

Amendment No. 7

Assembly Amendment to Senate Bill No. 3 First Reprint (BDR S-16)

Proposed by: Assembly Committee of the Whole

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

EGO/BJE



Date: 2/27/2010

S.B. No. 3—Revises provisions relating to governmental administration.

(BDR S-16)



SENATE BILL NO. 3—COMMITTEE OF THE WHOLE

FEBRUARY 25, 2010

Referred to Committee of the Whole

SUMMARY—Revises provisions relating to governmental administration.
(BDR S-16)

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 governmental administration; ~~revising the amount of unpaid furlough leave that certain state employees are required to take during the 2010-2011 Fiscal Year;~~ providing for a temporary reduction in salary in lieu of furlough leave for state employees who are exempt from taking unpaid furlough leave; requiring the approval of a plan for additional overtime to be approved before the overtime is worked; providing for a temporary reduction in compensation for employees of the Senate and Assembly; providing for the closing of state offices on certain days and the revision of the workweek of state employees with certain exceptions and exemptions; temporarily authorizing school districts to require employees to take unpaid furlough leave; prohibiting certain additional compensation for and adjustments to the salaries of newly hired classified state employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires state employees to take unpaid furlough leave during the 2009-2011 biennium and authorizes exemptions from that requirement. (Sections 3 and 5 of chapter 391, Statutes of Nevada 2009, pp. 2159 and 2161) **Section 1** of this bill ~~increases the amount of unpaid furlough leave for full-time state employees from 8 hours per month to 10 hours per month for the 2010-2011 Fiscal Year. Section 1 also~~ provides flexibility for employees of the Budget Division of the Department of Administration, Legislature and Legislative Counsel Bureau to use the unpaid furlough leave in increments of less than 1 day in the same manner as classified employees. In addition, **section 1** authorizes school districts to require employees to take unpaid furlough leave unless the requirement would conflict with a collective bargaining agreement. **Section 1** also provides that the furlough requirements do not apply to a board, commission or agency, the sole function of which is regulating a profession, occupation or business and which is not subject to the State Budget Act.

Section 3 of this bill provides that certain exemptions from the furlough requirement must be approved by the Interim Finance Committee and that the salary of any employee who is exempt from the furlough requirement must be reduced by ~~5.75~~ 4.6 percent in lieu of furlough leave for the 2010-2011 Fiscal Year.

Existing law provides that employees who are subject to the furlough requirement be held harmless in the accumulation of retirement service credit and reported salary for purposes of the Public Employees' Retirement System. (Section 4 of chapter 391, Statutes of Nevada 2009, p. 2160) **Section 2** of this bill provides similar protections for state employees whose salaries are reduced by ~~5.75~~ **4.6** percent in lieu of furlough leave but provides school districts with discretion as to whether such protections are provided to its employees.

Existing law sets forth the compensation of employees of the Senate and Assembly. (NRS 218A.605) **Section 4** of this bill requires that such compensation be reduced by ~~5.75~~ **4.6** percent in lieu of furlough leave and prohibits certain step increases in that compensation for the 2010-2011 Fiscal Year.

Existing law requires that state offices be open for the transaction of business for at least 8 hours on every day of the year, with the exception of Saturdays, Sundays and legal holidays. (NRS 281.110) Except for certain boards, commissions and agencies, **section 5** of this bill provides for the closing of state offices on Fridays and for the revision of the regular workweek of state employees to four 10-hour days. **Section 5** also authorizes exemptions for state offices that must remain open on Fridays because of the need to provide appropriate services that are necessary to the protection of public health, safety and welfare. **Section 5** further provides an extension of the time for filing any paper with or complying with any deadline involving a state office that is closed on Friday if the last day for filing the paper or complying with the deadline falls on that Friday. **Section 6** of this bill provides additional exceptions to the requirements of **section 5** for the employees of the Nevada System of Higher Education.

Section 7 of this bill provides that certain additional overtime required by state agencies may only be worked pursuant to a plan that is approved before the overtime is worked. **Section 9** of this bill revises the calculation of overtime to account for workweeks consisting of 8-hour or 10-hour days and with respect to corrections officers of the Department of Corrections. (~~NRS 284.180~~)

Existing law authorizes certain supplemental compensation ~~for~~ and adjustments to the base rate of pay of classified employees for various purposes. (NRS 209.183, 284.175, NAC 284.206-284.218) **Sections 7.5 and 8.5** of the bill prohibit such supplemental compensation ~~for~~ and adjustments to the salaries of classified employees hired on or after March 1, 2010. **Section 13.5 of this bill ensures the continued payment of such supplemental compensation and adjustments as well as uniform allowances to current employees.**

Section 13 of this bill declares void all exemptions from furlough leave that were granted on or before June 30, 2010, but authorizes the reapplication for and granting of such exemptions. **Section 14** of this bill sunsets on June 30, 2011, the ~~requirement~~ **requirements**; (1) for unpaid furlough leave or a salary reduction in lieu of such leave; (2) that state agencies are closed on Fridays; and (3) that state employees work 10-hour days.

