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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.

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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 in the Department of Corrections 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 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)

11 Under existing law, the sworn personnel of the Department of Public Safety  
12 have the powers of a peace officer. (NRS 289.270) Existing law authorizes the  
13 Director of the Department of Corrections to designate employees of the  
14 Department as peace officers. (NRS 289.220) Existing law also classifies peace  
15 officers as being within category I, category II or category III and the peace officers  
16 in each such category are designated as having certain powers and must meet



17 certain training and educational requirements. (NRS 289.460, 289.470, 289.480)  
18 Under existing law, a category III peace officer is a peace officer whose authority is  
19 limited to correctional services, including the superintendents and correctional  
20 officers of the Department of Corrections. (NRS 289.480)

21 **Section 1** of this bill requires the Administrator to conduct a survey of the  
22 salaries and other compensation paid to: (1) sworn personnel and dispatch  
23 personnel of the Department of Public Safety who are in the classified service and  
24 classified employees of the Department of Corrections who are category III peace  
25 officers; and (2) comparable positions in the law enforcement agencies of the three  
26 most populous cities in Nevada and of the two most populous counties in Nevada.

27 **Section 2** of this bill makes a conforming change.

28 Existing law requires the Chief of the Budget Division of the Office of Finance  
29 in the Office of the Governor to include certain information in the proposed  
30 biennial budget for the Executive Department of the State Government. (NRS

31 353.185) **Section 3** of this bill requires the Chief of the Budget Division to set forth  
32 in the biennial proposed budget for the Executive Department proposed  
33 expenditures for salaries of the sworn personnel and dispatch personnel of the  
34 Department of Public Safety who are in the classified service and classified  
35 employees of the Department of Corrections who are category III peace officers.

36 **Section 3** requires that the proposed expenditures be based on the rates established  
37 in the pay plan after the biennial survey concerning those salaries has been  
38 conducted by the Administrator. **Section 4** of this bill requires each Department to  
39 submit estimates of that information separately to the Chief.

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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;*

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; and*

18 *(c) Classified employees of the Department of Corrections who*  
19 *are category III peace officers and employees who serve in*  
20 *positions with corresponding ranks and similar duties with the law*  
21 *enforcement agencies of the three most populous incorporated*



1 *cities in this State and the law enforcement agencies of the two*  
2 *most populous counties in this State.*

3 *2. The survey conducted pursuant to subsection 1 must*  
4 *include, without limitation, the following information for each*  
5 *position:*

6 *(a) Base salary as calculated pursuant to subsection 3 of*  
7 *NRS 286.421;*

8 *(b) Any longevity pay;*

9 *(c) Any incentive pay; and*

10 *(d) The average amount, if any, paid or contributed solely for*  
11 *the employee by the employer for the cost of premiums or*  
12 *contributions for life, accident or health insurance or benefits, or*  
13 *any combination thereof, pursuant to chapter 287 of NRS.*

14 *3. Within 30 days after a survey is conducted pursuant to*  
15 *subsection 1, the Administrator shall calculate the rate of*  
16 *compensation for the classified employees regarding whom the*  
17 *survey was conducted as the sum of the following amounts:*

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

22 *(b) The difference between the amount paid by the Department*  
23 *of Public Safety or the Department of Corrections, as applicable,*  
24 *for the cost of premiums or contributions for life, accident or*  
25 *health insurance or benefits, or any combination thereof,*  
26 *pursuant to chapter 287 of NRS for the classified employees of the*  
27 *applicable Department regarding whom the survey was conducted*  
28 *and the average amount paid or contributed by the local law*  
29 *enforcement agencies for the cost of premiums or contributions*  
30 *solely for an employee for life, accident or health insurance or*  
31 *benefits, or any combination thereof, pursuant to chapter 287 of*  
32 *NRS for the employees of local law enforcement agencies reported*  
33 *in the survey.*

