$12,500 or
30 less as of December 31, 1980, where the regular procedures for
31 examination and certification are impracticable; and

32 (b) Classes where applicants for promotion are not normally
33 available.

34 ➤ These regulations may be different from the regulations
35 concerning certifications and appointments for other positions in the
36 classified service.

37 **Sec. 8.5.** NRS 284.175 is hereby amended to read as follows:

38 284.175 1. After consultation with appointing authorities and
39 state fiscal officers, the Director shall prepare a pay plan for all
40 employees in the classified service.

41 2. The pay plan and its amendments become effective only
42 after approval by the Governor.

43 3. ~~[The]~~ *Except as otherwise provided in subsection 4, the* pay
44 plan must include, without limitation, ranges for each class, grade or
45 group of positions in the classified service. Each employee in the



1 classified service must be paid at one of the rates set forth in the pay
2 plan for the class of position in which the employee is employed and
3 at such time as necessary money is made available for the payment.

4 4. *The pay plan may not include any special or other*
5 *adjustments to the base rates set forth in the pay plan for*
6 *employees hired on or after March 1, 2010.*

7 5. The Commission shall adopt regulations to carry out the pay
8 plan.

9 ~~5.1~~ 6. The Director may make recommendations to the
10 Legislature during regular legislative sessions concerning salaries
11 for the classified service of the State. In making such
12 recommendations, the Director shall consider factors such as:

13 (a) Surveys of salaries of comparable jobs in government and
14 private industry within the State of Nevada and western states,
15 where appropriate;

16 (b) Changes in the cost of living;

17 (c) The rate of turnover and difficulty of recruitment for
18 particular positions; and

19 (d) Maintaining an equitable relationship among classifications.

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

21 284.180 1. The Legislature declares that since uniform salary
22 and wage rates and classifications are necessary for an effective and
23 efficient personnel system, the pay plan must set the official rates
24 applicable to all positions in the classified service, but the
25 establishment of the pay plan in no way limits the authority of the
26 Legislature relative to budgeted appropriations for salary and wage
27 expenditures.

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

32 3. Except as otherwise provided in subsections 4, 6, 7 and 9 ~~4~~
33 :

34 (a) *During a workweek consisting of 10-hour days, overtime is*
35 *considered time worked in excess of:*

36 (1) *Ten hours in 1 calendar day;*

37 (2) *Ten hours in any 18-hour period; or*

38 (3) *A 40-hour week.*

39 (b) *During a workweek consisting of 8-hour days, overtime is*
40 *considered time worked in excess of:*

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

42 ~~(b)~~ (2) Eight hours in any 16-hour period; or

43 ~~(c)~~ (3) A 40-hour week.

44 4. Firefighters who choose and are approved for a 24-hour shift
45 shall be deemed to work an average of 56 hours per week and 2,912



1 hours per year, regardless of the actual number of hours worked or
2 on paid leave during any biweekly pay period. A firefighter so
3 assigned is entitled to receive 1/26 of the firefighter's annual salary
4 for each biweekly pay period. In addition, overtime must be
5 considered time worked in excess of:

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

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

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

17 5. The Commission shall adopt regulations to carry out the
18 provisions of subsection 4.

19 6. ~~For employees who choose and are approved for a variable~~
20 ~~workday, overtime will be considered only after working 40 hours~~
21 ~~in 1 week.]~~ *Corrections Officers of the Department of Corrections*
22 *must be scheduled to work not less than three consecutive 12-hour*
23 *shifts and not less than seven 12-hour shifts during each 14-day*
24 *pay period. Overtime must be considered time worked in excess of:*

25 (a) *Twelve hours in one shift; or*

26 (b) *Eighty-four hours in any 14-day pay period.*

27 7. Employees who are eligible under the Fair Labor Standards
28 Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable ~~[80 hour]~~
29 work schedule within a biweekly pay period ~~[and who choose and~~
30 ~~are approved for such a work schedule]~~ will be considered eligible
31 for overtime ~~[only after working 80 hours biweekly, except those~~
32 ~~eligible employees who are approved for overtime in excess of one~~
33 ~~scheduled shift of 8 or more hours per day.]~~ *in accordance with the*
34 *Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.*

35 8. An agency may experiment with innovative workweeks
36 upon the approval of the head of the agency and after majority
37 consent of the affected employees. The affected employees are
38 eligible for overtime only after working 40 hours in a workweek.

