

ASSEMBLY BILL NO. 450—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 21, 2003

Referred to Committee on Government Affairs

SUMMARY—Prohibits designation of certain positions in government as being position for which monthly service retirement allowance may be paid when previously retired employee fills position during critical labor shortage. (BDR 23-34)

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 the Public Employees' Retirement System; prohibiting the designation of certain positions in government as being a position for which a monthly service retirement allowance may be paid when a previously retired employee fills the position during a critical labor shortage; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 286.523 is hereby amended to read as follows:
2 286.523 1. The provisions of subsections 1 and 2 of NRS
3 286.520 do not apply to a retired employee who accepts
4 employment or an independent contract with a public employer
5 under the System if:
6 (a) He fills a position for which there is a critical labor shortage;
7 and
8 (b) At the time of his reemployment, he is receiving:
9 (1) An unmodified benefit; or



1 (2) A benefit actuarially reduced pursuant to subsection 6 of
2 NRS 286.510 and has reached the required age at which he could
3 have retired with an unmodified benefit.

4 2. A retired employee who is reemployed under the
5 circumstances set forth in subsection 1 may reenroll in the System
6 as provided in NRS 286.525.

7 3. ~~Positions~~ *Except as otherwise provided in subsection 5,*
8 *positions* for which there are critical labor shortages must be
9 determined as follows:

10 (a) Except as otherwise provided in this subsection, the State
11 Board of Examiners shall designate positions in State Government
12 for which there are critical labor shortages.

13 (b) The Supreme Court shall designate positions in the Judicial
14 Branch of State Government for which there are critical labor
15 shortages.

16 (c) The Board of Regents shall designate positions in the
17 University and Community College System of Nevada for which
18 there are critical labor shortages.

19 (d) The Department of Education shall designate positions with
20 the various school districts for which there are critical labor
21 shortages.

22 (e) The governing body of a local government shall designate
23 positions with the local government for which there are critical labor
24 shortages.

25 (f) The Board shall designate positions within the System for
26 which there are critical labor shortages.

27 4. In determining whether a position is a position for which
28 there is a critical labor shortage, the designating authority shall ~~give~~
29 ~~consideration to:~~

30 ~~(a) The] consider whether:~~

31 (a) *There has been a* history of ~~the] a high~~ rate of turnover for
32 the position;

33 (b) ~~The number of] There have been multiple~~ openings for the
34 position and ~~the number] a lack~~ of qualified candidates for those
35 openings;

36 (c) The ~~length of time the] position has been vacant [; and~~
37 ~~(d) The success of recruiting] for a reasonable period and there~~
38 *have been no qualified candidates for the position during that*
39 *period; and*

40 (d) *Recruitment of* persons in other states to fill the position ~~[;]~~
41 *is likely to be successful.*

42 5. *A designating authority may not determine that a critical*
43 *labor shortage exists for a position if the position is the*
44 *administrative head of a department, board, agency, school district*



1 *or commission, or the immediate deputy or assistant of such an*
2 *administrative head.*

3 **Sec. 2.** 1. In accordance with the provisions of NRS
4 286.523, as amended by section 1 of this act, a retired employee
5 who is:

6 (a) Receiving a monthly service retirement allowance under the
7 Public Employees' Retirement System for his previous employment
8 with a public employer under the System; and

9 (b) Reemployed in a position that, pursuant to subsection 5 of
10 NRS 286.523, as amended by section 1 of this act, is not eligible to
11 be designated as a position for which there is a critical labor
12 shortage,
13 is not eligible to continue receiving such an allowance on or after
14 October 1, 2003, for the duration of that reemployment.

15 2. On or after October 1, 2003, the Public Employees'
16 Retirement System shall cease paying a monthly service retirement
17 allowance to a retired employee who is reemployed in a position
18 that, pursuant to subsection 5 of NRS 286.523, as amended by
19 section 1 of this act, is not eligible to be designated as a position for
20 which there is a critical labor shortage for the duration of that
21 reemployment.

22 **Sec. 3.** This act becomes effective on July 1, 2003.

