

## ASSEMBLY BILL NO. 386—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF DEPARTMENT OF PERSONNEL)

MARCH 15, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to state personnel system. (BDR 23-621)

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 the state personnel system; revising certain provisions relating to the classified and unclassified services of the state; repealing certain provisions relating to discrimination in employment, cooperation with the public employees' retirement board and the requirement of a bond for appointment to certain positions; 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 284.140 is hereby amended to read as follows:
- 2 284.140 The unclassified service of the state consists of ~~positions held~~
- 3 ~~by~~ *the following* state officers or employees in the executive department
- 4 of the state government ~~as follows:~~
- 5 ~~1. Persons chosen by election or appointment to fill an elective office;~~
- 6 ~~2. who receive annual salaries for their service;~~
- 7 *1.* Members of boards and commissions, and heads of departments,
- 8 agencies and institutions required by law to be appointed.
- 9 ~~3. At the discretion of the elective officer or head of each department,~~
- 10 ~~agency or institution, one deputy and one chief assistant in each~~
- 11 ~~department, agency or institution;~~
- 12 ~~4.~~ *2.* Except as otherwise provided in NRS 223.085 and 223.570, all
- 13 persons required by law to be appointed by the governor or heads of
- 14 departments or agencies appointed by the governor or by boards.
- 15 ~~5.~~ *3.* All employees other than clerical in the office of the attorney
- 16 general and the state public defender required by law to be appointed by
- 17 the attorney general or the state public defender.
- 18 ~~6.~~ *4.* Except as otherwise provided by the board of regents of the
- 19 University of Nevada pursuant to NRS 396.251, officers and members of



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1 the teaching staff and the staffs of the agricultural extension department  
2 and experiment station of the University and Community College System  
3 of Nevada, or any other state institution of learning, and student employees  
4 of these institutions. Custodial, clerical or maintenance employees of these  
5 institutions are in the classified service. The board of regents of the  
6 University of Nevada shall assist the director in carrying out the provisions  
7 of this chapter applicable to the University and Community College  
8 System of Nevada.

9 ~~{7. Officers and members of the Nevada National Guard.~~

10 ~~—8. Persons engaged in public work for the state but employed by~~  
11 ~~contractors when the performance of the contract is authorized by the~~  
12 ~~legislature or another competent authority.~~

13 ~~—9. Patient and inmate help in state charitable, penal, mental and~~  
14 ~~correctional institutions.~~

15 ~~—10. Part time professional personnel who are paid for any form of~~  
16 ~~medical, nursing or other professional service and who are not engaged in~~  
17 ~~the performance of administrative or substantially recurring duties.~~

18 ~~—11.†~~ 5. All other officers and employees authorized by law to be  
19 employed in the unclassified service.

20 **Sec. 2.** NRS 284.150 is hereby amended to read as follows:

21 284.150 1. The classified service of the State of Nevada is comprised  
22 of all positions in the public service now existing or hereafter created  
23 which are not included in the unclassified service, and which provide  
24 services for any office, department, board, commission, bureau, agency or  
25 institution in the executive department of the state government operating  
26 by authority of the constitution or law and supported in whole or in part by  
27 any public money, whether the money is received from the Government of  
28 the United States or any branch or agency thereof, or from private or any  
29 other sources.

30 2. Appointments in the classified service must be made according to  
31 merit and fitness from eligible lists prepared upon the basis of examination,  
32 which must be open and competitive, except as otherwise provided in this  
33 chapter.

34 3. Except as otherwise provided in NRS 193.105 and 416.070, a  
35 person must not be appointed, transferred, promoted, demoted or  
36 discharged as an officer, clerk, employee or laborer in the classified service  
37 in any manner or by any means other than those prescribed in this chapter  
38 and the regulations adopted in accordance therewith.

39 ~~{4. A person must not be discriminated against on account of his~~  
40 ~~religious opinions or affiliations, race, sex, age or disability.}~~

41 **Sec. 3.** NRS 284.171 is hereby amended to read as follows:

42 284.171 For the purposes of NRS 353.205 and 353.224, the director  
43 shall prepare and maintain an index which categorizes all positions in the  
44 classified ~~{and unclassified services}~~ **service** of the state into the following  
45 broad occupational ~~{classes}~~ **groups**:

- 46 1. Occupations in the fields of agriculture and conservation.
- 47 2. Clerical and related occupations.
- 48 3. Occupations relating to custodial and domestic services.
- 49 4. Occupations relating to library services.



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- 1 5. Occupations in the field of education.
- 2 6. Engineering and allied occupations.
- 3 7. Occupations in fiscal management and related staff services.
- 4 8. Occupations relating to legal services.
- 5 9. Occupations in the mechanical and construction trades.
- 6 10. Occupations in the fields of medicine and health and related
- 7 services.
- 8 11. Occupations in regulatory fields and in public safety.
- 9 12. Occupations in social services and rehabilitation.
- 10 13. Other occupations.

