

ASSEMBLY BILL NO. 382—ASSEMBLYWOMAN MONROE-MORENO

MARCH 21, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the compensation of certain public safety employees. (BDR 23-291)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 State Government; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to conduct biennial surveys relating to the compensation of certain classified employees in the Department of Public Safety and make certain related revisions to the pay plan for such classified employees in certain circumstances; requiring the inclusion of certain expenditures relating to the compensation of those employees of the Department of Public Safety in the proposed budget for the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Administrator of the Division of Human Resource
2 Management of the Department of Administration to prepare a pay plan for all
3 employees in the classified service. Under existing law, each employee in the
4 classified service is required to be paid at the rates set forth in the pay plan for the
5 class of position in which the employee is employed and when necessary money is
6 available for the payment. Existing law authorizes the Administrator to make
7 recommendations to the Legislature during legislative sessions regarding salaries
8 for the classified service based on several factors, including salary surveys of
9 comparable jobs in government and private industry in Nevada and western states.
10 (NRS 284.175) Under existing law, the sworn personnel of the Department of
11 Public Safety have the powers of a peace officer. (NRS 289.270)

12 **Section 1** of this bill requires the Administrator to conduct a survey of the
13 salaries and other compensation paid to: (1) sworn personnel and dispatch
14 personnel of the Department of Public Safety who are in the classified service; and
15 (2) comparable positions in the law enforcement agencies of the three most



16 populous cities in Nevada and of the two most populous counties in Nevada.
17 **Section 2** of this bill makes a conforming change.

18 Existing law requires the Chief of the Budget Division of the Office of Finance
19 in the Office of the Governor to include certain information in the proposed
20 biennial budget for the Executive Department of the State Government. (NRS
21 353.185) **Section 3** of this bill requires the Chief of the Budget Division to set forth
22 in the biennial proposed budget for the Executive Department proposed
23 expenditures for salaries of the sworn personnel and dispatch personnel of the
24 Department of Public Safety who are in the classified service, which are based on
25 the rates established in the pay plan after the biennial survey concerning those
26 salaries has been conducted by the Administrator. **Section 4** of this bill requires the
27 Department to submit estimates of that information separately to the Chief.

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

1 **Section 1.** Chapter 284 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. On or before July 1 of each even-numbered year, the*
4 *Administrator shall conduct a survey of the salaries and other*
5 *compensation paid to:*

6 *(a) Classified employees of the Department of Public Safety*
7 *who are sworn personnel and employees who serve in positions*
8 *with corresponding ranks and similar duties with the law*
9 *enforcement agencies of the three most populous incorporated*
10 *cities in this State and the law enforcement agencies of the two*
11 *most populous counties in this State; and*

12 *(b) Classified employees of the Department of Public Safety*
13 *whose duties involve providing dispatch services and employees*
14 *who serve in positions with similar duties with the law*
15 *enforcement agencies of the three most populous incorporated*
16 *cities in this State and the law enforcement agencies of the two*
17 *most populous counties in this State.*

18 *2. The survey conducted pursuant to subsection 1 must*
19 *include, without limitation, the following information for each*
20 *position:*

21 *(a) Base salary;*

22 *(b) Any longevity pay;*

23 *(c) Any incentive pay;*

24 *(d) Any retirement contribution made by the employer on*
25 *behalf of the employee pursuant to chapter 286 of NRS; and*

26 *(e) The average amount, if any, paid or contributed solely for*
27 *the employee by the employer for the cost of premiums or*
28 *contributions for life, accident or health insurance or benefits, or*
29 *any combination thereof, pursuant to chapter 287 of NRS.*



1 3. *Within 30 days after a survey is conducted pursuant to*
2 *subsection 1, the Administrator shall calculate the rate of*
3 *compensation for the classified employees of the Department of*
4 *Public Safety regarding whom the survey was conducted as the*
5 *sum of the following three amounts:*

6 (a) *The average amount of the base salary, longevity pay and*
7 *incentive pay received by the employees of local law enforcement*
8 *agencies with comparable years of service reported in the survey;*