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

Section 1. Section 3 of chapter 391, Statutes of Nevada 2009, at page 2159, is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided in **subsection 9 and** section 5 of this act:

(a) For the period beginning on July 1, ~~2009~~ **2010**, and ending on June 30, 2011, each employee of the State, other than a classified employee ~~or an employee of the Legislature, Legislative Counsel Bureau or Budget Division of the Department of Administration,~~ shall take 1 day of unpaid furlough leave each month.

(b) Except as otherwise provided in subsection 5, the furlough requirement applies to all branches of state government and includes the Nevada System of Higher Education, the Public Employees' Retirement System and all other entities of state government.

1 ↪ The requirements of this section do not apply to employees of the
2 Department of Cultural Affairs whose standard workweek was reduced
3 from 40 hours to 32 hours effective July 1, 2009.

4 2. Except as otherwise provided in this subsection, for the purposes of
5 this section "1 day" consists of the number of hours an employee works in a
6 standard workday, but not more than 8 ~~10~~ hours. An employee must take
7 1 day of furlough leave each month and cannot take portions of a day that
8 combine to total the amount of the required monthly furlough leave. A full-
9 time employee whose standard workday is longer than 8 ~~10~~ hours shall
10 take 8 ~~10~~ hours of furlough leave on a single workday and may take
11 annual leave for the remainder of the day, work a reduced schedule that day
12 or work a modified schedule approved by his employer. An employee who
13 works less than full time with a fixed schedule shall take as furlough leave
14 the portion of an 8-hour ~~a 10-hour~~ day that his scheduled workweek or
15 biweekly schedule bears to a full-time workweek or biweekly schedule.

16 3. For the period beginning on July 1, ~~2009~~ 2010, and ending on
17 June 30, 2011, each employee in the classified service of the State ~~and~~
18 *and each employee of the Legislature, Legislative Counsel Bureau and*
19 *Budget Division of the Department of Administration* shall:

20 (a) If he is a full-time employee, take 96 ~~120~~ hours of unpaid
21 furlough leave. ~~each year.~~

22 (b) If he is employed less than full time, take a number of hours of
23 unpaid furlough leave ~~each year~~ which is equal to the average number of
24 hours worked per working day multiplied by 12.

25 ↪ An employee in the classified service of the State *or an employee of the*
26 *Legislature, Legislative Counsel Bureau or Budget Division of the*
27 *Department of Administration* may take unpaid furlough leave in portions
28 of a day that combine to total the amount of required yearly leave. To the
29 extent practicable, full-time classified employees *and full-time employees*
30 *of the Legislature, Legislative Counsel Bureau and Budget Division of*
31 *the Department of Administration* should take 8 ~~10~~ hours of unpaid
32 furlough leave per month. To the extent practicable, a classified employee
33 *or an employee of the Legislature, Legislative Counsel Bureau or Budget*
34 *Division of the Department of Administration* who works less than full
35 time with a fixed schedule should take as unpaid furlough leave the portion
36 of an 8-hour ~~a 10-hour~~ day his scheduled workweek or biweekly schedule
37 bears to a full-time workweek or biweekly schedule.

38 4. *For the period beginning on July 1, 2010, and ending on June*
39 *30, 2011, except as otherwise provided in subsection 8 and*
40 *notwithstanding any other specific statute to the contrary, a school district*
41 *may require each employee to take unpaid furlough leave in the amount*
42 *and manner determined by the school district.*

43 5. Furlough leave pursuant to this section must be scheduled and
44 approved in the same manner as other leave. Notwithstanding any statute or
45 regulation to the contrary and except as otherwise provided by regulation
46 adopted pursuant to this section by the Personnel Commission, an employee
47 *of the State* who is on furlough leave is considered to have worked that day
48 or portion of a day, as applicable, for all purposes except payment of salary
49 and determination of overtime, including without limitation:

50 (a) Accrual of sick and annual leave;

51 (b) Determining the employee's pay progression date;

52 (c) Continuity of service and years of service for the purposes of
53 payments pursuant to the plan to encourage continuity of service;

(d) The duration of a probationary period;
 (e) Determining eligibility for holiday pay if the shift immediately precedes a holiday;
 (f) Seniority for all purposes, including layoffs;
 (g) The Public Employees' Benefits Program; and
 (h) The Public Employees' Retirement System, including for the purposes of contributions to the System, subject to the requirements of sections 4 and 5 of this act.

~~5-1~~ 6. The Board of Regents of the University of Nevada shall determine and implement the method by which:

(a) The professional employees of the Nevada System of Higher Education will participate in the furlough requirement pursuant to this section; or

(b) The overall costs for the professional employees of the Nevada System of Higher Education will be reduced in an amount at least equal to the savings which would have otherwise been produced by furlough leave pursuant to this section.

