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WORK SESSION

Assembly Committee on Government Affairs

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

ASSEMBLY BILL 217

Makes various changes regarding State Personnel System. (BDR 23-495)

Sponsored by: Assembly Committee on Government Affairs
On behalf of the Department of Personnel
Date Heard: March 13, 2003

Assembly Bill 217 makes the following changes: (1) allows a state agency to deviate from the traditional work week schedule for the convenience of those it serves; (2) amends provisions relating to drug screening for prospective employees; (3) allows certain employees to satisfy their obligation related to the "overlapping week" from 1999 using annual leave; and (4) permits the clerk of the State Board of Examiners to write off certain overpayments of less than \$50 as bad debts. The bill also makes a number of housekeeping amendments.

Amendments: At the direction of the Chair, Assembly Bill 217 was referred to a subcommittee. Assemblywoman Peggy Pierce was the subcommittee chair. A copy of the subcommittee report is attached.

A mock-up of the proposed amendments recommended by the subcommittee is attached.

Opposition: None

Fiscal Impact: Local Government: No
State Government: Yes - Fiscal note attached

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3/24/2003

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ASSEMBLY GOVERNMENT AFFAIRS 61-3
DATE: 3/25/03 ROOM: 3143 EXHIBIT G
SUBMITTED BY: Susan Scholley

**REPORT OF SUBCOMMITTEE ON ASSEMBLY BILL 217
TO ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

Summary: Assembly Bill 217 has four major components that were discussed in the Subcommittee: (1) allowing a state agency to deviate from the traditional work week schedule for the convenience of those it serves; (2) amending provisions relating to drug screening for prospective employees; (3) allowing certain employees to satisfy their obligation related to the "overlapping week" from 1999 using annual leave; and (4) permitting the clerk of the State Board of Examiners to write off certain overpayments of less than \$50 as bad debts.

Members Present

Assemblywoman Peggy Pierce, Chair
Assemblyman Pete Goicoechea
Assemblyman Tom Grady

Subcommittee Meeting: The Subcommittee met on Tuesday, March 18, 2003, in Room 3143 of the Legislative Building to consider Assembly Bill 217. The Subcommittee was continued and met again on Wednesday, March 19, and Thursday, March 20, 2003.

The Subcommittee considered changes to Section 24 (satisfaction of "overlapping week" obligation for certain employees); Section 32 (requirement of certain proof relating to drug testing within 72 hours); and Section 36 (delegation of authority to write off certain debts under \$50). Based on additional testimony from Jeanne Green, Director, and Phil Hauck, Supervisory Personnel Analyst, from the Department of Personnel, and representatives from State of Nevada Employees Association and Teamsters Local 14, the Subcommittee voted to recommend no further amendments to those sections.

With regard to the "overlapping week", the Subcommittee heard further explanations of the effect of the transition between the old and new payroll systems in 1999 and confirmed that no overpayments of cash occurred. As to the drug testing issues, the Subcommittee received further explanation of the current procedures used by the Department. However, after receiving additional information on drug testing procedures, the Subcommittee voted to recommend deletion of the phrase "any other drug" after "controlled substance."

Subcommittee Recommendation: The Subcommittee recommends that the Assembly Committee on Government Affairs consider and approve a motion to "**Amend and Do Pass**" for A.B. 217 to delete the references to "any other drug" in Section 12 (page 8, line 31) and Section 32 (page 20, lines 29 and 35) of the bill. Further, the Subcommittee recommends that the Assembly Committee on Government Affairs direct the Department of Personnel to report back to the Committee at the 2005 Legislature on: (1) the status of state agencies changing their hours; (2) the number of requests to use annual leave to satisfy the "overlapping week" obligation; and (3) the number of overpayments written off as bad debts.

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 217

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS
MARCH 23, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

- 1 **Section 1.** NRS 281.110 is hereby amended to read as follows:
2 281.110 1. ~~{The}~~ *Unless required for the efficient transaction of*
3 *business and the convenience of the persons with whom business is*
4 *transacted, the offices of all state officers, departments, boards,*
5 *commissions and agencies {shall} must:*
6 (a) Maintain not less than a 40-hour workweek.
7 (b) Be open for the transaction of business at least from 8 a.m. until
8 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the
9 exception of Saturdays, Sundays and legal holidays.
10 2. Variable workweek scheduling may be required in those agencies
11 where coverage is needed on Saturdays, Sundays and legal holidays ~~{~~
12 ~~—2.} or on other days or during other hours, as necessary.~~
13 3. The offices of all state officers, departments, boards, commissions
14 and agencies ~~{shall}~~ *that are open on the days and during the hours set*
15 *forth in paragraph (b) of subsection 1 must remain open during the noon*
16 *hour of each {regular} working day if any such office has more than one*
17 *person on its staff.*
18 **Sec. 2.** NRS 284.065 is hereby amended to read as follows: