

ASSEMBLY BILL NO. 537—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding state personnel.
(BDR 23-1155)

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

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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 state personnel system; requiring certain employees to be paid for a regularly scheduled shift that falls on a holiday; requiring the Department of Personnel to adopt regulations authorizing the transfer of certain hours of the accrued sick leave of a retiring employee to an account for catastrophic leave established by the appointing authority; authorizing the use of an arbitrator for certain grievances filed by an employee; requiring the Department of Personnel to increase the level of compensation of certain positions within the Department of Corrections; 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 284.180 is hereby amended to read as follows:
2 284.180 1. The Legislature declares that since uniform salary
3 and wage rates and classifications are necessary for an effective and
4 efficient personnel system, the pay plan must set the official rates
5 applicable to all positions in the classified service, but the
6 establishment of the pay plan in no way limits the authority of the
7 Legislature relative to budgeted appropriations for salary and wage
8 expenditures.



* A B 5 3 7 R 1 *

- 1 2. Credit for overtime work directed or approved by the head
2 of an agency or his representative must be earned at the rate of time
3 and one-half, except for those employees described in NRS 284.148.
- 4 3. Except as otherwise provided in subsections 4, 6, 7 and 9,
5 overtime is considered time worked in excess of:
- 6 (a) Eight hours in 1 calendar day;
7 (b) Eight hours in any 16-hour period; or
8 (c) A 40-hour week.
- 9 4. Firemen who choose and are approved for a 24-hour shift
10 shall be deemed to work an average of 56 hours per week and 2,912
11 hours per year, regardless of the actual number of hours worked or
12 on paid leave during any biweekly pay period. A fireman so
13 assigned is entitled to receive 1/26 of his annual salary for each
14 biweekly pay period. In addition, overtime must be considered time
15 worked in excess of:
- 16 (a) Twenty-four hours in one scheduled shift; or
17 (b) Fifty-three hours average per week during one work period
18 for those hours worked or on paid leave.
- 19 The appointing authority shall designate annually the length of the
20 work period to be used in determining the work schedules for such
21 firemen. In addition to the regular amount paid such a fireman for
22 the deemed average of 56 hours per week, he is entitled to payment
23 for the hours which comprise the difference between the 56-hour
24 average and the overtime threshold of 53 hours average at a rate
25 which will result in the equivalent of overtime payment for those
26 hours.
- 27 5. The Director, with the approval of the Commission, shall
28 adopt regulations to carry out the provisions of subsection 4.
- 29 6. For employees who choose and are approved for a variable
30 workday, overtime will be considered only after working 40 hours
31 in 1 week.
- 32 7. Employees who are eligible under the Fair Labor Standards
33 Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour
34 work schedule within a biweekly pay period and who choose and
35 are approved for such a work schedule will be considered eligible
36 for overtime only after working 80 hours biweekly, except those
37 eligible employees who are approved for overtime in excess of one
38 scheduled shift of 8 or more hours per day.
- 39 8. An agency may experiment with innovative workweeks
40 upon the approval of the head of the agency and after majority
41 consent of the affected employees. The affected employees are
42 eligible for overtime only after working 40 hours in a workweek.
- 43 9. This section does not supersede or conflict with existing
44 contracts of employment for employees hired to work 24 hours a
45 day in a home setting. Any future classification in which an



1 employee will be required to work 24 hours a day in a home setting
2 must be approved in advance by the Commission.

3 10. All overtime must be approved in advance by the
4 appointing authority or his designee. No officer or employee, other
5 than a director of a department or the chairman of a board,
6 commission or similar body, may authorize overtime for himself.
7 The chairman of a board, commission or similar body must approve
8 in advance all overtime worked by members of the board,
9 commission or similar body.