11 **Sec. 4.** NRS 284.337 is hereby amended to read as follows:

12 284.337 An employee whose duties include the supervision of an

13 employee who holds a position in the classified service shall:

14 1. For filing at the times specified in NRS 284.340, prepare reports on

15 the performance of that employee. In preparing a report, he shall meet with

16 the employee to discuss goals and objectives, to evaluate the employee's

17 improvement in performance and personal development, and to discuss the

18 report.

19 2. Provide the employee with a copy of the report . ~~if requested.~~

20 3. Transmit the report to the appointing authority.

21 **Sec. 5.** NRS 284.375 is hereby amended to read as follows:

22 284.375 1. In accordance with regulations established by the

23 director, transfers in the classified service may be made from a position in

24 one grade or class to a position in another grade or class when the duties

25 and compensation are similar and when such action is specifically

26 approved by the director.

27 2. Each appointing authority shall report to the director in writing,

28 from time to time, upon the date of the official action in, or knowledge of,

29 any transfer, *separation, suspension or reinstatement* of a person in the

30 public service ~~or~~ , *or any reduction or other change to a position in the*

31 *public service.*

32 **Sec. 6.** NRS 284.384 is hereby amended to read as follows:

33 284.384 1. The director shall propose, and the commission shall

34 adopt, regulations which provide for the adjustment of grievances for

35 which a hearing is not provided by NRS 284.165, *284.245*, 284.376 or

36 284.390. Any grievance for which a hearing is not provided by NRS

37 284.165, *284.245*, 284.376 or 284.390 is subject to adjustment pursuant to

38 this section.

39 2. The regulations must provide procedures for:

40 (a) Consideration and adjustment of the grievance within the agency in

41 which it arose.

42 (b) Submission to the employee-management committee for a final

43 decision if the employee is still dissatisfied with the resolution of the

44 dispute.

45 3. The regulations must include provisions for:

46 (a) Submitting each proposed resolution of a dispute which has a fiscal

47 effect to the budget division of the department of administration for a

48 determination by that division whether the resolution is feasible on the

49 basis of its fiscal effects; and



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1 (b) Making the resolution binding.  
2 4. Any grievance which is subject to adjustment pursuant to this  
3 section may be appealed to the employee-management committee for a  
4 final decision.

5 5. The employee may represent himself at any hearing regarding a  
6 grievance which is subject to adjustment pursuant to this section or be  
7 represented by an attorney or other person of the employee's own  
8 choosing.

9 6. As used in this section, "grievance" means an act, omission or  
10 occurrence which an employee who has attained permanent status feels  
11 constitutes an injustice relating to any condition arising out of the  
12 relationship between an employer and an employee, including, but not  
13 limited to, compensation, working hours, working conditions, membership  
14 in an organization of employees or the interpretation of any law, regulation  
15 or disagreement.

16 **Sec. 7.** NRS 284.385 is hereby amended to read as follows:

17 284.385 1. An appointing authority may:

18 (a) Dismiss or demote any permanent classified employee when he  
19 considers that the good of the public service will be served thereby.

20 (b) Except as otherwise provided in NRS 284.148, suspend without pay,  
21 for disciplinary purposes, a permanent employee for a period not to exceed  
22 30 days.

23 2. A dismissal, involuntary demotion or suspension does not become  
24 effective until the employee is notified in writing of the dismissal,  
25 involuntary demotion or suspension and the reasons therefor. The notice  
26 may be delivered personally to the employee or mailed to him at his last  
27 known address by registered or certified mail, return receipt requested. If  
28 the notice is mailed, the effective date of the dismissal, involuntary  
29 demotion or suspension shall be deemed to be the date of delivery or if the  
30 letter is returned to the sender, 3 days after mailing.

31 ~~{3. No employee in the classified service may be dismissed for~~  
32 ~~religious or racial reasons.}~~

33 **Sec. 8.** NRS 284.4061 is hereby amended to read as follows:

34 284.4061 As used in NRS 284.406 to 284.407, inclusive, unless the  
35 context otherwise requires:

36 1. "Employee" means a person in the classified *or unclassified* service  
37 of the state. ~~}; except:~~

38 ~~—(a) Officers and members of the Nevada National Guard;~~

39 ~~—(b) Persons engaged in public work for the state but employed by~~  
40 ~~contractors when the performance of the contract is authorized by the~~  
41 ~~legislature or another competent authority; and~~

42 ~~—(c) Patient and inmate help in state charitable, penal, mental and~~  
43 ~~correctional institutions.}~~

44 2. "Screening test" means a test of a person's:

45 (a) Breath or blood to detect the general presence of alcohol; or

46 (b) Urine to detect the general presence of a controlled substance or any  
47 other drug,

48 which could impair that person's ability to perform the duties of  
49 employment safely and efficiently.



