

ASSEMBLY BILL NO. 565—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF DEPARTMENT OF ADMINISTRATION—BUDGET DIVISION)

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes monthly payroll cycle for certain state employees. (BDR 23-1443)

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 state employees; authorizing monthly payroll cycles for certain state employees; 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 281.100 is hereby amended to read as follows:  
2     281.100 1. Except as otherwise provided in this section and NRS  
3     284.180, the services and employment of all persons who are employed by  
4     the State of Nevada, or by any county, city, town, township or other  
5     political subdivision thereof, are limited to not more than 8 hours in any 1  
6     calendar day and not more than 40 hours in any 1 week.  
7     2. The period of daily employment mentioned in this section  
8     commences from the time the employee takes charge of any equipment of  
9     the employer or acts as an assistant or helper to a person who is in charge  
10    of any equipment of the employer, or enters upon or into any conveyance  
11    of or operated by or for the employer at any camp or living quarters  
12    provided by the employer for the transportation of employees to the place  
13    of work.  
14    3. This section does not apply to:  
15    (a) Officials of the State of Nevada or of any county, city, town,  
16    township or other political subdivision thereof, or employees of the state  
17    whose employment is governed by NRS 284.148.  
18    (b) Employees of the State of Nevada or of any county, city, town,  
19    township or other political subdivision thereof who:  
20    (1) Are engaged as employees of a fire department, or to nurses in  
21    training or working in hospitals, or to police, deputy sheriffs or jailers;



1 (2) Chose and are approved for a variable workday or variable  
2 80-hour *biweekly* work schedules ; ~~{within a biweekly pay period ;}~~

3 (3) Work more than 8 hours but not more than 10 hours in any 1  
4 workday or 40 hours in any 1 work week;

5 (4) Are executive, administrative, professional or supervisory  
6 employees; or

7 (5) Are covered by a collective bargaining agreement which  
8 establishes hours of service.

9 (c) Employees of the legislative counsel bureau.

10 (d) Work done directly by any public utility company pursuant to an  
11 order of the public utilities commission of Nevada or other public  
12 authority.

13 4. Any employee whose hours are limited by subsection 1 may be  
14 permitted, or in case of emergency where life or property is in imminent  
15 danger may be required, at the discretion of the officer responsible for his  
16 employment, but subject to any agreement made pursuant to NRS 284.181,  
17 to work more than the number of hours limited. If so permitted or required,  
18 he is entitled to receive, at the discretion of the responsible officer:

19 (a) Compensatory vacation time; or

20 (b) Overtime pay.

21 5. Any officer or agent of the State of Nevada, or of any county, city,  
22 town, township, or other political subdivision thereof, whose duty it is to  
23 employ, direct or control the services of an employee covered by this  
24 section, who violates any of the provisions of this section as to the hours of  
25 employment of labor as provided in this section, is guilty of a  
26 misdemeanor.

27 **Sec. 2.** NRS 281.120 is hereby amended to read as follows:

28 281.120 1. Except as otherwise provided in this section, all state  
29 officers and regular and temporary employees of this state are entitled to  
30 receive salaries as fixed by law in two equal semimonthly payments. The  
31 first semimonthly payment for each month must be for the first half of that  
32 particular month, and the second semimonthly payment must be for the last  
33 half of the month.

34 2. All payrolls must be submitted by individual agencies immediately  
35 after the 15th and last day of each month for approval by the department of  
36 personnel, and salary checks as approved by the state controller must be  
37 issued not later than 10 calendar days following the end of each  
38 semimonthly pay period.

39 3. A state agency or department may be permitted to pay salaries,  
40 within the limits fixed by law, at regular 2-week *or monthly* intervals,  
41 when it is established to the satisfaction of the governor that this method of  
42 payment will expedite and assist the work of the agency or department  
43 without inconvenience to other agencies or departments.

