

ASSEMBLY BILL NO. 257—ASSEMBLYWOMAN ALLEN

MARCH 7, 2007

Referred to Committee on Government Affairs

SUMMARY—Requires employers of certain emergency medical technicians, firefighters and peace officers to establish a program of educational assistance. (BDR 23-828)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 9)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 safety; requiring the employers of certain emergency medical technicians, firefighters and peace officers to establish a program of educational assistance; setting forth the requirements of such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill requires certain employers to establish an educational assistance
2 program pursuant to which persons who: (1) are employed as full-time, salaried
3 emergency medical technicians, firefighters or peace officers by a state or local
4 governmental entity; (2) after gaining such employment, begin a course of study to
5 obtain an approved degree from an institution of the Nevada System of Higher
6 Education; and (3) enter into a binding service commitment agreement to remain
7 with their employer for a period of at least 3 additional years, are eligible to receive
8 educational assistance in the form of reimbursement for tuition, fees, books and
9 similar materials. If such a person fails to fulfill his service commitment without
10 good cause, or by causing his own termination, he is required to reimburse his
11 employer for any educational assistance that he has received under the program.

12 The provisions of this bill do not apply to: (1) persons who obtained their
13 degrees before becoming emergency medical technicians, firefighters or peace
14 officers; or (2) programs of educational assistance, tuition reimbursement or other
15 similar programs that were in existence before July 1, 2007.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 285 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *“Emergency medical technician” means a person who is certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.*

Sec. 5. *“Employer” means the State of Nevada, an agency of this State or a political subdivision of this State which employs emergency medical technicians, firefighters or peace officers.*

Sec. 6. *“Firefighter” means a person who is a member of a fire prevention or suppression unit and whose principal duty is to control and extinguish fires.*

Sec. 7. *“Peace officer” has the meaning ascribed to it in NRS 289.010.*

Sec. 8. *“Program” means a program of educational assistance established by an employer pursuant to section 9 of this act.*

Sec. 9. 1. *Each employer shall establish a program to provide educational assistance to emergency medical technicians, firefighters and peace officers:*

(a) Whom the employer employs as such in a full-time salaried position;

(b) Who, after becoming employed as such in a full-time salaried position, begin a course of study to obtain a degree:

(1) In a field or subject approved by the employer; and

(2) From a university, state college or community college within the Nevada System of Higher Education; and

(c) Who enter into and comply with a service commitment agreement as described in section 11 of this act.

2. *Each employer shall administer its own program. In administering its program, an employer may consult with the Nevada System of Higher Education or an institution thereof.*

Sec. 10. 1. *Each program must provide for an eligible emergency medical technician, firefighter or peace officer to receive reimbursement for the following educational expenses:*

(a) Tuition;



(b) Fees; and

(c) The cost of books and other materials that are directly related to the person's course of study.

2. A program need not provide reimbursement for any living expenses or other expenses that the emergency medical technician, firefighter or peace officer would incur regardless of whether he was enrolled in a course of study to obtain a degree.

Sec. 11. 1. To be eligible to receive educational assistance pursuant to a program, an emergency medical technician, firefighter or peace officer must enter into a binding service commitment agreement pursuant to which he agrees to remain in the employ of his employer for a period of at least 3 years after the date on which he is awarded the degree for which he received reimbursement for educational expenses as described in section 10 of this act.

2. An emergency medical technician, firefighter or peace officer who enters into a service commitment agreement and, in the absence of circumstances constituting death, disability, impossibility or an undue hardship, fails to remain in the employ of his employer for the period prescribed in the agreement, is thereby in violation of the agreement and shall reimburse his employer for any amount that he received in the form of educational assistance in connection with that agreement.

3. Except as otherwise provided in subsection 4, if the employment of an emergency medical technician, firefighter or peace officer who has entered into a service commitment agreement is involuntarily terminated before he is able to fulfill the agreement, the involuntary termination does not constitute a violation of the terms of the agreement.