34 *4. If the rate of compensation for any classified employee of*  
35 *the Department of Public Safety or the Department of Corrections*  
36 *regarding whom the survey was conducted that is calculated*  
37 *pursuant to subsection 3 is different from the rate for that*  
38 *employee in the pay plan prepared pursuant to NRS 284.175 that*  
39 *is in effect, the Administrator shall amend the rates in the pay*  
40 *plan to the rates calculated pursuant to subsection 3.*

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

43 *(a) The Chief of the Budget Division of the Office of Finance*  
44 *on or before August 1 immediately following the conduct of the*  
45 *survey; and*



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

4 6. *As used in this section:*

5 (a) *“Category III peace officer” has the meaning ascribed to it*  
6 *in NRS 289.480.*

7 (b) *“Sworn personnel” means employees who have the powers*  
8 *of a peace officer pursuant to NRS 289.270.*

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

10 284.175 1. After consultation with appointing authorities and  
11 state fiscal officers, the Administrator shall prepare a pay plan for  
12 all employees in the classified service.

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

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

21 4. The Commission shall adopt regulations to carry out the pay  
22 plan.

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

28 (a) Surveys of salaries of comparable jobs in government and  
29 private industry within the State of Nevada and western states,  
30 where appropriate;

31 (b) Changes in the cost of living;

32 (c) The rate of turnover and difficulty of recruitment for  
33 particular positions; and

34 (d) Maintaining an equitable relationship among classifications.

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

36 353.185 The powers and duties of the Chief are:

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

40 2. To develop plans for improvements and economies in  
41 organization and operation of the Executive Department, and to  
42 install such plans as are approved by the respective heads of the  
43 various agencies of the Executive Department, or as are directed to  
44 be installed by the Governor or the Legislature.



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

5 4. To devise and prescribe the forms for reports on the  
6 operations of the agencies in the Executive Department to be  
7 required periodically from the several agencies in the Executive  
8 Department, and to require the several agencies to make such  
9 reports.

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

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

14 (a) Present a complete financial plan for the next 2 fiscal years;

15 (b) Set forth all proposed expenditures for the administration,  
16 operation and maintenance of the departments, institutions and  
17 agencies of the Executive Department of the State Government,  
18 including those operating on funds designated for specific purposes  
19 by the Constitution or otherwise, which must include a separate  
20 statement of:

21 (1) *The proposed expenditures for the salaries and other*  
22 *compensation of the classified employees regarding whom a*  
23 *survey is conducted pursuant to section 1 of this act, which must*  
24 *be calculated at least at the rates set forth in the pay plan prepared*  
25 *pursuant to NRS 284.175, as most recently amended pursuant to*  
26 *section 1 of this act;*

27 (2) The anticipated expense, including personnel, for the  
28 operation and maintenance of each capital improvement to be  
29 constructed during the next 2 fiscal years and of each capital  
30 improvement constructed on or after July 1, 1999, which is to be  
31 used during those fiscal years or a future fiscal year; and

32 ~~(2)~~ (3) The proposed source of funding for the operation  
33 and maintenance of each capital improvement, including personnel,  
34 to be constructed during the next 2 fiscal years;

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

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

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



1 7. To examine and approve work programs and allotments to  
2 the several agencies in the Executive Department, and changes  
3 therein.

4 8. To examine and approve statements and reports on the  
5 estimated future financial condition and the operations of the  
6 agencies in the Executive Department of the State Government and  
7 the several budgetary units that have been prepared by those  
8 agencies and budgetary units, before the reports are released to the  
9 Governor, to the Legislature or for publication.

10 9. To receive and deal with requests for information as to the  
11 budgetary status and operations of the executive agencies of the  
12 State Government.

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

16 11. To do and perform such other and further duties relative to  
17 the development and submission of an adequate proposed budget for  
18 the Executive Department of the State Government of the State of  
19 Nevada as the Governor may require.

