

Assembly Bill No. 386—Committee on Government Affairs

CHAPTER.....

AN ACT relating to public employees; authorizing a leave of absence for certain public officers or employees to assist the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management during a disaster or emergency; revising certain provisions relating to the classified and unclassified services of the state; repealing certain provisions relating to 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:

**Section 1.** Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an emergency communications technician must be relieved from his duties, upon the request of the division of emergency management of the department of motor vehicles and public safety or a local organization for emergency management and the approval of his employer, to assist the division or local organization for emergency management during a disaster or emergency that occurs in this state, California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law.*

*2. As used in this section:*

*(a) "Disaster" has the meaning ascribed to it in NRS 414.0335.*

*(b) "Emergency" has the meaning ascribed to it in NRS 414.0345.*

*(c) "Emergency communications technician" means a person who is:*

*(1) Licensed by the Federal Communications Commission as an amateur radio operator; and*

*(2) A member of:*

*(I) The Radio Amateur Civil Emergency Service or a successor organization sponsored by the agency of the Federal Government for emergency management; or*

*(II) The Amateur Radio Emergency Service or a successor organization sponsored by the American Radio Relay League or its successor.*

*(d) "Local organization for emergency management" has the meaning ascribed to it in NRS 414.036.*

**Sec. 2.** NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the state consists of ~~positions held by~~ *the following* state officers or employees in the executive department of the state government ~~as follows:~~

~~—1. Persons chosen by election or appointment to fill an elective office.~~

~~—2. who receive annual salaries for their service:~~

*1.* Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

~~{3. At the discretion of the elective officer or head of each department, agency or institution, one deputy and one chief assistant in each department, agency or institution.~~

~~4.}~~ 2. Except as otherwise provided in NRS 223.085 and 223.570, all persons required by law to be appointed by the governor or heads of departments or agencies appointed by the governor or by boards.

~~{5.}~~ 3. All employees other than clerical in the office of the attorney general and the state public defender required by law to be appointed by the attorney general or the state public defender.

~~{6.}~~ 4. Except as otherwise provided by the board of regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the agricultural extension department and experiment station of the University and Community College System of Nevada, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The board of regents of the University of Nevada shall assist the director in carrying out the provisions of this chapter applicable to the University and Community College System of Nevada.

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

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

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

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

~~11.}~~ 5. All other officers and employees authorized by law to be employed in the unclassified service.

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

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

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

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

284.337 An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, he shall meet with the employee to discuss goals and objectives, to evaluate the employee's improvement in performance and personal development, and to discuss the report.

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

3. Transmit the report to the appointing authority.

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

284.375 1. In accordance with regulations established by the director, transfers in the classified service may be made from a position in one grade or class to a position in another grade or class when the duties and compensation are similar and when such action is specifically approved by the director.

2. 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 transfer, *separation, suspension or reinstatement* of a person in the public service ~~if~~ , or any reduction or other change to a position in the public service.

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

284.384 1. The director shall propose, and the commission shall adopt, regulations which provide for the adjustment of grievances for which a hearing is not provided by NRS 284.165, *284.245*, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, *284.245*, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the employee-management committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the budget division of the department of administration for a determination by that division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the employee-management committee for a final decision.

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

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the

relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

**Sec. 7.** NRS 284.4061 is hereby amended to read as follows:

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

1. “Employee” means a person in the classified *or unclassified* service of the state. ~~except:~~

~~— (a) Officers and members of the Nevada National Guard;~~  
~~— (b) Persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or another competent authority; and~~  
~~— (c) Patient and inmate help in state charitable, penal, mental and correctional institutions.~~

2. “Screening test” means a test of a person’s:

- (a) Breath or blood to detect the general presence of alcohol; or
- (b) Urine to detect the general presence of a controlled substance or any other drug,

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

**Sec. 8.** NRS 225.170 is hereby amended to read as follows:

225.170 1. There is hereby created within the office of the secretary of state a securities division. The secretary of state shall appoint a deputy as administrator of the division. The position of the deputy is unclassified. ~~and is in addition to the two unclassified positions in the office of the secretary of state authorized by subsection 3 of NRS 284.140.~~

2. The secretary of state may, alternatively:

- (a) Use the services of an assigned deputy attorney general as legal counsel for the division.
- (b) Appoint an attorney as legal counsel for the division. If appointed, he is in the unclassified service of the state.
- (c) Contract for services to be rendered by such other legal counsel as are needed for assistance in administering chapter 90 of NRS.

3. Each of the legal counsel must be an attorney admitted to practice law in Nevada.

**Sec. 9.** NRS 232.080 is hereby amended to read as follows:

232.080 The attorney general is the counsel and attorney for the department. The attorney general shall designate one of his deputies to be counsel and attorney for the department in all actions, proceedings and hearings. The deputy so designated:

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

**Sec. 10.** NRS 353.224 is hereby amended to read as follows:

353.224 1. A state agency other than the University and Community College System of Nevada and vocational licensing boards may not change

a position for which money has been appropriated or authorized from one occupational ~~class~~ group to another, as defined by the index developed pursuant to NRS 284.171, without the approval of the legislature or of the interim finance committee.

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

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

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

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

**Sec. 11.** NRS 284.120, 284.225, 284.280 and 284.400 are hereby repealed.

**Sec. 12.** This act becomes effective on July 1, 2001.