~~6-1~~ 7. Except as otherwise provided in subsection ~~5-1~~ 6, the Personnel Commission shall adopt regulations *which are applicable to employees of the State* to carry out the provisions of this section.

8. *The provisions of subsection 4 do not apply to the extent that those provisions conflict with the provisions of a collective bargaining agreement entered into pursuant to chapter 288 of NRS.*

9. *The provisions of this section do not apply to a board, commission or agency the sole function of which is the regulation of a profession, occupation or business and which is not subject to the provisions of NRS 353.150 to 353.246, inclusive.*

10. *As used in this section, "public employer" has the meaning ascribed to it in NRS 286.070.*

Sec. 2. Section 4 of chapter 391, Statutes of Nevada 2009, at page 2160, is hereby amended to read as follows:

Sec. 4. 1. It is the intent of the Legislature to establish a program whereby employees of the State and other participating *public* employers ~~{who}~~:

(a) *Who* take furlough leave due to extreme fiscal need ~~{, including employees required to take furlough leave pursuant to section 3 of this act,}~~; or

(b) *Whose salaries are reduced in lieu of furlough leave,*
 ➤ be held harmless in the accumulation of retirement service credit and reported salary pursuant to chapter 286 of NRS ~~{,}~~, *except that, in the case of an employee of a school district, the school district shall determine whether the employee will be so held harmless.*

2. Except as otherwise required as a result of NRS 286.537 and notwithstanding the provisions of NRS 286.481, an employee is entitled to receive full service credit for time taken as furlough leave pursuant to the program established pursuant to section 3 of this act if:

(a) The employee, *if he is an employee of the State,* does not take more than ~~96 {120}~~ hours of furlough leave ~~{in a year}~~ *for the period beginning on July 1, 2010, and ending on June 30, 2011;* and

(b) The public employer certifies to the System that the employer is participating in the furlough program established pursuant to section 3 of this act and that the furlough leave which is reported for the employee is taken in accordance with the requirements of section 3 of this act.

3. In any month in which a day of furlough leave is taken, an employee is entitled to receive full-time service credit for the furlough leave in accordance with the normal workday for the employee. An employee who is less than full time is entitled to service credit in the same manner and to the same extent as though the employee had worked the hours taken as furlough leave.

4. *If the salary of any member is reduced in lieu of furlough leave, the public employer shall certify to the System that the salary of that member has been so reduced.*

5. When a member is on furlough leave pursuant to the program certified by the public employer in accordance with this section, *or when the salary of a member is reduced in lieu of furlough leave and certified by the public employer in accordance with this section*, the public employer must:

(a) Include all information required by the System on the public employer's regular monthly retirement report as provided in NRS 286.460; and

(b) Pay all required employer and employee contributions to the System based on the compensation that would have been paid to the member but for the member's participation in the program. The public employer may recover from the employee the amount of the employee contributions set forth in NRS 286.410.

~~{5-}~~ 6. Service credit under the program established pursuant to this section must be computed according to the fiscal year.

~~{6-}~~ 7. As used in this section:

(a) "Member" has the meaning ascribed to it in NRS 286.050.

(b) "Public employer" has the meaning ascribed to it in NRS 286.070.

(c) "System" means the Public Employees' Retirement System.

Sec. 3. Section 5 of chapter 391, Statutes of Nevada 2009, at page 2161, is hereby amended to read as follows:

Sec. 5. 1. It is the intent of the Legislature to limit exceptions to the requirement of furlough leave for employees of the State pursuant to section 3 of this act to identified areas of critical need. If ~~{an}~~ *a state* employer, ~~{including the State,}~~ participating in the program established pursuant to section 3 of this act determines that a position cannot be subject to furlough leave because of the need to provide appropriate services that are necessary to the protection of public health, safety and welfare, the governing body of the agency must make findings on the record in a public meeting that:

(a) The position is necessary to the protection of public health, safety, or welfare;

(b) The public health, safety or welfare will be significantly diminished if mandatory furlough leave is implemented for employees in these positions; *and*

(c) No alternatives exist to provide for the protection of public health, safety or welfare. ~~{, and~~

~~—(d) The agency has identified and will implement other methods to reduce overall costs equal to the savings produced by furlough leave under the program or received an allocation of funds as set forth in section 8 of this act.~~

2. For the purposes of subsection 1:

(a) Except as otherwise provided in this subsection, the State Board of Examiners shall determine positions within the Executive Branch of State

Government that cannot be subject to furlough leave. *Any such determination is not effective unless approved by the Interim Finance Committee.*

(b) The Board of Regents shall determine positions within the Nevada System of Higher Education that cannot be subject to furlough leave. *Any such determination is not effective unless approved by the Interim Finance Committee.*

(c) The Public Employees' Retirement Board shall determine positions within the Public Employees' Retirement System that cannot be subject to furlough leave.