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

16 *12. A full-time employee who is not subject to the provisions
17 of NRS 284.148 is entitled to receive his normal rate of pay or an
18 equivalent amount of compensatory time for all his regularly
19 scheduled hours of employment on a legal holiday if:*

20 *(a) The legal holiday falls upon a regularly scheduled workday
21 of the employee;*

22 *(b) The regularly scheduled workday of the employee is more
23 than 8 hours;*

24 *(c) The employee is in paid status during any portion of his
25 shift immediately preceding the holiday; and*

26 *(d) The employee does not work any part of his regularly
27 scheduled workday on that holiday.*

28 *13. As used in this section, "normal rate of pay" means the
29 rate set forth in the pay plan adopted pursuant to NRS 284.175 for
30 the class of position in which the employee is employed plus any
31 additional adjustment to that rate that is prescribed by regulation
32 and has been approved for the employee.*

33 **Sec. 2.** NRS 284.355 is hereby amended to read as follows:

34 284.355 1. Except as otherwise provided in this section, all
35 employees in the public service, whether in the classified or
36 unclassified service, are entitled to sick and disability leave with pay
37 of 1 1/4 working days for each month of service, which may be
38 cumulative from year to year. After an employee has accumulated
39 90 working days of sick leave, the amount of additional unused sick
40 leave which he is entitled to carry forward from 1 year to the next is
41 limited to one-half of the unused sick leave accrued during that year,
42 but the Department may by regulation provide for subsequent use of
43 unused sick leave accrued but not carried forward because of this
44 limitation in cases where the employee is suffering from a long-term



1 or chronic illness and has used all sick leave otherwise available to
2 him.

3 2. Upon the retirement of an employee, his termination through
4 no fault of his own or his death while in public employment, the
5 employee or his beneficiaries are entitled to payment:

6 (a) For his unused sick leave in excess of 30 days, exclusive of
7 any unused sick leave accrued but not carried forward, according to
8 his number of years of public service, except service with a political
9 subdivision of the State, as follows:

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

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

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

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

17 (b) For his unused sick leave accrued but not carried forward, an
18 amount equal to one-half of the sum of:

19 (1) His hours of unused sick leave accrued but not carried
20 forward; and

21 (2) An additional 120 hours.

22 3. The Department may by regulation provide for additional
23 sick and disability leave for long-term employees and for prorated
24 sick and disability leave for part-time employees.

25 4. *The Department shall, by regulation, provide for the*
26 *transfer of one-half of the portion of unused sick leave of a*
27 *retiring employee for which the employee is not entitled to*
28 *payment pursuant to subsection 2 to the account for catastrophic*
29 *leave, if any, established by the relevant appointing authority. The*
30 *transfer must be made in the name of the retiring employee. Not*
31 *more than 120 hours of unused sick leave may be transferred*
32 *pursuant to this subsection.*

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

36 (a) A lump-sum payment.

37 (b) An advanced payment of the premiums or contributions for
38 insurance coverage for which he is otherwise eligible pursuant to
39 chapter 287 of NRS. If the insurance coverage is terminated and the
40 money advanced for premiums or contributions pursuant to this
41 subsection exceeds the amount which is payable for premiums or
42 contributions for the period for which the former employee was
43 actually covered, the unused portion of the advanced payment must
44 be paid promptly to the former employee or, if he is deceased, to his
45 beneficiary.



1 (c) The purchase of additional retirement credit, if he is
2 otherwise eligible pursuant to chapter 286 of NRS.
3 ~~[5.]~~ 6. Officers and members of the faculty of the University
4 and Community College System of Nevada are entitled to sick and
5 disability leave as provided by the regulations adopted pursuant to
6 subsection 2 of NRS 284.345.
7 ~~[6.]~~ 7. The Department may by regulation provide policies
8 concerning employees with mental or emotional disorders which:
9 (a) Use a liberal approach to the granting of sick leave or leave
10 without pay to such an employee if it is necessary for him to be
11 absent for treatment or temporary hospitalization.
12 (b) Provide for the retention of the job of such an employee for a
13 reasonable period of absence, and if an extended absence
14 necessitates separation or retirement, provide for the reemployment
15 of such an employee if at all possible after recovery.
16 (c) Protect employee benefits, including, without limitation,
17 retirement, life insurance and health benefits.
18 ~~[7.]~~ 8. The Director shall establish by regulation a schedule for
19 the accrual of sick leave for employees who regularly work more
20 than 40 hours per week or 80 hours biweekly. The schedule must
21 provide for the accrual of sick leave at the same rate proportionately
22 as employees who work a 40-hour week accrue sick leave.
23 ~~[8.]~~ 9. The Department may investigate any instance in which
24 it believes that an employee has taken sick or disability leave to
25 which he was not entitled. If, after notice to the employee and a
26 hearing, the Commission determines that he has taken sick or
27 disability leave to which he was not entitled, the Commission may
28 order the forfeiture of all or part of his accrued sick leave.
29 **Sec. 3.** NRS 284.3621 is hereby amended to read as follows:
30 284.3621 1. Each appointing authority may establish an
31 account for catastrophic leave.
32 2. *The limitations on the transfer of accrued sick leave*
33 *provided in this section do not apply to the transfer of accrued sick*
34 *leave to an account for catastrophic leave pursuant to regulations*
35 *adopted in accordance with subsection 4 of NRS 284.355.*
36 3. An employee of an appointing authority may request, in
37 writing, that a specified number of hours of his accrued annual or
38 sick leave be transferred from his account to the account for
39 catastrophic leave.
40 ~~[3.]~~ 4. An employee may not transfer to the account for
41 catastrophic leave any hours of sick leave if the balance in his
42 account after the transfer is less than 240 hours.
43 ~~[4.]~~ 5. The maximum number of hours which may be
44 transferred by an employee in any 1 calendar year is 120. The



