

ASSEMBLY BILL NO. 602—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the state personnel system.
(BDR 23-1148)

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; decreasing the number of members of the Employee-Management Committee; requiring that certain persons in the classified service of the State be granted a leave of absence without pay to serve as full-time representatives in organizations representing state employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Employee-Management Committee consisting of three members representing management positions within the Executive Department of State Government and three members representing employees within the Executive Department. (NRS 284.068) **Section 1** of this bill reduces the membership of the Committee to five members: two representing management positions within the Executive Department, two representing employees within the Executive Department and one to be jointly recommended by the other members and appointed by the Governor. **Section 1** also provides that the new member of the Committee serves as the Chairman of the Committee. **Section 2** of this bill provides for the per diem and travel expenses of the Chairman of the Committee.

Existing law authorizes a state employee to be granted a leave of absence without pay in certain circumstances. (NRS 284.360) **Section 3** of this bill requires that a permanent, classified worker must be granted a leave of absence without pay to serve as a full-time representative in an organization that represents state employees. **Section 3** also provides that when the person no longer serves as such a representative, the person must be reinstated to the position he held before the leave of absence, without loss of pay or certain other benefits.



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

Section 1. NRS 284.068 is hereby amended to read as follows:
284.068 1. The Employee-Management Committee,
consisting of ~~six~~ **five** members, ~~appointed by the Governor,~~ is
hereby created.

2. The Governor shall appoint to the Committee:

(a) ~~Three~~ **Two** persons to represent management within the
Executive Department of State Government, and ~~three~~ **two** persons
to serve as alternates for them.

(b) ~~Three~~ **Two** persons to represent employees within the
Executive Department of State Government, and ~~three~~ **two** persons
to serve as alternates for them.

*(c) One person recommended to the Governor by the members
of the Committee appointed pursuant to paragraphs (a) and (b).*

3. The representatives of employees and their alternates must
be selected from a list, supplied by state employees or one or more
state employees' groups, or any combination of these, containing
twice as many names as there are vacancies to be filled.

*4. The members of the Committee appointed pursuant to
paragraphs (a) and (b) of subsection 2 must hold a vote
to determine the person to recommend to the Governor pursuant
to paragraph (c) of subsection 2. If a majority of the members of
the Committee do not agree upon the person to recommend, the
Director shall request from the Federal Mediation and
Conciliation Service or a successor organization a list of seven
arbitrators who specialize in labor disputes and who are residents
of this State. One member of the Committee appointed pursuant to
paragraph (a) of subsection 2 and one member of the Committee
appointed pursuant to paragraph (b) of subsection 2 shall
alternately strike one name from the list until the name of only
one arbitrator remains, and that arbitrator must be recommended
to the Governor to serve as a member of the Committee. The
representative to strike the first name must be determined by the
toss of a coin.*

*5. The person appointed by the Governor pursuant to
paragraph (c) of subsection 2 shall serve as Chairman of the
Committee.*

6. The members of the Committee and the alternates shall
serve for 2 years.

Sec. 2. NRS 284.071 is hereby amended to read as follows:

284.071 1. ~~The Chairman of the Employee-Management
Committee must be chosen by a majority vote of the members.~~



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1 ~~—2.]~~ The *Employee-Management* Committee shall adopt such
2 rules as it deems necessary for its own management.

3 ~~[3.]~~ 2. The Committee shall meet at least once every 3 months
4 and at such other times as the Chairman may designate.

5 ~~[4.]~~ 3. The Department shall provide secretarial services for
6 the Committee.

7 *4. While engaged in the business of the Committee, the*
8 *Chairman of the Committee is entitled to receive the per diem*
9 *allowance and travel expenses provided for state officers and*
10 *employees generally.*

11 **Sec. 3.** NRS 284.360 is hereby amended to read as follows:

12 284.360 1. Any person holding a permanent position in the
13 classified service may be granted a leave of absence without pay.
14 Leave of absence may be granted to any person holding a position in
15 the classified service to permit acceptance of an appointive position
16 in the unclassified service. Leave of absence must be granted to any
17 person holding a position in the classified service to permit
18 acceptance of a position in the Legislative Branch during a regular
19 or special session of the Legislature, including a reasonable period
20 before and after the session if the entire period of employment in the
21 Legislative Branch is continuous.

22 2. If a person is granted a leave of absence without pay to
23 permit acceptance of an appointive position in the unclassified
24 service or a position in the Legislative Branch, any benefits earned
25 while he is in the:

26 (a) Classified service are retained and must be paid by the
27 employer in the classified service, whether or not the person returns
28 to the classified service.

29 (b) Unclassified service or employed by the Legislative Branch
30 are retained and must be paid by the appointing authority in the
31 unclassified service or by the Legislative Branch, if he does not
32 return to the classified service, or by the employer in the classified
33 service, if he returns to the classified service.

34 3. Any person in the unclassified service, except members of
35 the academic staff of the Nevada System of Higher Education, may
36 be granted by the appointing authority a leave of absence without
37 pay for a period not to exceed 6 months.

38 4. Officers and members of the faculty of the Nevada System
39 of Higher Education may be granted leaves of absence without pay
40 as provided by the regulations prescribed pursuant to subsection 2 of
41 NRS 284.345.

42 5. Except as otherwise provided in subsection 6, a person in the
43 classified or unclassified service who:

44 (a) Is the natural parent of a child who is less than 6 months old;
45 or



(b) Has recently adopted a child,
➔ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 or 284.355.

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.

7. Any person holding a permanent position in the classified service must be granted a leave of absence without pay to serve as a full-time representative of state employees in an organization which represents state employees. When the person no longer serves as a full-time representative in such an organization, the person must be reinstated to his former position in the classified service without loss of pay, tenure, status or benefits earned while in the classified service.

Sec. 4. Notwithstanding the provisions of subsection 4 of NRS 284.068, as amended by section 1 of this act:

1. The terms of the current members of the Employee-Management Committee expire on June 30, 2007.

2. As soon as is practicable on or after July 1, 2007, the Governor shall appoint to the Committee:

(a) The following, each to serve an initial term that expires on June 30, 2008:

(1) One member and one alternate appointed in accordance with the provisions of paragraph (a) of subsection 2 of NRS 284.068, as amended by section 1 of this act; and

(2) One member and one alternate appointed in accordance with the provisions of paragraph (b) of subsection 2 of NRS 284.068, as amended by section 1 of this act; and

(b) The following, each to serve an initial term that expires on June 30, 2009:

(1) One member and one alternate appointed in accordance with the provisions of paragraph (a) of subsection 2 of NRS 284.068, as amended by section 1 of this act; and

(2) One member and one alternate appointed in accordance with the provisions of paragraph (b) of subsection 2 of NRS 284.068, as amended by section 1 of this act.

3. As soon as is practicable after being appointed pursuant to subsection 2, the members appointed pursuant to subsection 2 shall



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- 1 recommend to the Governor a person to be appointed as a member
- 2 of the Committee in accordance with the provisions of NRS
- 3 284.068, as amended by section 1 of this act, and the Governor shall
- 4 appoint such member, to serve an initial term that expires on
- 5 June 30, 2009.
- 6 **Sec. 5.** This act becomes effective on June 30, 2007.