(d) The Supreme Court shall determine positions within the Judicial Branch of State Government that cannot be subject to furlough leave.

(e) The Legislative Commission shall determine positions within the Legislative Branch of State Government that cannot be subject to furlough leave.

3. The entities described in subsection 2 shall report to the Interim Finance Committee on a quarterly basis all positions that have been determined not to be subject to furlough leave pursuant to this section and the reasons for such determinations.

4. *The salary of any position that has been determined not to be subject to furlough leave pursuant to this section must be reduced by an amount of ~~5.75~~ 4.6 percent in lieu of furlough leave, except that the payment of any special or other adjustments to the base rate and any overtime that is worked by an employee who is filling such a position must be calculated based on the employee's unreduced salary.*

Sec. 4. *For the period beginning on July 1, 2010, and ending on June 30, 2011:*

1. *The compensation of employees of the Senate and Assembly due pursuant to NRS 218A.605 must be reduced by ~~5.75~~ 4.6 percent in lieu of furlough leave;*

2. *In calculating the amount of compensation due such an employee pursuant to NRS 218A.605, no additional step increase authorized by that section may be applied; and*

3. *If such an employee is a member of the Public Employees' Retirement System who is contributing to the System, the provisions of section 4 of chapter 391, Statutes of Nevada 2009, at page 2160, as amended by section 2 of this act, apply with respect to the employee.*

Sec. 5. 1. *Notwithstanding the provisions of NRS 281.110 or any other statute or regulation to the contrary, except as otherwise provided in this section and section 6 of this act, for the period beginning on July 1, 2010, and ending on June 30, 2011, the offices of all state officers, departments, boards, commissions and agencies must be closed on Fridays and be open for the transaction of business at least from 7 a.m. until 12 p.m. and from 1 p.m. until 6 p.m. on Monday through Thursday. The workweek of the employees of those offices must consist of four 10-hour days, Monday through Thursday.*

2. *During any week in which falls one or more legal holidays pursuant to NRS 236.015, all such offices must be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. on each day which is not a legal holiday, and the workweek of the employees of those offices during that week must consist of 8-hour days. ~~[No furlough leave may be taken by an employee on any 8-hour day described in this subsection.]~~*

3. *An office and its employees may be exempted from the requirements of this section upon a determination pursuant to subsection 4 that the office must*

1 remain open on Fridays because of the need to provide appropriate services that
2 are necessary to the protection of public health, safety and welfare.

3 4. For the purposes of subsection 3:

4 (a) Except as otherwise provided in this subsection, the State Board of
5 Examiners shall determine exemptions from the requirements of this section for
6 offices within the Executive Branch of State Government.

7 (b) The Board of Regents shall determine exemptions from the requirements
8 of this section for offices within the Nevada System of Higher Education.

9 (c) The Public Employees' Retirement Board shall determine exemptions
10 from the requirements of this section for offices within the Public Employees'
11 Retirement System.

12 (d) The Supreme Court shall determine exemptions from the requirements of
13 this section for offices within the Judicial Branch of State Government.

14 (e) The Legislative Commission shall determine exemptions from the
15 requirements of this section for offices within the Legislative Branch of State
16 Government.

17 5. An entity described in subsection 4 shall report to the Interim Finance
18 Committee not later than 60 days after determining that an office is exempt from
19 the requirements of this section concerning the determination and the reasons for
20 the determination.

21 ~~6. Notwithstanding the provisions of section 3 of chapter 291, Statutes of~~
22 ~~Nevada 2009, at page 2159, as amended by section 1 of this act, to the contrary,~~
23 ~~an employee of an office that is exempted from the requirements of this section~~
24 ~~may take portions of a day as furlough leave that combine to total the amount of~~
25 ~~the furlough leave required by that section, except that any such employee~~
26 ~~described in NRS 284.148 shall take all required furlough leave each month~~
27 ~~during the same week.~~

28 ~~7. If the last day limited by a specific statute for filing any paper with or~~
29 ~~complying with any deadline involving an office that is closed on a Friday~~
30 ~~pursuant to this section falls on that Friday, the period so limited must expire on~~
31 ~~the following business day at 5 p.m.~~

32 ~~8. 7. The provisions of this section do not apply to a board, commission or~~
33 ~~agency, the sole function of which is the regulation of a profession, occupation or~~
34 ~~business and which is not subject to the provisions of NRS 353.150 to 353.246,~~
35 ~~inclusive.~~

36 Sec. 6. For the period beginning on July 1, 2010, and ending on June 30,
37 2011, the Board of Regents shall establish a schedule consisting of rolling 10-
38 hour days which is designed to allow staffing by employees of the Nevada System
39 of Higher Education on Monday through Friday, with each employee working on
40 only four of those days.

