

Senate Bill No. 75–Senator Amodei

CHAPTER.....

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.

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

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

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

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

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

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

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

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

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

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

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

6. The chief of the state printing division of the department of administration or an employee who is appointed to a position pursuant to subsection 5 may, within 20 days after the date on which the employee is appointed, file with the director of the department of personnel a written appeal of the grade or class to which the position was allocated. For the purposes of such an appeal and any subsequent appeals to the personnel commission, the provisions of the regulations adopted by the department of personnel pursuant to chapter 284 of NRS are applicable in the same manner as if the allocation of the position to a grade or class had been made pursuant to chapter 284 of NRS and the regulations adopted pursuant thereto, instead of pursuant to this act.

7. If the grade and step established for the newly classified position requires the payment of a salary that is greater than the salary budgeted for the nonclassified position, the state printing division of the department of administration shall pay the additional amount beginning on the date on which the position is transferred. If money to pay the additional amount of salary is not available within the budgeted amount for the position, the division shall pay the additional amount from the reserve budgeted for the division and for that purpose, any work program change that would otherwise be required pursuant to NRS 353.220, is hereby deemed to be approved.

8. Notwithstanding the provisions of NRS 344.080, as amended by this act, and chapter 284 of NRS, and the regulations adopted pursuant thereto, the chief of the state printing division of the department of administration or any employee of the division shall not terminate the employment of a person who files a request for the review of his position pursuant to this section during the period beginning on the date on which the request for review is filed through the date on which the position is transferred to the classified service or the date on which the director of the department of personnel determines that the classification of the position is appropriate. If

the employee appeals the decision of the director to the personnel commission within 60 days after the employee receives the decision, the period described by this subsection must be extended to the date on which the position is transferred or the date on which the personnel commission determines that the classification of the position is appropriate.

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

10. For the purposes of subsection 9, "reprisal or retaliatory action" includes:

- (a) The denial of adequate personnel or time to perform duties;
- (b) Frequent and undesirable changes in the location of an office or workspace;
- (c) The refusal to assign meaningful work;
- (d) The issuance of letters of reprimand or evaluations of poor performance;
- (e) A demotion;
- (f) A reduction in pay;
- (g) The denial of a promotion;
- (h) A suspension;
- (i) A dismissal;
- (j) A transfer; or
- (k) Frequent changes in working hours or workdays,

if such action is taken, in whole or in part, because the employee submitted a request for the review of his position pursuant to this section.

Sec. 3. This act becomes effective upon passage and approval.