9 (b) *The average amount of the retirement contribution paid*
10 *pursuant to chapter 286 of NRS by the local law enforcement*
11 *agencies on behalf of the employees of local law enforcement*
12 *agencies reported in the survey; and*

13 (c) *The difference between the amount paid by the Department*
14 *of Public Safety for the cost of premiums or contributions for life,*
15 *accident or health insurance or benefits, or any combination*
16 *thereof, pursuant to chapter 287 of NRS for the classified*
17 *employees of the Department regarding whom the survey was*
18 *conducted and the average amount paid or contributed by the*
19 *local law enforcement agencies for the cost of premiums or*
20 *contributions solely for an employee for life, accident or health*
21 *insurance or benefits, or any combination thereof, pursuant to*
22 *chapter 287 of NRS for the employees of local law enforcement*
23 *agencies reported in the survey.*

24 4. *If the rate of compensation for any classified employee of*
25 *the Department of Public Safety regarding whom the survey was*
26 *conducted that is calculated pursuant to subsection 3 is different*
27 *from the rate for that employee in the pay plan prepared pursuant*
28 *to NRS 284.175 that is in effect, the Administrator shall amend the*
29 *rates in the pay plan to the rates calculated pursuant to*
30 *subsection 3.*

31 5. *The Administrator shall provide the results of a survey*
32 *conducted pursuant to subsection 1 to:*

33 (a) *The Chief of the Budget Division of the Office of Finance*
34 *on or before August 1 immediately following the conduct of the*
35 *survey; and*

36 (b) *The Director of the Legislative Counsel Bureau for*
37 *transmittal to the Legislature on or before 14 calendar days before*
38 *the commencement of the next regular legislative session.*

39 6. *As used in this section, "sworn personnel" means*
40 *employees who have the powers of a peace officer pursuant to*
41 *NRS 289.270.*

42 **Sec. 2.** NRS 284.175 is hereby amended to read as follows:

43 284.175 1. After consultation with appointing authorities and
44 state fiscal officers, the Administrator shall prepare a pay plan for
45 all employees in the classified service.



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

3 3. The pay plan must include, without limitation, ranges for
4 each class, grade or group of positions in the classified service. Each
5 employee in the classified service must be paid at one of the rates
6 set forth in the pay plan for the class of position in which the
7 employee is employed and at such time as necessary money is made
8 available for the payment.

9 4. The Commission shall adopt regulations to carry out the pay
10 plan.

11 5. ~~[The]~~ *Except as otherwise provided in section 1 of this act,*
12 *the* Administrator may make recommendations to the Legislature
13 during regular legislative sessions concerning salaries for the
14 classified service of the State. In making such recommendations, the
15 Administrator shall consider factors such as:

16 (a) Surveys of salaries of comparable jobs in government and
17 private industry within the State of Nevada and western states,
18 where appropriate;

19 (b) Changes in the cost of living;

20 (c) The rate of turnover and difficulty of recruitment for
21 particular positions; and

22 (d) Maintaining an equitable relationship among classifications.

23 **Sec. 3.** NRS 353.185 is hereby amended to read as follows:

24 353.185 The powers and duties of the Chief are:

25 1. To appraise the quantity and quality of services rendered by
26 each agency in the Executive Department of the State Government,
27 and the needs for such services and for any new services.

28 2. To develop plans for improvements and economies in
29 organization and operation of the Executive Department, and to
30 install such plans as are approved by the respective heads of the
31 various agencies of the Executive Department, or as are directed to
32 be installed by the Governor or the Legislature.

33 3. To cooperate with the State Public Works Division of the
34 Department of Administration in developing comprehensive, long-
35 range plans for capital improvements and the means for financing
36 them.

37 4. To devise and prescribe the forms for reports on the
38 operations of the agencies in the Executive Department to be
39 required periodically from the several agencies in the Executive
40 Department, and to require the several agencies to make such
41 reports.

42 5. To prepare the executive budget report for the Governor's
43 approval and submission to the Legislature.