41 Sec. 7. For the period beginning on July 1, 2010, and ending on June 30,
42 2011, if any state agency determines that it will require its employees to work
43 more overtime than the amount of overtime the state agency required of its
44 employees during the preceding fiscal year or, if the overtime requirements of the
45 state agency vary substantially during each year of a biennium, during the
46 corresponding year of the preceding biennium, the additional overtime may only
47 be worked pursuant to a plan that is approved in advance by one of the following
48 entities:

49 1. Except as otherwise provided in this section, the State Board of
50 Examiners must approve overtime plans for the Executive Branch of State
51 Government.

52 2. The Board of Regents must approve overtime plans for the Nevada
53 System of Higher Education.

1 **3. The Public Employees' Retirement Board must approve overtime plans**
2 **for the Public Employees' Retirement System.**

3 **4. The Supreme Court must approve overtime plans for the Judicial Branch**
4 **of State Government.**

5 **5. The Legislative Commission must approve overtime plans for the**
6 **Legislative Branch of State Government.**

7 **Sec. 7.5.** NRS 209.183 is hereby amended to read as follows:

8 209.183 In addition to his or her regular salary, each person employed **before**
9 **March 1, 2010**, by the Department of Corrections or the Division of Forestry of the
10 State Department of Conservation and Natural Resources at the Southern Nevada
11 Correctional Center, the Southern Desert Correctional Center, the Indian Springs
12 Conservation Camp, the correctional institution identified as the Men's Prison No.
13 7 in chapter 656, Statutes of Nevada 1995, and chapter 478, Statutes of Nevada
14 1997, or the Jean Conservation Camp is entitled to receive, as compensation for
15 travel expenses, not more than \$7.50 for each day he or she reports to work if his or
16 her residence is more than 25 miles from the respective facility. The total cost for
17 compensation for travel expenses authorized by this section must not exceed the
18 amount specially appropriated for this purpose.

19 **Sec. 7.7. NRS 227.150 is hereby amended to read as follows:**

20 227.150 1. The State Controller shall:

21 (a) Open and keep an account with each county, charging the counties with the
22 revenue collected, as shown by the auditor's statements, and also with their
23 proportions of the salaries of the district judges, and crediting them with the
24 amounts paid to the State Treasurer.

25 (b) Keep and state all accounts between the State of Nevada and the United
26 States, or any state or territory, or any person or public officer of this State,
27 indebted to the State or entrusted with the collection, disbursement or management
28 of any money, funds or interests arising therefrom, belonging to the State, of every
29 character and description, if the accounts are derivable from or payable into the
30 State Treasury.

31 (c) Settle the accounts of all county treasurers, and other collectors and
32 receivers of all state revenues, taxes, tolls and incomes, levied or collected by any
33 act of the Legislature and payable into the State Treasury.

34 (d) Keep fair, clear, distinct and separate accounts of all the revenues and
35 incomes of the State, and of all the expenditures, disbursements and investments
36 thereof, showing the particulars of every expenditure, disbursement and investment.

37 2. The State Controller may:

38 (a) Direct the collection of all accounts or money due the State, except as
39 otherwise provided in chapter 353C of NRS, and if there is no time fixed or
40 stipulated by law for the payment of any such accounts or money, they are payable
41 at the time set by the State Controller.

42 (b) Upon approval of the Attorney General, direct the cancellation of any
43 accounts or money due the State.

44 (c) Except as otherwise provided in subsection 3, withhold from the
45 compensation of an employee of the State any amount due the State for the
46 overpayment of the salary of the employee that has not been satisfied pursuant to
47 subsection ~~89~~ **2** of NRS 284.350 or in any other manner.

48 3. Before any amounts may be withheld from the compensation of an
49 employee pursuant to paragraph (c) of subsection 2, the State Controller shall:

50 (a) Give written notice to the employee of the State Controller's intent to
51 withhold such amounts from the compensation of the employee; and

52 (b) If requested by the employee within 10 working days after receipt of the
53 notice, conduct a hearing and allow the employee the opportunity to contest the

1 State Controller's determination to withhold such amounts from the compensation
2 of the employee.

3 ➤ If the overpayment was not obtained by the employee's fraud or willful
4 misrepresentation, any withholding from the compensation of the employee must
5 be made in a reasonable manner so as not to create an undue hardship to the
6 employee.

7 4. The State Controller may adopt such regulations as are necessary to carry
8 out the provisions of this section.

9 **Sec. 8.** (Deleted by amendment.)

10 **Sec. 8.1.** NRS 284.065 is hereby amended to read as follows:

11 284.065 1. The Commission has only such powers and duties as are
12 authorized by law.

13 2. In addition to the powers and duties set forth elsewhere in this chapter, the
14 Commission shall:

15 (a) Advise the Director concerning the organization and administration of the
16 Department.

17 (b) Report to the Governor biennially on all matters which the Commission
18 may deem pertinent to the Department and concerning any specific matters
19 previously requested by the Governor.

20 (c) Advise and make recommendations to the Governor or the Legislature
21 relative to the personnel policy of the State.