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1     **Sec. 9.** NRS 225.170 is hereby amended to read as follows:  
2     225.170 1. There is hereby created within the office of the secretary  
3 of state a securities division. The secretary of state shall appoint a deputy  
4 as administrator of the division. The position of the deputy is unclassified .  
5 ~~and is in addition to the two unclassified positions in the office of the~~  
6 ~~secretary of state authorized by subsection 3 of NRS 284.140.~~

7     2. The secretary of state may, alternatively:  
8     (a) Use the services of an assigned deputy attorney general as legal  
9 counsel for the division.  
10    (b) Appoint an attorney as legal counsel for the division. If appointed,  
11 he is in the unclassified service of the state.  
12    (c) Contract for services to be rendered by such other legal counsel as  
13 are needed for assistance in administering chapter 90 of NRS.  
14    3. Each of the legal counsel must be an attorney admitted to practice  
15 law in Nevada.

16    **Sec. 10.** NRS 232.080 is hereby amended to read as follows:  
17    232.080 The attorney general is the counsel and attorney for the  
18 department. The attorney general shall designate one of his deputies to be  
19 counsel and attorney for the department in all actions, proceedings and  
20 hearings. The deputy so designated:

21    1. Is the legal adviser of the department in all matters relating to the  
22 department and to the powers and duties of its officers.  
23    2. Shall maintain his office in Carson City, Nevada, in an office  
24 provided by the department.  
25    3. Is in the unclassified service of the state pursuant to subsection ~~5~~ 3  
26 of NRS 284.140.

27    **Sec. 11.** NRS 353.224 is hereby amended to read as follows:  
28    353.224 1. A state agency other than the University and Community  
29 College System of Nevada and vocational licensing boards may not change  
30 a position for which money has been appropriated or authorized from one  
31 occupational ~~class~~ group to another, as defined by the index developed  
32 pursuant to NRS 284.171, without the approval of the legislature or of the  
33 interim finance committee.

34    2. All proposed changes of positions from one occupational ~~class~~  
35 group to another must be submitted to the interim finance committee. The  
36 interim finance committee has 45 days after a proposal is submitted to its  
37 secretary within which to consider it. Any proposed change of a position  
38 from one occupational ~~class~~ group to another which is not considered  
39 within the 45-day period shall be deemed approved.

40    3. The secretary shall place each request submitted to him pursuant to  
41 subsection 2 on the agenda of the next meeting of the interim finance  
42 committee.

43    4. In acting upon a proposed change of position, the interim finance  
44 committee shall consider, among other things:

45    (a) The need for the proposed change; and  
46    (b) The intent of the legislature in approving the existing classification  
47 of positions.



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- 1     **Sec. 12.** NRS 284.012, 284.120, 284.225, 284.280, 284.317, 284.379  
2     and 284.400 are hereby repealed.  
3     **Sec. 13.** This act becomes effective on July 1, 2001.

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**TEXT OF REPEALED SECTIONS**

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**284.012 Policy concerning employment of persons with disabilities.**

Subject to other applicable provisions of this chapter, it is the policy of this state that persons with disabilities must be afforded equal opportunities in employment by the state, by its political subdivisions and in all other employment supported in whole or in part by the state.

**284.120 Cooperation between public employees' retirement board and department of personnel.**

1. The public employees' retirement board and its executive officer and the department and its director shall cooperate in all phases of their operations whereby duplication of staff, duplication of duties and work, and duplication of office equipment and records may be avoided.

2. The two agencies, by mutual agreement, shall each pay its proper share of salaries and other administrative expenses incurred in joint operations.

3. The two agencies shall cooperate to the fullest extent whereby maximum economy and efficiency in operation will be achieved, as well as maximum benefits for the employees of Nevada's departments, agencies, offices and institutions.

**284.225 Requirement of bond to be included in announcement of examination.** When any position requires the appointee to furnish a bond, notice of such requirement shall be included in the announcement of the examination for the position.

**284.280 Probationary appointment.**

1. The appointing authority shall appoint on probation, with sole reference to merit and fitness, one of the eligible persons whose name is certified in the manner set forth in NRS 284.265 to fill a vacancy.

2. The provisions of this section shall not apply when the office or employment is among those listed for which competitive examinations are not required.

**284.317 Appointment of persons with disabilities.** In order to further the efforts of the State of Nevada toward alleviating the problems of persons with disabilities, full consideration must be given to the employment of a person with a disability for a position if he is capable of meeting the necessary performance requirements with or without reasonable accommodations.



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**284.379 Separation or disability retirement of person with disability.** In the employment and utilization of a person with a disability in the state service, continued efforts must be made to retain the person by making reasonable accommodations that enable him to meet the necessary performance requirements and to enjoy the benefits and privileges of his position. Separation or disability retirement is in order only after it becomes apparent that a condition does not respond to treatment.

**284.400 Reports of appointing authorities.** 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 separation of a person from the public service or any reduction, suspension, reinstatement or other change therein.

