

ASSEMBLY BILL NO. 445—ASSEMBLYMEN PARKS, ARBERRY, CLABORN, DENIS, GERHARDT, HOGAN, KIHUEN, KIRKPATRICK, MANENDO, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PIERCE, SEGERBLOM AND WOMACK (BY REQUEST)

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding state personnel. (BDR 23-1048)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 the State Personnel System; providing that final decisions of the Employee-Management Committee are binding; authorizing the Committee or an employee to petition a court for enforcement of the Committee's binding decisions; adding the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index of occupational groups in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Employee-Management Committee performs various duties relating to the State Personnel System, including holding hearings and making final decisions for the adjustment of grievances. (NRS 284.073, 284.384) Unless the Budget Division of the Department of Administration determines that the resolution of a grievance by the Committee is not feasible based on its fiscal effects, **section 2** of this bill provides that the decisions of the Committee are binding and authorizes the Committee or an employee to petition a court to enforce the Committee's binding decisions.

Existing law requires the Director of the Department of Personnel to prepare and maintain an index that categorizes all positions in the classified service of the State into broad occupational groups. (NRS 284.171) **Section 1** of this bill adds the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index.



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

1 **Section 1.** NRS 284.171 is hereby amended to read as follows:
2 284.171 For the purposes of NRS 353.205 and 353.224, the
3 Director shall prepare and maintain an index which categorizes all
4 positions in the classified service of the State into the following
5 broad occupational groups:

- 6 1. Occupations in the fields of agriculture and conservation.
- 7 2. Clerical and related occupations.
- 8 3. Occupations relating to custodial and domestic services.
- 9 4. Occupations relating to library services.
- 10 5. Occupations in the field of education.
- 11 6. Engineering and allied occupations.
- 12 7. Occupations in fiscal management and related staff services.
- 13 8. Occupations relating to legal services.
- 14 9. Occupations in the mechanical and construction trades.
- 15 10. Occupations in the fields of medicine and health and
16 related services.
- 17 11. Occupations in regulatory fields and in public safety.
- 18 12. Occupations in social services and rehabilitation.
- 19 13. *Positions that require certification by the Peace Officers'*
20 *Standards and Training Commission pursuant to NRS 289.150 to*
21 *289.360, inclusive.*

22 **14.** Other occupations.

23 **Sec. 2.** NRS 284.384 is hereby amended to read as follows:

24 284.384 1. The Commission shall adopt regulations which
25 provide for the adjustment of grievances for which a hearing is not
26 provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390.
27 Any grievance for which a hearing is not provided by NRS 284.165,
28 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment
29 pursuant to this section.

30 2. The regulations must provide procedures for:

31 (a) Consideration and adjustment of the grievance within the
32 agency in which it arose.

33 (b) Submission to the Employee-Management Committee for a
34 final decision if the employee is still dissatisfied with the resolution
35 of the dispute.

36 3. The regulations must include provisions for:

37 (a) Submitting each proposed resolution of a dispute which has a
38 fiscal effect to the Budget Division of the Department of
39 Administration for a determination by that Division whether the
40 resolution is feasible on the basis of its fiscal effects; and

41 (b) Making the resolution binding.



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1 4. Any grievance which is subject to adjustment pursuant to
2 this section may be appealed to the Employee-Management
3 Committee for a final decision. *Except as otherwise provided in*
4 *subsection 3, a final decision of the Employee-Management*
5 *Committee is binding. The Committee or an employee may petition*
6 *a court of competent jurisdiction for enforcement of the*
7 *Committee's binding decisions.*

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

12 6. As used in this section, "grievance" means an act, omission
13 or occurrence which an employee who has attained permanent status
14 feels constitutes an injustice relating to any condition arising out of
15 the relationship between an employer and an employee, including,
16 but not limited to, compensation, working hours, working
17 conditions, membership in an organization of employees or the
18 interpretation of any law, regulation or disagreement.

19 **Sec. 3.** (Deleted by amendment.)