44 6. To prepare a proposed budget for the Executive Department
45 of the State Government for the next 2 fiscal years, which must:



1 (a) Present a complete financial plan for the next 2 fiscal years;
2 (b) Set forth all proposed expenditures for the administration,
3 operation and maintenance of the departments, institutions and
4 agencies of the Executive Department of the State Government,
5 including those operating on funds designated for specific purposes
6 by the Constitution or otherwise, which must include a separate
7 statement of:

8 (1) *The proposed expenditures for the salaries and other*
9 *compensation of the classified employees of the Department of*
10 *Public Safety regarding whom a survey is conducted pursuant to*
11 *section 1 of this act, which must be calculated at least at the rates*
12 *set forth in the pay plan prepared pursuant to NRS 284.175, as*
13 *most recently amended pursuant to section 1 of this act;*

14 (2) The anticipated expense, including personnel, for the
15 operation and maintenance of each capital improvement to be
16 constructed during the next 2 fiscal years and of each capital
17 improvement constructed on or after July 1, 1999, which is to be
18 used during those fiscal years or a future fiscal year; and

19 ~~[(2)]~~ (3) The proposed source of funding for the operation
20 and maintenance of each capital improvement, including personnel,
21 to be constructed during the next 2 fiscal years;

22 (c) Set forth all charges for interest and debt redemption during
23 the next 2 fiscal years;

24 (d) Set forth all expenditures for capital projects to be
25 undertaken and executed during the next 2 fiscal years, and which
26 must, to the extent practicable, provide that each capital project
27 which exceeds a cost of \$10,000,000 be scheduled to receive
28 funding for design and planning during one biennium and funding
29 for construction in the subsequent biennium; and

30 (e) Set forth the anticipated revenues of the State Government,
31 and any other additional means of financing the expenditures
32 proposed for the next 2 fiscal years.

33 7. To examine and approve work programs and allotments to
34 the several agencies in the Executive Department, and changes
35 therein.

36 8. To examine and approve statements and reports on the
37 estimated future financial condition and the operations of the
38 agencies in the Executive Department of the State Government and
39 the several budgetary units that have been prepared by those
40 agencies and budgetary units, before the reports are released to the
41 Governor, to the Legislature or for publication.

42 9. To receive and deal with requests for information as to the
43 budgetary status and operations of the executive agencies of the
44 State Government.



1 10. To prepare such statements of unit costs and other statistics
2 relating to cost as may be required from time to time, or requested
3 by the Governor or the Legislature.

4 11. To do and perform such other and further duties relative to
5 the development and submission of an adequate proposed budget for
6 the Executive Department of the State Government of the State of
7 Nevada as the Governor may require.

8 **Sec. 4.** NRS 353.210 is hereby amended to read as follows:

9 353.210 1. Except as otherwise provided in subsections 6 and
10 7, on or before September 1 of each even-numbered year, all
11 departments, institutions and other agencies of the Executive
12 Department of the State Government, and all agencies of the
13 Executive Department of the State Government receiving state
14 money, fees or other money under the authority of the State,
15 including those operating on money designated for specific purposes
16 by the Nevada Constitution or otherwise, shall prepare, on blanks
17 furnished them by the Chief, and submit to the Chief:

18 (a) The number of full-time equivalent positions within the
19 department, institution or agency.

20 (b) The number of full-time equivalent positions within the
21 department, institution or agency that have been vacant for at least
22 12 months, the number of months each such position has been
23 vacant and the reasons for each such vacancy.

24 (c) Any existing contracts for services the department,
25 institution or agency has with temporary employment services or
26 other persons, the proposed expenditures for such contracts in the
27 next 2 fiscal years and the reasons for the use of such services. If
28 such contracts include any privatization contracts, a copy of each of
29 those privatization contracts together with:

30 (1) A statement specifying the duration of the privatization
31 contracts;

32 (2) The number of privatization contracts proposed for the
33 next 2 fiscal years and the estimated expenditures for the
34 privatization contracts; and

35 (3) An analysis of each of the privatization contracts, which
36 includes, without limitation:

37 (I) For the preceding, current and next fiscal years, the
38 annual amount required to perform each of the privatization
39 contracts; and

40 (II) For the preceding and current fiscal years, the number
41 of persons the department, institution or agency employed pursuant
42 to the privatization contracts, reflected as the equivalent full-time
43 position if the persons were regularly employed by the department,
44 institution or agency, including the equivalent hourly wage and the
45 cost of benefits for each job classification.