44 **Sec. 3.** NRS 284.180 is hereby amended to read as follows:

45 284.180 1. The legislature declares that since uniform salary and  
46 wage rates and classifications are necessary for an effective and efficient  
47 personnel system, the pay plan must set the official rates applicable to all  
48 positions in the classified service, but the establishment of the pay plan in



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1 no way limits the authority of the legislature relative to budgeted  
2 appropriations for salary and wage expenditures.

3 2. Credit for overtime work directed or approved by the head of an  
4 agency or his representative must be earned at the rate of time and one-  
5 half, except for those employees described in NRS 284.148.

6 3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime  
7 is considered time worked in excess of:  
8 (a) Eight hours in 1 calendar day;  
9 (b) Eight hours in any 16-hour period; or  
10 (c) A 40-hour week.

11 4. Firemen who choose and are approved for a 24-hour shift shall be  
12 deemed to work an average of 56 hours per week and 2,912 hours per year,  
13 regardless of the actual number of hours worked or on paid leave during  
14 any biweekly *or monthly* pay period. A fireman so assigned is entitled to  
15 receive 1/26 of his annual salary for each biweekly pay period ~~++~~ *or a*  
16 *proportionally equivalent amount for each monthly pay period.* In  
17 addition, overtime must be considered time worked in excess of:  
18 (a) Twenty-four hours in one scheduled shift; or  
19 (b) Fifty-three hours average per week during one work period for those  
20 hours worked or on paid leave.

21 The appointing authority shall designate annually the length of the work  
22 period to be used in determining the work schedules for such firemen. In  
23 addition to the regular amount paid such a fireman for the deemed average  
24 of 56 hours per week, he is entitled to payment for the hours which  
25 comprise the difference between the 56-hour average and the overtime  
26 threshold of 53 hours average at a rate which will result in the equivalent of  
27 overtime payment for those hours.

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

30 6. For employees who choose and are approved for a variable  
31 workday, overtime will be considered only after working 40 hours in 1  
32 week.

33 7. Employees who are eligible under the Fair Labor Standards Act of  
34 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour *biweekly* work  
35 schedule ~~[within a biweekly pay period]~~ and who choose and are approved  
36 for such a work schedule will be considered eligible for overtime only after  
37 working 80 hours biweekly, except those eligible employees who are  
38 approved for overtime in excess of one scheduled shift of 8 or more hours  
39 per day.

40 8. An agency may experiment with innovative work weeks upon the  
41 approval of the head of the agency and after majority consent of the  
42 affected employees. The affected employees are eligible for overtime only  
43 after working 40 hours in a work week.

44 9. This section does not supersede or conflict with existing contracts of  
45 employment for employees hired to work 24 hours a day in a home setting.  
46 Any future classification in which an employee will be required to work 24  
47 hours a day in a home setting must be approved in advance by the  
48 commission.



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1 10. All overtime must be approved in advance by the appointing  
2 authority or his designee. No officer or employee, other than a director of a  
3 department or the chairman of a board, commission or similar body, may  
4 authorize overtime for himself. The chairman of a board, commission or  
5 similar body must approve in advance all overtime worked by members of  
6 the board, commission or similar body.

7 11. The budget division of the department of administration shall  
8 review all overtime worked by employees of the executive department to  
9 ensure that overtime is held to a minimum. The budget division shall report  
10 quarterly to the state board of examiners the amount of overtime worked in  
11 the quarter within the various agencies of the state.

12 **Sec. 4.** NRS 2.050 is hereby amended to read as follows:

13 2.050 1. Until the first Monday in January 1997, the justices of the  
14 supreme court whose terms expire on the first Monday in January 1997 are  
15 entitled to receive an annual salary of \$85,000. From and after the first  
16 Monday in January 1997, their successors in office are entitled to receive a  
17 salary of \$107,600.

18 2. Until the first Monday in January 1999, the justices of the supreme  
19 court whose terms of office expire on the first Monday in January 1999 are  
20 entitled to receive an annual salary of \$85,000. From and after the first  
21 Monday in January 1999, their successors in office are entitled to receive a  
22 salary of \$107,600.