39 9. This section does not supersede or conflict with existing
40 contracts of employment for employees hired to work 24 hours a
41 day in a home setting. Any future classification in which an
42 employee will be required to work 24 hours a day in a home setting
43 must be approved in advance by the Commission.

44 10. All overtime must be approved in advance by the
45 appointing authority or the designee of the appointing authority. No



1 officer or employee, other than a director of a department or the
2 chair of a board, commission or similar body, may authorize
3 overtime for himself or herself. The chair of a board, commission or
4 similar body must approve in advance all overtime worked by
5 members of the board, commission or similar body.

6 11. The Budget Division of the Department of Administration
7 shall review all overtime worked by employees of the Executive
8 Department to ensure that overtime is held to a minimum. The
9 Budget Division shall report quarterly to the State Board of
10 Examiners the amount of overtime worked in the quarter within the
11 various agencies of the State.

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

13 284.350 1. Except as otherwise provided in subsections 2, 3
14 and 4, an employee in the public service, whether in the classified or
15 unclassified service, is entitled to annual leave with pay of ~~[1-1/4~~
16 ~~working days]~~ 10 hours for each month of continuous public
17 service. The annual leave may be cumulative from year to year not
18 to exceed ~~[30 working days.]~~ 240 hours. The Commission may by
19 regulation provide for additional annual leave for long-term
20 employees and for prorated annual leave for part-time employees.

21 2. Except as otherwise provided in this subsection, any annual
22 leave in excess of ~~[30 working days]~~ 240 hours must be used before
23 January 1 of the year following the year in which the annual leave in
24 excess of ~~[30 working days]~~ 240 hours is accumulated or the
25 amount of annual leave in excess of ~~[30 working days]~~ 240 hours is
26 forfeited on that date. If an employee:

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

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

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

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

44 4. The Commission shall establish by regulation a schedule for
45 the accrual of annual leave for employees who regularly work more



1 than 40 hours per week or 80 hours biweekly. The schedule must
2 provide for the accrual of annual leave at the same rate
3 proportionately as employees who work a 40-hour week accrue
4 annual leave.

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

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

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

13 8. Upon the request of an employee, the appointing authority of
14 the employee may approve the reduction or satisfaction of an
15 overpayment of the salary of the employee that was not obtained by
16 the fraud or willful misrepresentation of the employee with a
17 corresponding amount of the accrued annual leave of the employee.

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

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

32 2. Upon the retirement of an employee, the employee's
33 termination through no fault of the employee or the
34 employee's death while in public employment, the employee or the
35 employee's beneficiaries are entitled to payment:

36 (a) For the employee's unused sick leave in excess of ~~[30 days,]~~
37 **240 hours**, exclusive of any unused sick leave accrued but not
38 carried forward, according to the employee's number of years of
39 public service, except service with a political subdivision of the
40 State, as follows:

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

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



- 1 (3) For 20 years of service or more but less than 25 years, not
2 more than \$6,000.
- 3 (4) For 25 years of service, not more than \$8,000.
- 4 (b) For the employee's unused sick leave accrued but not carried
5 forward, an amount equal to one-half of the sum of:
- 6 (1) The employee's hours of unused sick leave accrued but
7 not carried forward; and
- 8 (2) An additional 120 hours.
- 9 3. The Commission may by regulation provide for additional
10 sick and disability leave for long-term employees and for prorated
11 sick and disability leave for part-time employees.
- 12 4. An employee entitled to payment for unused sick leave
13 pursuant to subsection 2 may elect to receive the payment in any
14 one or more of the following forms:
- 15 (a) A lump-sum payment.
- 16 (b) An advanced payment of the premiums or contributions for
17 insurance coverage for which the employee is otherwise eligible
18 pursuant to chapter 287 of NRS. If the insurance coverage is
19 terminated and the money advanced for premiums or contributions
20 pursuant to this subsection exceeds the amount which is payable for
21 premiums or contributions for the period for which the former
22 employee was actually covered, the unused portion of the advanced
23 payment must be paid promptly to the former employee or, if the
24 employee is deceased, to the employee's beneficiary.
- 25 (c) The purchase of additional retirement credit, if the employee
26 is otherwise eligible pursuant to chapter 286 of NRS.
- 27 5. Officers and members of the faculty of the Nevada System
28 of Higher Education are entitled to sick and disability leave as
29 provided by the regulations adopted pursuant to subsection 2 of
30 NRS 284.345.
- 31 6. The Commission may by regulation provide policies
32 concerning employees with mental or emotional disorders which:
- 33 (a) Use a liberal approach to the granting of sick leave or leave
34 without pay to such an employee if it is necessary for the employee
35 to be absent for treatment or temporary hospitalization.
- 36 (b) Provide for the retention of the job of such an employee for a
37 reasonable period of absence, and if an extended absence
38 necessitates separation or retirement, provide for the reemployment
39 of such an employee if at all possible after recovery.
- 40 (c) Protect employee benefits, including, without limitation,
41 retirement, life insurance and health benefits.
- 42 7. The Commission shall establish by regulation a schedule for
43 the accrual of sick leave for employees who regularly work more
44 than 40 hours per week or 80 hours biweekly. The schedule must



* S B 3 R 1 *

1 provide for the accrual of sick leave at the same rate proportionately
2 as employees who work a 40-hour week accrue sick leave.

3 8. The Department may investigate any instance in which it
4 believes that an employee has taken sick or disability leave to which
5 the employee was not entitled. If, after notice to the employee and a
6 hearing, the Commission determines that the employee has taken
7 sick or disability leave to which the employee was not entitled, the
8 Commission may order the forfeiture of all or part of the employee's
9 accrued sick leave.

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

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

17 2. The provisions of subsection 1 do not preclude the
18 reapplication for and granting of any exemption that is declared void
19 by subsection 1.

20 **Sec. 13.5.** 1. Notwithstanding any contrary order, directive,
21 policy or request made by any other officer or agency of the
22 Executive Department of the State Government, the Department of
23 Personnel or other responsible officer or agency shall administer,
24 carry out and make payments pursuant to NRS 209.183 and NAC
25 284.206, 284.208, 284.210, 284.214 and 284.218, as those
26 provisions existed on February 23, 2010, to any employee as
27 defined in this section who:

28 (a) Was receiving such payments on February 23, 2010, in
29 accordance with the provisions of those statutes and regulations; or

30 (b) Becomes eligible to receive such payments on or after
31 February 23, 2010, in accordance with the provisions of those
32 statutes and regulations.

33 2. This section does not:

34 (a) Make any employee eligible to receive such payments if the
35 employee does not otherwise meet the criteria to receive such
36 payments in accordance with the provisions of those statutes and
37 regulations.

38 (b) Prohibit the Department of Personnel from stopping such
39 payments to any employee when the employee no longer meets the
40 criteria to receive such payments in accordance with the provisions
41 of those statutes and regulations.

42 3. As used in this section, "employee" means a person who:

43 (a) Is employed by the Executive Department of the State
44 Government on February 23, 2010; or



1 (b) Was employed by the Executive Department of the State
2 Government on or before February 23, 2010, and who returns to
3 employment with the Executive Department of the State
4 Government on or after that date.

5 4. The term "employee" does not include any person who is
6 employed by the Executive Department of the State Government for
7 the first time after February 23, 2010.

8 **Sec. 14.** 1. This section and sections 7.5, 8.1, 8.3, 8.5 and
9 13.5 of this act become effective upon passage and approval.

10 2. Sections 1 to 7, inclusive, 8, 9 to 12, inclusive, and 13 of this
11 act become effective on July 1, 2010.

12 3. Sections 1 to 7, inclusive, 12 and 13 of this act, and sections
13 3, 4 and 5 of chapter 391, Statutes of Nevada 2009, expire by
14 limitation on June 30, 2011.

