

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

MARCH 12, 1999

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.

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 certain state 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 a
2 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 provides facilities or institutions for housing patients, clients,***
6 ***juvenile offenders or inmates 24 hours a day.***
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*
29 *must 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, 2000,
34 for all other purposes.