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

21 353.210 1. Except as otherwise provided in subsections 6 and  
22 7, on or before September 1 of each even-numbered year, all  
23 departments, institutions and other agencies of the Executive  
24 Department of the State Government, and all agencies of the  
25 Executive Department of the State Government receiving state  
26 money, fees or other money under the authority of the State,  
27 including those operating on money designated for specific purposes  
28 by the Nevada Constitution or otherwise, shall prepare, on blanks  
29 furnished them by the Chief, and submit to the Chief:

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

32 (b) The number of full-time equivalent positions within the  
33 department, institution or agency that have been vacant for at least  
34 12 months, the number of months each such position has been  
35 vacant and the reasons for each such vacancy.

36 (c) Any existing contracts for services the department,  
37 institution or agency has with temporary employment services or  
38 other persons, the proposed expenditures for such contracts in the  
39 next 2 fiscal years and the reasons for the use of such services. If  
40 such contracts include any privatization contracts, a copy of each of  
41 those privatization contracts together with:

42 (1) A statement specifying the duration of the privatization  
43 contracts;



1 (2) The number of privatization contracts proposed for the  
2 next 2 fiscal years and the estimated expenditures for the  
3 privatization contracts; and

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

6 (I) For the preceding, current and next fiscal years, the  
7 annual amount required to perform each of the privatization  
8 contracts; and

9 (II) For the preceding and current fiscal years, the number  
10 of persons the department, institution or agency employed pursuant  
11 to the privatization contracts, reflected as the equivalent full-time  
12 position if the persons were regularly employed by the department,  
13 institution or agency, including the equivalent hourly wage and the  
14 cost of benefits for each job classification.

15 (d) Estimates of expenditure requirements of the department,  
16 institution or agency, together with all anticipated income from fees  
17 and all other sources, for the next 2 fiscal years compared with the  
18 corresponding figures of the last completed fiscal year and the  
19 estimated figures for the current fiscal year. *The Department of*  
20 *Public Safety and the Department of Corrections shall each*  
21 *submit separately as an estimate pursuant to this paragraph the*  
22 *estimated expenditure requirements for the salaries and other*  
23 *compensation of the classified employees of the applicable*  
24 *Department regarding whom a survey is conducted pursuant to*  
25 *section 1 of this act at the rates set forth in the pay plan prepared*  
26 *pursuant to NRS 284.175, as most recently amended pursuant to*  
27 *section 1 of this act.*

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

33 3. The Budget Division of the Office of Finance shall give  
34 advance notice to the Fiscal Analysis Division of the Legislative  
35 Counsel Bureau of any conference between the Budget Division of  
36 the Office of Finance and personnel of other state agencies  
37 regarding budget estimates. A Fiscal Analyst of the Legislative  
38 Counsel Bureau or his or her designated representative may attend  
39 any such conference.

40 4. The estimates of expenditure requirements submitted  
41 pursuant to subsection 1 must be classified to set forth the data  
42 of funds, organizational units, and the character and objects of  
43 expenditures by program or budgetary account and by category of  
44 expense, and must include a mission statement and measurement  
45 indicators in adequate detail to comply with the requirements of



1 subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205.  
2 The organizational units may be subclassified by functions and by  
3 agencies, bureaus or commissions, or in any other manner at the  
4 discretion of the Chief.

5 5. If any department, institution or other agency of the  
6 Executive Department of the State Government, whether its money  
7 is derived from state money or from other money collected under  
8 the authority of the State, fails or neglects to submit estimates of its  
9 expenditure requirements as provided in this section, the Chief may,  
10 from any data at hand in the Chief's office or which the Chief may  
11 examine or obtain elsewhere, make and enter a proposed budget for  
12 the department, institution or agency in accordance with the data.

13 6. Agencies, bureaus, commissions and officers of the  
14 Legislative Department, the Public Employees' Retirement System  
15 and the Judicial Department of the State Government shall submit to  
16 the Chief for his or her information in preparing the proposed  
17 executive budget the budgets which they propose to submit to the  
18 Legislature.

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

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

24 (b) The Fiscal Analysis Division of the Legislative Counsel  
25 Bureau.

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

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

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

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

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

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

