

ASSEMBLY BILL NO. 494—ASSEMBLYMEN PARNELL, SEGERBLOM, BACHE,  
NEIGHBORS, WILLIAMS, LEE, THOMAS, GIBBONS, KOIVISTO, MCCLAIN,  
OHRENSCHALL, CLABORN AND MANENDO

MARCH 12, 1999

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Referred to Committee on Government Affairs

SUMMARY—Requires personnel commission to adopt regulations relating to determination of  
work schedules of certain state employees who work in shifts. (BDR 23-1165)

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

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AN ACT relating to state employees; requiring the personnel commission of the department of  
personnel to enact regulations that establish a method for establishing work schedules for  
employees who work in shifts; and providing other matters properly relating thereto.

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

- 1    **Section 1.** Chapter 284 of NRS is hereby amended by adding thereto  
2    a new section to read as follows:  
3    ***1. The commission shall adopt regulations setting forth a process for***  
4    ***the determination of the work schedules for employees of each state***  
5    ***agency that operates for more than 8 hours in a day or more than 5 days***  
6    ***per week.***  
7    ***2. The regulations must:***  
8    ***(a) Set forth a process that allows the employees, primarily based on***  
9    ***seniority, to select their permanent work week schedule, including,***  
10   ***without limitation, their days off and their daily shifts;***  
11   ***(b) Provide a list of special circumstances under which an appointing***  
12   ***authority may use a factor other than seniority for determining the order***  
13   ***in which its employees select a shift or schedule;***  
14   ***(c) Set forth the circumstances under which an employee who***  
15   ***disagrees that such special circumstances exist may appeal the decision***

1 *of the appointing authority in accordance with the process established in*  
2 *NRS 284.384;*

3 *(d) Provide a list of alternate factors the appointing authority may use*  
4 *for determining the order of selection for a position where special*  
5 *circumstances are present; and*

6 *(e) Take into consideration and allow for the unique staffing*  
7 *requirements and special needs of each individual agency, including,*  
8 *without limitation, consideration of any applicable statutory or*  
9 *regulatory limit on the number of hours an individual employee may*  
10 *work in a shift or week.*

11 *3. Once an employee has completed the selection process and an*  
12 *agency has created a schedule in accordance with the regulations*  
13 *adopted pursuant to this section, the schedule must not be altered without*  
14 *the consent of the employee.*

15 *4. For the purposes of this section, the commission shall determine*  
16 *the seniority of an employee according to the following factors:*

17 *(a) Seniority must initially be established among employees in the*  
18 *same classification by comparing the length of continuous service that*  
19 *each such employee has in that classification, with the most senior*  
20 *employee being the employee having the greatest amount of continuous*  
21 *service in that classification.*

22 *(b) If two or more employees in the same classification have the same*  
23 *length of continuous service in the classification, then seniority for those*  
24 *employees is determined by comparing the length of continuous service*  
25 *that the employees have with the agency, with the most senior employee*  
26 *having the greatest amount of continuous service with the agency.*

27 *(c) If two or more employees have the same length of continuous*  
28 *service in the classification and in the agency, then highest seniority must*  
29 *be determined for those employees by drawing lots.*

30 **Sec. 2.** The personnel commission shall, on or before November 1,  
31 1999, adopt regulations pursuant to section 1 of this act.

32 **Sec. 3.** This act becomes effective on July 1, 1999, for purposes  
33 relating to the adoption of the required regulations, and on January 1,  
34 2000, for all other purposes.