1 (d) Estimates of expenditure requirements of the department,
2 institution or agency, together with all anticipated income from fees
3 and all other sources, for the next 2 fiscal years compared with the
4 corresponding figures of the last completed fiscal year and the
5 estimated figures for the current fiscal year. *The Department of
6 Public Safety shall submit separately as an estimate pursuant to
7 this paragraph the estimated expenditure requirements for the
8 salaries and other compensation of the classified employees of the
9 Department of Public Safety regarding whom a survey is
10 conducted pursuant to section 1 of this act at the rates set forth in
11 the pay plan prepared pursuant to NRS 284.175, as most recently
12 amended pursuant to section 1 of this act.*

13 2. The Chief shall direct that one copy of the forms submitted
14 pursuant to subsection 1, accompanied by every supporting schedule
15 and any other related material, be delivered directly to the Fiscal
16 Analysis Division of the Legislative Counsel Bureau on or before
17 September 1 of each even-numbered year.

18 3. The Budget Division of the Office of Finance shall give
19 advance notice to the Fiscal Analysis Division of the Legislative
20 Counsel Bureau of any conference between the Budget Division of
21 the Office of Finance and personnel of other state agencies
22 regarding budget estimates. A Fiscal Analyst of the Legislative
23 Counsel Bureau or his or her designated representative may attend
24 any such conference.

25 4. The estimates of expenditure requirements submitted
26 pursuant to subsection 1 must be classified to set forth the data
27 of funds, organizational units, and the character and objects of
28 expenditures by program or budgetary account and by category of
29 expense, and must include a mission statement and measurement
30 indicators in adequate detail to comply with the requirements of
31 subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205.
32 The organizational units may be subclassified by functions and by
33 agencies, bureaus or commissions, or in any other manner at the
34 discretion of the Chief.

35 5. If any department, institution or other agency of the
36 Executive Department of the State Government, whether its money
37 is derived from state money or from other money collected under
38 the authority of the State, fails or neglects to submit estimates of its
39 expenditure requirements as provided in this section, the Chief may,
40 from any data at hand in the Chief's office or which the Chief may
41 examine or obtain elsewhere, make and enter a proposed budget for
42 the department, institution or agency in accordance with the data.

43 6. Agencies, bureaus, commissions and officers of the
44 Legislative Department, the Public Employees' Retirement System
45 and the Judicial Department of the State Government shall submit to



1 the Chief for his or her information in preparing the proposed
2 executive budget the budgets which they propose to submit to the
3 Legislature.

4 7. On or before September 1 of each even-numbered year, the
5 Tahoe Regional Planning Agency shall submit the budget which the
6 Agency proposes to submit to the Legislature to:

7 (a) The Chief for his or her information in preparing the
8 proposed executive budget.

9 (b) The Fiscal Analysis Division of the Legislative Counsel
10 Bureau.

11 8. The information provided by a department, institution or
12 agency pursuant to paragraph (c) of subsection 1 is a public record
13 and must be open to public inspection.

14 9. As used in this section, "privatization contract" means a
15 contract executed by or on behalf of a department, institution or
16 agency which authorizes a private entity to provide public services
17 which are:

18 (a) Substantially similar to the services performed by the public
19 employees of the department, institution or agency; and

20 (b) In lieu of the services otherwise authorized or required to be
21 provided by the department, institution or agency.

22 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do
23 not apply to any provision of this act which adds or revises a
24 requirement to submit a report to the Legislature.

25 **Sec. 6.** This act becomes effective on July 1, 2019.

