

SENATE BILL NO. 499—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF DEPARTMENT OF PERSONNEL)

MARCH 22, 1999

Referred to Committee on Government Affairs

SUMMARY—Clarifies circumstances under which state employees who work variable work schedules or innovative work weeks are eligible for overtime and repeals certain obsolete provisions. (BDR 23-233)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 the state personnel system; clarifying the circumstances under which employees who work variable work schedules or innovative work weeks are eligible for overtime; repealing certain redundant and obsolete provisions governing reports of promotion to be made by appointing authorities and the continued employment of certain employees in the classified service; 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.** NRS 284.180 is hereby amended to read as follows:
2 284.180 1. The legislature declares that since uniform salary and
3 wage rates and classifications are necessary for an effective and efficient
4 personnel system, the pay plan must set the official rates applicable to all
5 positions in the classified service, but the establishment of the pay plan in
6 no way limits the authority of the legislature relative to budgeted
7 appropriations for salary and wage expenditures.
8 2. Credit for overtime work directed or approved by the head of an
9 agency or his representative must be earned at the rate of time and one-half,
10 except for those employees described in NRS 284.148.
11 3. Except as otherwise provided in subsections 4, 6, 7 and ~~8~~ 9,
12 overtime is considered time worked in excess of:
13 (a) Eight hours in 1 calendar day;

1 (b) Eight hours in any 16-hour period; or

2 (c) A 40-hour week.

3 4. Firemen who choose and are approved for a 24-hour shift shall be
4 deemed to work an average of 56 hours per week and 2,912 hours per year,
5 regardless of the actual number of hours worked or on paid leave during
6 any biweekly pay period. A fireman so assigned is entitled to receive 1/26
7 of his annual salary for each biweekly pay period. In addition, overtime
8 must be considered time worked in excess of:

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

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

12 The appointing authority shall designate annually the length of the work
13 period to be used in determining the work schedules for such firemen. In
14 addition to the regular amount paid such a fireman for the deemed average
15 of 56 hours per week, he is entitled to payment for the hours which
16 comprise the difference between the 56-hour average and the overtime
17 threshold of 53 hours average at a rate which will result in the equivalent of
18 overtime payment for those hours.

19 5. The director, with the approval of the commission, shall adopt
20 regulations to carry out the provisions of subsection 4.

21 6. For employees who choose and are approved for a variable
22 workday, overtime will be considered only after working 40 hours in 1
23 week. ~~For employees~~

24 ~~who choose and are approved for~~

25 7. *Employees who are eligible under the Fair Labor Standards Act of*
26 *1938, 29 U.S.C. §§ 201 et seq., to work* a variable 80-hour work schedule
27 within a biweekly pay period ~~for overtime~~ *and who choose and are*
28 *approved for such a work schedule* will be considered *eligible for*
29 *overtime* only after working 80 hours biweekly ~~for~~

30 ~~7.] except those eligible employees who are approved for overtime in~~
31 ~~excess of one scheduled shift of 8 or more hours per day.~~

32 8. An agency may experiment with innovative work weeks upon the
33 approval of the head of the agency and after majority consent of the
34 affected employees. *The affected employees are eligible for overtime only*
35 *after working 40 hours in the work week.*

36 ~~8.]~~ 9. This section does not supersede or conflict with existing
37 contracts of employment for employees hired to work 24 hours a day in a
38 home setting. Any future classification in which an employee will be
39 required to work 24 hours a day in a home setting must be approved in
40 advance by the commission.

41 ~~9.]~~ 10. All overtime must be approved in advance by the appointing
42 authority or his designee. No officer or employee, other than a director of a
43 department or the chairman of a board, commission or similar body, may

- 1 authorize overtime for himself. The chairman of a board, commission or
2 similar body must approve in advance all overtime worked by members of
3 the board, commission or similar body.
- 4 ~~10.~~ 11. The budget division of the department of administration shall
5 review all overtime worked by employees of the executive department to
6 ensure that overtime is held to a minimum. The budget division shall report
7 quarterly to the state board of examiners the amount of overtime worked in
8 the quarter within the various agencies of the state.
- 9 **Sec. 2.** NRS 284.270 and 284.275 are hereby repealed.
- 10 **Sec. 3.** This act becomes effective on July 1, 1999.

TEXT OF REPEALED SECTIONS

284.270 Report of promotion by appointing authority. Each appointing authority shall report to the director in writing from time to time upon the date of the official action in, or knowledge of, any promotion of a person in the public service.

284.275 Continued employment of employees in classified service on March 30, 1953.

1. Employees holding positions in the classified service for 2 years or more immediately before March 30, 1953, must be continued in their respective positions without further examination, until separated from their positions as provided by law. The director shall survey the qualifications of all such employees and shall report the results of the survey to the proper appointing authorities.

2. Nothing in this section precludes the reclassification or reallocation as provided by this chapter of any position held by any such incumbent.

3. The provisions of this section apply to any employee holding a position in the classified service and who is separated therefrom in accordance with the provisions for leave of absence set forth in this chapter.