1 minimum number of hours which may be transferred in any 1
2 calendar year is 8.

3 ~~{5-}~~ 6. An employee may transfer hours to any such account
4 for catastrophic leave for use by a particular employee in any branch
5 of State Government who is eligible to receive them. A record of the
6 source and number of hours of leave transferred among different
7 appointing authorities for this purpose and the date of the transfer
8 must be maintained by each appointing authority. Leave transferred
9 in excess of the amount approved for use by a particular employee
10 must be returned to the employee's account from which it
11 originated. The Commission shall, by regulation, determine the
12 procedure to return excess leave.

13 ~~{6-}~~ 7. Any hours of annual or sick leave which are transferred
14 from any employee's account to the account for catastrophic leave
15 and not designated for use by a particular employee may not be
16 returned or restored to the originating employee. This subsection
17 does not prevent the employee from receiving leave pursuant to
18 NRS 284.3622.

19 **Sec. 4.** NRS 284.384 is hereby amended to read as follows:

20 284.384 1. The Director shall propose, and the Commission
21 shall adopt, regulations which provide for the adjustment of
22 grievances for which a hearing is not provided by NRS 284.165,
23 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a
24 hearing is not provided by NRS 284.165, 284.245, 284.3629,
25 284.376 or 284.390 is subject to adjustment pursuant to this section.

26 2. The regulations must provide procedures for:

27 (a) Consideration and adjustment of the grievance within the
28 agency in which it arose.

29 (b) Submission *of the grievance by the employee* to the
30 Employee-Management Committee *or an arbitrator* for a final
31 decision if the employee is still dissatisfied with the resolution of
32 the dispute.

33 3. The regulations must include provisions for:

34 (a) Submitting each proposed resolution of a dispute which has a
35 fiscal effect to the Budget Division of the Department of
36 Administration for a determination by that Division whether the
37 resolution is feasible on the basis of its fiscal effects; and

38 (b) Making the resolution binding.

39 4. Any grievance which is subject to adjustment pursuant to
40 this section may be ~~{appealed}~~ *submitted by the employee* to the
41 Employee-Management Committee *or an arbitrator* for a final
42 decision. *If a grievance is submitted to an arbitrator:*

43 (a) *The arbitrator shall assess his costs to the losing party,*
44 *unless the arbitrator determines that a different assessment of*
45 *costs is more equitable; and*



1 ***(b) Each party shall pay its own costs of the preparation and***
2 ***presentation of its case.***

3 5. The employee may represent himself at any hearing
4 regarding a grievance which is subject to adjustment pursuant to this
5 section or be represented by an attorney or other person of the
6 employee's own choosing.

