

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 concerning public employees. (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 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:

- 1 **Section 1.** Chapter 281 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Any public officer or employee of the state or any agency thereof,***
4 ***or of a political subdivision or an agency of a political subdivision, who***
5 ***is an emergency communications technician must be relieved from his***
6 ***duties, upon the request of the division of emergency management of the***
7 ***department of motor vehicles and public safety or a local organization***
8 ***for emergency management and the approval of his employer, to assist***
9 ***the division or local organization for emergency management during a***
10 ***disaster or emergency that occurs in this state, California, Oregon,***
11 ***Idaho, Utah or Arizona, without loss of his regular compensation for a***
12 ***period of not more than 15 working days in any calendar year. No such***
13 ***absence may be a part of the annual vacation of the public officer or***
14 ***employee which is provided for by law.***
15 ***2. As used in this section:***
16 ***(a) "Disaster" has the meaning ascribed to it in NRS 414.0335.***
17 ***(b) "Emergency" has the meaning ascribed to it in NRS 414.0345.***



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- 1 (c) "Emergency communications technician" means a person who is:
2 (1) Licensed by the Federal Communications Commission as an
3 amateur radio operator; and
4 (2) A member of:
5 (I) The Radio Amateur Civil Emergency Service or a successor
6 organization sponsored by the agency of the Federal Government for
7 emergency management; or
8 (II) The Amateur Radio Emergency Service or a successor
9 organization sponsored by the American Radio Relay League or its
10 successor.
11 (d) "Local organization for emergency management" has the
12 meaning ascribed to it in NRS 414.036.

13 Sec. 2. NRS 284.140 is hereby amended to read as follows:
14 284.140 The unclassified service of the state consists of ~~positions held~~
15 ~~by~~ the following state officers or employees in the executive department
16 of the state government ~~as follows:~~

- 17 ~~—1. Persons chosen by election or appointment to fill an elective office.~~
18 ~~—2. who receive annual salaries for their service:~~

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

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

24 ~~—4. 2.~~ Except as otherwise provided in NRS 223.085 and 223.570, all
25 persons required by law to be appointed by the governor or heads of
26 departments or agencies appointed by the governor or by boards.

27 ~~{5. 3.~~ All employees other than clerical in the office of the attorney
28 general and the state public defender required by law to be appointed by
29 the attorney general or the state public defender.

30 ~~{6. 4.~~ Except as otherwise provided by the board of regents of the
31 University of Nevada pursuant to NRS 396.251, officers and members of
32 the teaching staff and the staffs of the agricultural extension department
33 and experiment station of the University and Community College System
34 of Nevada, or any other state institution of learning, and student employees
35 of these institutions. Custodial, clerical or maintenance employees of these
36 institutions are in the classified service. The board of regents of the
37 University of Nevada shall assist the director in carrying out the provisions
38 of this chapter applicable to the University and Community College
39 System of Nevada.

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

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

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

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



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1 ~~11.~~ 5. All other officers and employees authorized by law to be
2 employed in the unclassified service.

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

4 284.171 For the purposes of NRS 353.205 and 353.224, the director
5 shall prepare and maintain an index which categorizes all positions in the
6 classified ~~and unclassified services~~ *service* of the state into the following
7 broad occupational ~~classes~~ *groups*:

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

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

23 284.337 An employee whose duties include the supervision of an
24 employee who holds a position in the classified service shall:

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

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

31 3. Transmit the report to the appointing authority.

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

33 284.375 1. In accordance with regulations established by the
34 director, transfers in the classified service may be made from a position in
35 one grade or class to a position in another grade or class when the duties
36 and compensation are similar and when such action is specifically
37 approved by the director.

38 2. Each appointing authority shall report to the director in writing,
39 from time to time, upon the date of the official action in, or knowledge of,
40 any transfer, *separation, suspension or reinstatement* of a person in the
41 public service ~~if~~ , *or any reduction or other change to a position in the*
42 *public service.*

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

44 284.384 1. The director shall propose, and the commission shall
45 adopt, regulations which provide for the adjustment of grievances for
46 which a hearing is not provided by NRS 284.165, *284.245*, 284.376 or
47 284.390. Any grievance for which a hearing is not provided by NRS
48 284.165, *284.245*, 284.376 or 284.390 is subject to adjustment pursuant to
49 this section.



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1 2. The regulations must provide procedures for:
2 (a) Consideration and adjustment of the grievance within the agency in
3 which it arose.

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

7 3. The regulations must include provisions for:

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

12 (b) Making the resolution binding.

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

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

20 6. As used in this section, "grievance" means an act, omission or
21 occurrence which an employee who has attained permanent status feels
22 constitutes an injustice relating to any condition arising out of the
23 relationship between an employer and an employee, including, but not
24 limited to, compensation, working hours, working conditions, membership
25 in an organization of employees or the interpretation of any law, regulation
26 or disagreement.

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

28 284.4061 As used in NRS 284.406 to 284.407, inclusive, unless the
29 context otherwise requires:

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

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

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

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

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

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

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

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

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

45 225.170 1. There is hereby created within the office of the secretary
46 of state a securities division. The secretary of state shall appoint a deputy
47 as administrator of the division. The position of the deputy is unclassified.

48 ~~{and is in addition to the two unclassified positions in the office of the~~
49 ~~secretary of state authorized by subsection 3 of NRS 284.140.}~~



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1 2. The secretary of state may, alternatively:
2 (a) Use the services of an assigned deputy attorney general as legal
3 counsel for the division.

4 (b) Appoint an attorney as legal counsel for the division. If appointed,
5 he is in the unclassified service of the state.

6 (c) Contract for services to be rendered by such other legal counsel as
7 are needed for assistance in administering chapter 90 of NRS.

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

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

11 232.080 The attorney general is the counsel and attorney for the
12 department. The attorney general shall designate one of his deputies to be
13 counsel and attorney for the department in all actions, proceedings and
14 hearings. The deputy so designated:

15 1. Is the legal adviser of the department in all matters relating to the
16 department and to the powers and duties of its officers.

17 2. Shall maintain his office in Carson City, Nevada, in an office
18 provided by the department.

19 3. Is in the unclassified service of the state pursuant to subsection ~~15~~ 3
20 of NRS 284.140.

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

22 353.224 1. A state agency other than the University and Community
23 College System of Nevada and vocational licensing boards may not change
24 a position for which money has been appropriated or authorized from one
25 occupational ~~class~~ group to another, as defined by the index developed
26 pursuant to NRS 284.171, without the approval of the legislature or of the
27 interim finance committee.

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

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

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

39 (a) The need for the proposed change; and

40 (b) The intent of the legislature in approving the existing classification
41 of positions.

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

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



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TEXT OF REPEALED SECTIONS

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.

284.400 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.