22 (d) ~~Adopt~~ *Except as otherwise provided in subsection 4 of NRS 284.175,*
23 *adopt* regulations to carry out the provisions of this chapter.

24 (e) Foster the interest of institutions of learning and of civic, professional and
25 employee organizations in the improvement of personnel standards in the state
26 service.

27 (f) Review decisions of the Director in contested cases involving the
28 classification or allocation of particular positions.

29 (g) Exercise any other advisory powers necessary or reasonably implied within
30 the provisions and purposes of this chapter.

31 **Sec. 8.3.** NRS 284.155 is hereby amended to read as follows:

32 284.155 1. ~~The~~ *Except as otherwise provided in subsection 4 of NRS*
33 *284.175, the* Commission shall adopt a code of regulations for the classified
34 service.

35 2. The code must include regulations concerning certifications and
36 appointments for:

37 (a) Positions in classes having a maximum salary of \$12,500 or less as of
38 December 31, 1980, where the regular procedures for examination and certification
39 are impracticable; and

40 (b) Classes where applicants for promotion are not normally available.

41 ➤ These regulations may be different from the regulations concerning certifications
42 and appointments for other positions in the classified service.

43 **Sec. 8.5.** NRS 284.175 is hereby amended to read as follows:

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

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

49 3. ~~The~~ *Except as otherwise provided in subsection 4, the* pay plan must
50 include, without limitation, ranges for each class, grade or group of positions in the
51 classified service. Each employee in the classified service must be paid at one of
52 the rates set forth in the pay plan for the class of position in which the employee is
53 employed and at such time as necessary money is made available for the payment.

1 4. *The pay plan may not include any special or other adjustments to the*
2 *base rates set forth in the pay plan for employees hired on or after March 1, 2010.*

3 5. The Commission shall adopt regulations to carry out the pay plan.

4 ~~5-7~~ 6. The Director may make recommendations to the Legislature during
5 regular legislative sessions concerning salaries for the classified service of the
6 State. In making such recommendations, the Director shall consider factors such as:

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

9 (b) Changes in the cost of living;

10 (c) The rate of turnover and difficulty of recruitment for particular positions;
11 and

12 (d) Maintaining an equitable relationship among classifications.

13 **Sec. 9.** NRS 284.180 is hereby amended to read as follows:

14 284.180 1. The Legislature declares that since uniform salary and wage
15 rates and classifications are necessary for an effective and efficient personnel
16 system, the pay plan must set the official rates applicable to all positions in the
17 classified service, but the establishment of the pay plan in no way limits the
18 authority of the Legislature relative to budgeted appropriations for salary and wage
19 expenditures.

20 2. Credit for overtime work directed or approved by the head of an agency or
21 the representative of the head of the agency must be earned at the rate of time and
22 one-half, except for those employees described in NRS 284.148.

23 3. Except as otherwise provided in subsections 4, 6, 7 and 9 ~~4~~ :

24 (a) *During a workweek consisting of 10-hour days, overtime is considered*
25 *time worked in excess of:*

26 (1) *Ten hours in 1 calendar day;*

27 (2) *Ten hours in any 18-hour period; or*

28 (3) *A 40-hour week.*

29 (b) *During a workweek consisting of 8-hour days, overtime is considered time*
30 *worked in excess of:*

31 ~~(a)~~ (1) Eight hours in 1 calendar day;

32 ~~(b)~~ (2) Eight hours in any 16-hour period; or

33 ~~(c)~~ (3) A 40-hour week.

34 4. Firefighters who choose and are approved for a 24-hour shift shall be
35 deemed to work an average of 56 hours per week and 2,912 hours per year,
36 regardless of the actual number of hours worked or on paid leave during any
37 biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the
38 firefighter's annual salary for each biweekly pay period. In addition, overtime must
39 be considered time worked in excess of:

40 (a) Twenty-four hours in one scheduled shift; or

41 (b) Fifty-three hours average per week during one work period for those hours
42 worked or on paid leave.

43 ➤ The appointing authority shall designate annually the length of the work period
44 to be used in determining the work schedules for such firefighters. In addition to the
45 regular amount paid such a firefighter for the deemed average of 56 hours per
46 week, the firefighter is entitled to payment for the hours which comprise the
47 difference between the 56-hour average and the overtime threshold of 53 hours
48 average at a rate which will result in the equivalent of overtime payment for those
49 hours.

50 5. The Commission shall adopt regulations to carry out the provisions of
51 subsection 4.