23 3. Until the first Monday in January 2001, the justice of the supreme  
24 court whose term of office expires on the first Monday in January 2001 is  
25 entitled to receive an annual salary of \$85,000. From and after the first  
26 Monday in January 2001, his successor in office is entitled to receive a  
27 salary of \$107,600.

28 4. The justices elected pursuant to subsection 4 of NRS 2.030 and their  
29 respective successors are entitled to receive a salary of \$107,600.

30 5. All salaries provided for in this section are payable in biweekly *or*  
31 *monthly* installments as other state officers are paid.

32 **Sec. 5.** NRS 2.050 is hereby amended to read as follows:

33 2.050 1. Until the first Monday in January 1997, the justices of the  
34 supreme court whose terms expire on the first Monday in January 1997 are  
35 entitled to receive an annual salary of \$85,000. From and after the first  
36 Monday in January 1997, their successors in office are entitled to receive a  
37 salary of \$107,600.

38 2. Until the first Monday in January 1999, the justices of the supreme  
39 court whose terms of office expire on the first Monday in January 1999 are  
40 entitled to receive an annual salary of \$85,000. From and after the first  
41 Monday in January 1999, their successors in office are entitled to receive a  
42 salary of \$107,600.

43 3. Until the first Monday in January 2001, the justice of the supreme  
44 court whose term of office expires on the first Monday in January 2001 is  
45 entitled to receive an annual salary of \$85,000. From and after the first  
46 Monday in January 2001, his successor in office is entitled to receive a  
47 salary of \$107,600.

48 4. All salaries provided for in this section are payable in biweekly *or*  
49 *monthly* installments as other state officers are paid.



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1     **Sec. 6.** NRS 3.030 is hereby amended to read as follows:

2     3.030 1. Until the first Monday in January 1997, the annual base  
3 salary of each district judge is \$79,000. From and after the first Monday in  
4 January 1997, the annual base salary of each district judge is \$100,000.

5     2. If a district judge has served in his office for at least 4 years, he is  
6 entitled to an additional salary of 2 percent of his base salary for each year  
7 of service. The additional salary must not exceed 22 percent of his base  
8 salary.

9     3. The base salaries and the additional salary for longevity must be  
10 paid in biweekly *or monthly* installments out of the district judges' salary  
11 account of the supreme court.

12     4. No salary of any district judge may be paid in advance.

13     **Sec. 7.** NRS 218.195 is hereby amended to read as follows:

14     218.195 1. The compensation of the secretary of the senate and the  
15 chief clerk of the assembly must be provided for in the budget for the  
16 legislature for the ensuing biennium. The compensation:

17     (a) Must include an annual salary payable on a biweekly *or monthly*  
18 basis. The salary must not be increased during the biennium unless  
19 otherwise provided by a legislative act; and

20     (b) Must not include compensation for overtime.

21     2. Except as otherwise provided in this section, the secretary of the  
22 senate and the chief clerk of the assembly are subject to the same  
23 requirements of and entitled to the same benefits and rights as specified for  
24 employees of the legislative counsel bureau. For the purposes of this  
25 subsection, references in the statutes and in the rules and policies of the  
26 legislative counsel bureau to the chief of a division or the director of the  
27 legislative counsel bureau must be replaced by:

28     (a) The majority leader of the senate in the case of the secretary of the  
29 senate.

30     (b) The speaker of the assembly in the case of the chief clerk of the  
31 assembly.

32     3. Notwithstanding the provisions of subsection 2, the secretary of the  
33 senate and the chief clerk of the assembly are not employees of the  
34 legislative counsel bureau.

35     **Sec. 8.** 1. This section and sections 1 to 4, inclusive, 6 and 7 of this  
36 act become effective on July 1, 2001.

37     2. Section 4 of this act expires by limitation on the date on which the  
38 qualified electors of this state approve a constitutional amendment that  
39 establishes an intermediate court of appeals within the State of Nevada.

40     3. Section 5 of this act becomes effective on the date on which the  
41 qualified electors of this state approve a constitutional amendment that  
42 establishes an intermediate court of appeals within the State of Nevada.