4. If the employment of an emergency medical technician, firefighter or peace officer who has entered into a service commitment agreement is involuntarily terminated before he is able to fulfill the agreement and his employer, after notice and a hearing, determines that he engaged in a pattern of conduct reasonably calculated to cause his own termination, he shall be deemed to have violated the terms of the agreement.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. Each employer shall adopt such guidelines and procedures as it determines to be necessary or advisable to carry out its program.

2. The guidelines and procedures adopted by an employer pursuant to subsection 1 must include, without limitation, provisions:



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1 (a) Setting forth the fields or subjects in which a degree may
2 be obtained;

3 (b) Prescribing the form of service commitment agreements
4 and any other relevant documents;

5 (c) Specifying the conditions under which impossibility or
6 undue hardship excuses what would otherwise constitute a
7 violation of a service commitment agreement;

8 (d) Describing the specific manner in which educational
9 assistance required to be paid under the program will be
10 disbursed;

11 (e) Setting forth the manner in which educational assistance
12 must be repaid to the employer in the event that the recipient of
13 such assistance violates his service commitment agreement;

14 (f) Addressing the respective obligations of the parties in the
15 situation in which an emergency medical technician, firefighter or
16 peace officer receives educational assistance but fails to earn a
17 degree; and

18 (g) Addressing such other matters as the employer deems
19 appropriate.

20 **Sec. 15.** NRS 285.010 is hereby amended to read as follows:

21 285.010 As used in ~~this chapter~~ **NRS 285.010 to 285.070,**
22 **inclusive**, unless the context otherwise requires:

23 1. "Adoption" means the putting of an employee suggestion
24 into effect.

25 2. "Board" means the Merit Award Board.

26 3. "Employee suggestion" means a proposal by a state
27 employee which would:

28 (a) Reduce or eliminate state expenditures; or

29 (b) Improve the operation of State Government.

30 4. "Merit award" means an award to a state employee for an
31 adopted suggestion in the form of either the Governor's certificate
32 of commendation or a cash payment.

33 5. "State employee" means any person employed by a state
34 agency who is not the head of the department.

35 **Sec. 16.** NRS 286.025 is hereby amended to read as follows:

36 286.025 1. Except as otherwise provided by specific statute,
37 "compensation" is the salary paid to a member by his principal
38 public employer.

39 2. The term includes:

40 (a) Base pay, which is the monthly rate of pay excluding all
41 fringe benefits.

42 (b) Additional payment ~~for~~ :

43 (1) **For** longevity, shift differential, hazardous duty, work
44 performed on a holiday if it does not exceed the working hours of
45 the normal workweek or pay period for that employee, holding



oneself ready for duty while off duty and returning to duty after one's regular working hours.

(2) Received pursuant to an educational assistance program established in accordance with section 9 of this act.

(c) Payment for extra duty assignments if it is the standard practice of the public employer to include such pay in the employment contract or official job description for the calendar or academic year in which it is paid and such pay is specifically included in the member's employment contract or official job description.

(d) The aggregate compensation paid by two separate public employers if one member is employed half-time or more by one, and half-time or less by the other, if the total does not exceed full-time employment, if the duties of both positions are similar and if the employment is pursuant to a continuing relationship between the employers.

3. The term does not include any type of payment not specifically described in subsection 2.

Sec. 17. (Deleted by amendment.)

Sec. 18. The amendatory provisions of this act do not pertain to, and do not alter or otherwise affect:

1. The terms or conditions of an educational assistance program, tuition reimbursement program or any similar program that an employer has established before July 1, 2007.

2. Any rights, remedies, obligations or procedures relating to a program described in subsection 1.

Sec. 19. The provisions of NRS 354.599 do not apply to any additional expenses of local government that are related to the provisions of this act.

Sec. 20. This act becomes effective on July 1, 2007.