52 6. ~~For employees who choose and are approved for a variable workday,~~
53 ~~overtime will be considered only after working 40 hours in 1 week.]~~ *Corrections*

Officers of the Department of Corrections must be scheduled to work not less than three consecutive 12-hour shifts and not less than seven 12-hour shifts during each 14-day pay period. Overtime must be considered time worked in excess of:

(a) Twelve hours in one shift; or

(b) Eighty-four hours in any 14-day pay period.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable ~~{80-hour}~~ work schedule within a biweekly pay period ~~{and who choose and are approved for such a work schedule}~~ will be considered eligible for overtime ~~{only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.}~~ *in accordance with the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.*

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

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

Sec. 10. NRS 284.350 is hereby amended to read as follows:

284.350 1. Except as otherwise provided in subsections 2, 3 ~~{and 4.}~~ 4 and 5, an employee in the public service, whether in the classified or unclassified service ~~{.}~~:

(a) Except as otherwise provided in paragraph (b), is entitled to annual leave with pay of ~~{1 1/4 working days}~~ 10 hours for each month of continuous public service. The annual leave may be cumulative from year to year not to exceed ~~{30 working days}~~ 240 hours.

(b) Who works 24 hours in one scheduled shift is entitled to annual leave with pay of 1 1/4 working days for each month of continuous public service. The annual leave may be cumulative from year to year not to exceed 30 working days.

➤ The Commission may by regulation provide for additional annual leave for long-term employees and for prorated annual leave for part-time employees.

2. Except as otherwise provided in this subsection ~~{.}~~ and subsection 3, any annual leave in excess of ~~{30 working days}~~ 240 hours must be used before January 1 of the year following the year in which the annual leave in excess of ~~{30 working days}~~ 240 hours is accumulated or the amount of annual leave in excess of ~~{30 working days}~~ 240 hours is forfeited on that date. If an employee:

(a) On or before October 15, requests permission to take annual leave; and

(b) The employee's request for leave is denied in writing for any reason,

1 ↪ the employee is entitled to payment for any annual leave in excess of ~~30~~
2 ~~working days~~ 240 hours which the employee requested to take and which the
3 employee would otherwise forfeit as the result of the denial of the employee's
4 request, unless the employee has final authority to approve use of the employee's
5 own accrued leave and the employee received payment pursuant to this subsection
6 for any unused annual leave in excess of ~~30 working days~~ 240 hours accumulated
7 during the immediately preceding calendar year. The payment for the employee's
8 unused annual leave must be made to the employee not later than January 31.

9 3. Except as otherwise provided in this subsection, any annual leave in
10 excess of 30 working days of an employee who works 24 hours in one scheduled
11 shift must be used before January 1 of the year following the year in which the
12 annual leave in excess of 30 working days is accumulated or the amount of
13 annual leave in excess of 30 working days is forfeited on that date. If such an
14 employee:

15 (a) On or before October 15, requests permission to take annual leave; and

16 (b) The employee's request for leave is denied in writing for any reason.

17 ↪ the employee is entitled to payment for any annual leave in excess of 30
18 working days which the employee requested to take and which the employee
19 would otherwise forfeit as the result of the denial of the employee's request,
20 unless the employee has final authority to approve use of the employee's own
21 accrued leave and the employee received payment pursuant to this subsection for
22 any unused annual leave in excess of 30 working days accumulated during the
23 immediately preceding calendar year. The payment for the employee's unused
24 annual leave must be made to the employee not later than January 31.

25 4. Officers and members of the faculty of the Nevada System of Higher
26 Education are entitled to annual leave as provided by the regulations adopted
27 pursuant to subsection 2 of NRS 284.345.

28 ~~4.5.~~ 5. The Commission shall establish by regulation a schedule for the
29 accrual of annual leave for employees who regularly work more than 40 hours per
30 week or 80 hours biweekly. The schedule must provide for the accrual of annual
31 leave at the same rate proportionately as employees who work a 40-hour week
32 accrue annual leave.

33 ~~5.6.~~ 6. No elected state officer may be paid for accumulated annual leave
34 upon termination of the officer's service.

35 ~~6.7.~~ 7. During the first 6 months of employment of any employee in the public
36 service, annual leave accrues as provided in subsection 1, but no annual leave may
37 be taken during that period.

38 ~~7.8.~~ 8. No employee in the public service may be paid for accumulated annual
39 leave upon termination of employment unless the employee has been employed for
40 6 months or more.

41 ~~8.9.~~ 9. Upon the request of an employee, the appointing authority of the
42 employee may approve the reduction or satisfaction of an overpayment of the salary
43 of the employee that was not obtained by the fraud or willful misrepresentation of
44 the employee with a corresponding amount of the accrued annual leave of the
45 employee.

46 Sec. 11. NRS 284.355 is hereby amended to read as follows:

47 284.355 1. Except as otherwise provided in this section, all employees in
48 the public service, whether in the classified or unclassified service, are entitled to
49 sick and disability leave with pay of ~~1 1/4 working days~~ 10 hours for each month
50 of service, which may be cumulative from year to year. After an employee has
51 accumulated ~~90 working days~~ 720 hours of sick leave, the amount of additional
52 unused sick leave which the employee is entitled to carry forward from 1 year to
53 the next is limited to one-half of the unused sick leave accrued during that year, but

1 the Commission may by regulation provide for subsequent use of unused sick leave
2 accrued but not carried forward because of this limitation in cases where the
3 employee is suffering from a long-term or chronic illness and has used all sick
4 leave otherwise available to the employee.

