

SENATE BILL NO. 75—SENATOR AMODEI

PREFILED FEBRUARY 1, 2001

Referred to Committee on Government Affairs

SUMMARY—Clarifies provisions relating to classification of employees of state printing division of department of administration. (BDR 29-751)

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 printing; clarifying the employment classification of the employees of the state printing division; 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.** NRS 344.080 is hereby amended to read as follows:

344.080 1. The superintendent shall employ such compositors, ~~[machine]~~ *assistant compositors, bindery operators, assistant bindery operators,* pressmen and ~~[assistants]~~ *assistant pressmen* as the exigency of the work from time to time requires, and he may at any time discharge those employees. He shall not, at any time, employ more compositors, ~~[machine]~~ *assistant compositors, bindery operators, assistant bindery operators,* pressmen and ~~[assistants]~~ *assistant pressmen* than the necessities of the division may require.

2. The compensation of the compositors, ~~[machine]~~ *assistant compositors, bindery operators, assistant bindery operators,* pressmen and ~~[assistants]~~ *assistant pressmen* must be fixed by the department of personnel, but ~~[no such]~~ *these* employees are *not* entitled to receive a higher rate of wages than is recognized by the employing printers of the State of Nevada or than the nature of the employment may require.

3. All ~~[clerical employees and such other persons as are employed for work not directly related to the printing crafts]~~ *employees of the division other than compositors, assistant compositors, bindery operators, assistant bindery operators, pressmen and assistant pressmen* must be in the classified service of the state.

1     **Sec. 2.** 1. An employee of the state printing division of the  
2 department of administration who believes that his position as a  
3 nonclassified employee is not in compliance with NRS 344.080, as  
4 clarified by this act, may file a written request with the department of  
5 personnel for a review of the classification of his position on or before  
6 January 1, 2003.

7     2. Upon receipt of a request made pursuant to subsection 1, the  
8 director of the department of personnel shall take such actions as the  
9 director deems necessary to make a determination of whether the  
10 classification of the employee is appropriate pursuant to NRS 344.080, as  
11 amended by this act, including, without limitation:

12     (a) Requesting from the employee a description of the duties of his  
13 position, including a description of all duties performed for the  
14 immediately preceding 4 years, or portion thereof during which the  
15 employee served in the position;

16     (b) Soliciting comments on the employee's description from the chief of  
17 the state printing division of the department of administration; and

18     (c) Interviewing such current employees of printing division as  
19 practicable who have served as the immediate supervisor of the employee  
20 whose position classification is being reviewed.

21     3. The director of the department of personnel shall make the  
22 determination required by subsection 2 not later than 30 days after receipt  
23 of the employee's description of the duties of his position.

24     4. If the director of the department of personnel determines that the  
25 present classification of the position of the employee is appropriate, the  
26 employee may appeal the decision to the personnel commission. If the  
27 director or the personnel commission determines that the position of the  
28 employee should be in the classified service of the state, the director shall  
29 immediately transfer the position to the classified service of the state and  
30 determine the appropriate grade and step for the position pursuant to the  
31 salary schedule for classified employees created pursuant to NRS 284.175,  
32 giving the employee appropriate credit for the years served in the position  
33 while it was nonclassified.

34     5. Notwithstanding the provisions of chapter 284 of NRS, and the  
35 regulations adopted pursuant thereto, an employee whose position is  
36 transferred to the classified service of the state pursuant to subsection 4:

37     (a) Must immediately be appointed to the position, with no break in  
38 service, and without participation in any testing, interviews or other portion  
39 of the open and competitive process of the classified service;

40     (b) Is not subject to any probationary period; and

41     (c) Shall be deemed for all purposes to have been in the classified  
42 service of the state for all of the time he previously served in the  
43 nonclassified position before it was transferred to the classified service.

44     6. If the grade and step established for the newly classified position  
45 requires the payment of a salary that is greater than the salary budgeted for  
46 the nonclassified position, the state printing division of the department of  
47 administration shall pay the additional amount beginning on the date on  
48 which the position is transferred. If money to pay the additional amount of  
49 salary is not available within the budgeted amount for the position, the

1 division shall pay the additional amount from the reserve budgeted for the  
2 division and for that purpose, any work program change that would  
3 otherwise be required pursuant to NRS 353.220, is hereby deemed to be  
4 approved.

5 7. Notwithstanding the provisions of NRS 344.080, as amended by this  
6 act, and chapter 284 of NRS, and the regulations adopted pursuant thereto,  
7 the chief of the state printing division of the department of administration  
8 or any employee of the division shall not terminate the employment of a  
9 person who files a request for the review of his position pursuant to this  
10 section during the period beginning on the date on which the request for  
11 review is filed through the date on which the position is transferred to the  
12 classified service or the date on which the director of the department of  
13 personnel determines that the classification of the position is appropriate. If  
14 the employee appeals the decision of the director to the personnel  
15 commission within 60 days after the employee receives the decision, the  
16 period described by this subsection must be extended to the date on which  
17 the position is transferred or the date on which the personnel commission  
18 determines that the classification of the position is appropriate.

19 8. After the period described in subsection 7, the chief or an employee  
20 of the division shall not make any reprisal or take any retaliatory action  
21 against an employee which is in any way related to the employee's request  
22 for the review of his position pursuant to this section. If any reprisal or  
23 retaliatory action is taken against the employee who filed a request for the  
24 review of his position pursuant to subsection 1, the employee may file a  
25 written appeal with a hearing officer of the department of personnel for a  
26 determination of whether the action taken was a reprisal or retaliatory  
27 action. The written appeal must be accompanied by a statement that sets  
28 forth with particularity the reprisal or retaliatory action that is alleged to  
29 have been taken against the employee. The hearing must be conducted in  
30 accordance with the procedures set forth in NRS 284.390 to 284.405,  
31 inclusive, and the procedures adopted by the personnel commission  
32 pursuant to subsection 4 of NRS 281.641. If the hearing officer determines  
33 that the action taken was a reprisal or retaliatory action, he may issue an  
34 order directing the proper person to desist and refrain from engaging in  
35 such action. The hearing officer shall file a copy of his decision with the  
36 governor or any other elected state officer who is responsible for the  
37 actions of that person.

38 9. For the purposes of subsection 8, "reprisal or retaliatory action"  
39 includes:

- 40 (a) The denial of adequate personnel or time to perform duties;
- 41 (b) Frequent and undesirable changes in the location of an office or  
42 workspace;
- 43 (c) The refusal to assign meaningful work;
- 44 (d) The issuance of letters of reprimand or evaluations of poor  
45 performance;
- 46 (e) A demotion;
- 47 (f) A reduction in pay;
- 48 (g) The denial of a promotion;
- 49 (h) A suspension;

- 1 (i) A dismissal;
- 2 (j) A transfer; or
- 3 (k) Frequent changes in working hours or workdays,
- 4 if such action is taken, in whole or in part, because the employee submitted
- 5 a request for the review of his position pursuant to this section.
- 6 **Sec. 3.** This act becomes effective upon passage and approval.

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**\*SB75\***