7 6. ***The Commission shall appoint an arbitration panel whose***
8 ***members are authorized to make final decisions on grievances that***
9 ***are submitted to an arbitrator pursuant to this section. To appoint***
10 ***such a panel, the Commission shall request from the American***
11 ***Arbitration Association or the Federal Mediation and Conciliation***
12 ***Service a list of seven potential arbitrators. If the Commission and***
13 ***the organizations that represent state employees in this state are***
14 ***unable to agree upon which arbitration service to use, the Federal***
15 ***Mediation and Conciliation Service must be used.***

16 7. ***The Commission shall hold a hearing at which the***
17 ***Commission will hear objections to any of the seven potential***
18 ***arbitrators. At the conclusion of the hearing, the Commission***
19 ***shall appoint three arbitrators to serve as members of an***
20 ***arbitration panel for terms of 1 year, and one alternate arbitrator***
21 ***to serve on the panel if a vacancy arises.***

22 8. ***An arbitration panel must be reappointed in the same***
23 ***manner as specified in subsections 6 and 7 for original***
24 ***appointments.***

25 9. ***If a grievance is submitted to the arbitration panel, the***
26 ***employee who submitted the grievance and the appointing***
27 ***authority of the employee shall select the arbitrator who will hear***
28 ***the grievance. The parties shall select an arbitrator from the panel***
29 ***by alternately striking one name until the name of only one***
30 ***arbitrator remains. The remaining arbitrator shall hear the***
31 ***grievance in question. The employee shall strike the first name.***

32 10. ***A hearing held pursuant to this section must be held in***
33 ***the county in which the employee resides, unless the employee***
34 ***agrees to a different location.***

35 11. As used in this section, "grievance" means an act, omission
36 or occurrence which an employee who has attained permanent status
37 feels constitutes an injustice relating to any condition arising out of
38 the relationship between an employer and an employee, including,
39 but not limited to, compensation, working hours, working
40 conditions, membership in an organization of employees or the
41 interpretation of any law, regulation or disagreement.

42 **Sec. 5.** The Department of Personnel shall:

43 1. Classify all positions within the Department of Corrections
44 that involve contact with inmates as correctional classifications and
45 adjust the wage rates for the positions accordingly.



1 2. Increase the level of compensation for the following
2 maintenance classifications within the Department of Corrections by
3 two grades on the classified employee compensation schedule
4 effective July 1, 2003:

5	TITLE	CODE
6		
7	Air Conditioning/Refrigeration Supervisor	9.474
8	Air Conditioning/Refrigeration Specialist II	9.473
9	Air Conditioning/Refrigeration Specialist I	9.435
10		
11	Electrician Supervisor (Maintenance)	9.448
12	Electrician II (Maintenance)	9.447
13	Electrician I (Maintenance)	9.426
14		
15	Electronics Technician III	6.987
16	Electronics Technician II	6.981
17	Electronics Technician I	6.988
18		
19	Facility Supervisor IV	9.603
20	Facility Supervisor III	9.606
21	Facility Supervisor II	9.609
22	Facility Supervisor I	9.612
23		
24	Heat Plant Specialist III	9.424
25	Heat Plant Specialist II	9.420
26	Heat Plant Specialist I	9.428
27		
28	Maintenance Repair Specialist II	9.445
29	Maintenance Repair Specialist I	9.441
30		
31	Maintenance Repair Worker IV	9.485
32	Maintenance Repair Worker III	9.486
33	Maintenance Repair Worker II	9.487
34	Maintenance Repair Worker I	9.488
35		
36	Plumber Supervisor (Maintenance)	9.463
37	Plumber II (Maintenance)	9.462
38	Plumber I (Maintenance)	9.432
39		
40	Combination Welder II	9.430
41	Combination Welder I	9.417
42		
43	Equipment Mechanic Supervisor	9.322
44	Equipment Mechanic III	9.323
45	Equipment Mechanic II	9.331



1	Equipment Mechanic I	9.333
2		
3	Locksmith II	9.431
4	Locksmith I	9.418
5		
6	Driver Warehouse Supervisor	9.212
7	Driver Warehouse Worker II	9.211
8	Driver Warehouse Worker I	9.210
9		
10	Carpenter Supervisor (Maintenance)	9.439
11	Carpenter II	9.424
12	Carpenter I	9.423
13		
14	Sewage Treatment Plant Operator III	9.495
15	Sewage Treatment Plant Operator II	9.496
16	Sewage Treatment Plant Operator I	9.497
17	Sec. 6. This act becomes effective on July 1, 2003.	