5 2. Except as otherwise provided in this section, employees who work 24
6 hours in one scheduled shift are entitled to sick and disability leave with pay of 1
7 1/4 working days for each month of service, which may be cumulative from year
8 to year. After an employee has accumulated 90 working days of sick leave, the
9 amount of additional unused sick leave which the employee is entitled to carry
10 forward from 1 year to the next is limited to one-half of the unused sick leave
11 accrued during that year, but the Commission may by regulation provide for
12 subsequent use of unused sick leave accrued but not carried forward because of
13 this limitation in cases where the employee is suffering from a long-term or
14 chronic illness and has used all sick leave otherwise available to the employee.

15 3. Upon the retirement of an employee, the employee's termination through
16 no fault of the employee or the employee's death while in public employment, the
17 employee or the employee's beneficiaries are entitled to payment:

18 (a) For the employee's unused sick leave in excess of ~~30 days~~ 240 hours ~~for~~
19 for employees to which subsection 1 applies and 30 days for employees to whom
20 subsection 2 applies, exclusive of any unused sick leave accrued but not carried
21 forward, according to the employee's number of years of public service, except
22 service with a political subdivision of the State, as follows:

23 (1) For 10 years of service or more but less than 15 years, not more than
24 \$2,500.

25 (2) For 15 years of service or more but less than 20 years, not more than
26 \$4,000.

27 (3) For 20 years of service or more but less than 25 years, not more than
28 \$6,000.

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

30 (b) For the employee's unused sick leave accrued but not carried forward, an
31 amount equal to one-half of the sum of:

32 (1) The employee's hours of unused sick leave accrued but not carried
33 forward; and

34 (2) An additional 120 hours.

35 ~~3.4~~ 4. The Commission may by regulation provide for additional sick and
36 disability leave for long-term employees and for prorated sick and disability leave
37 for part-time employees.

38 ~~4.4~~ 5. An employee entitled to payment for unused sick leave pursuant to
39 subsection 2 may elect to receive the payment in any one or more of the following
40 forms:

41 (a) A lump-sum payment.

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

50 (c) The purchase of additional retirement credit, if the employee is otherwise
51 eligible pursuant to chapter 286 of NRS.

~~5.1~~ 6. Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

~~6.1~~ 7. The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~7.1~~ 8. The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

~~8.1~~ 9. The Department may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.

Sec. 12. Any use of the term "working day" in a regulation of the Personnel Commission which concerns the earning, calculation or use of annual leave or sick leave must be interpreted to mean a period of work consisting of 8 hours until that regulation is otherwise amended by the Personnel Commission.

Sec. 13. 1. Each exemption from furlough leave which was granted on or before June 30, 2010, is hereby declared void.

2. The provisions of subsection 1 do not preclude the reapplication for and granting of any exemption that is declared void by subsection 1.

Sec. 13.5. 1. Notwithstanding any contrary order, directive, policy or request made by any other officer or agency of the Executive Department of the State Government, the Department of Personnel or other responsible officer or agency shall administer, carry out and make payments pursuant to NRS 209.183 and 281.121 and NAC 284.206, 284.208, 284.210, 284.214 and 284.218, as those provisions existed on February 23, 2010, to any employee as defined in this section who:

(a) Was receiving such payments on February 23, 2010, in accordance with the provisions of those statutes and regulations; or

(b) Becomes eligible to receive such payments on or after February 23, 2010, in accordance with the provisions of those statutes and regulations.

2. This section does not:

(a) Make any employee eligible to receive such payments if the employee does not otherwise meet the criteria to receive such payments in accordance with the provisions of those statutes and regulations.

(b) Prohibit the Department of Personnel or other responsible officer or agency from stopping such payments to any employee when the employee no longer meets the criteria to receive such payments in accordance with the provisions of those statutes and regulations.

3. As used in this section, "employee" means a person who:

1 (a) Is employed by the Executive Department of the State Government on
2 February 23, 2010; or

3 (b) Was employed by the Executive Department of the State Government on or
4 before February 23, 2010, and who returns to employment with the Executive
5 Department of the State Government on or after that date.

6 4. The term "employee" does not include any person who is employed by the
7 Executive Department of the State Government for the first time after February 23,
8 2010.

9 **Sec. 14.** 1. This section and sections 7.5, 8.1, 8.3, 8.5 and 13.5 of this act
10 become effective upon passage and approval.

11 2. Sections 1 to 7, inclusive, ~~7.7~~, 8, 9 to 12, inclusive, and 13 of this act
12 become effective on July 1, 2010.

13 3. Sections 1 to 7, inclusive, ~~7.7~~, 12 and 13 of this act, and sections 3, 4 and 5
14 of chapter 391, Statutes of Nevada 2009, expire by limitation on June 30, 2011.