

Amendment No. 485

Assembly Amendment to Assembly Bill No. 257 (BDR 23-828)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an unfunded mandate not requested by the affected local government to A.B. 257 (§ 9).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

MSM/BJE



Date: 4/22/2007

A.B. No. 257—Establishes a career incentive program to provide salary increases to certain emergency medical technicians, firefighters and peace officers who complete certain educational requirements.
(BDR 23-828)



ASSEMBLY BILL NO. 257—ASSEMBLYWOMAN ALLEN

MARCH 7, 2007

Referred to Committee on Government Affairs

SUMMARY—~~[Establishes a career incentive program to provide salary increases to]~~ **Requires employers of** certain emergency medical technicians, firefighters and peace officers ~~[who complete certain educational requirements]~~ **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.

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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; ~~[establishing a career incentive program to provide salary increases to]~~ **requiring the employers of** certain emergency medical technicians, firefighters and peace officers ~~[who complete certain educational requirements; requiring the State to pay for such salary increases; requiring the Peace Officers' Standards and Training Commission to administer the program; requiring the Commission to consult with other governmental entities]~~ **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:

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

~~[Under the career incentive program, an emergency medical technician, firefighter or peace officer would be eligible to receive a 6 percent increase in base salary for obtaining an associate's degree, a 12 percent increase in base salary for obtaining a bachelor's degree and an 18 percent increase in base salary for obtaining a master's degree, law degree or other doctoral degree.]~~

~~[The career incentive program will be administered by the Peace Officers' Standards and Training Commission in consultation with state and local governmental entities which employ]~~

~~emergency medical technicians, firefighters or peace officers, or any combination of such personnel. The program does.~~ The provisions of this bill do not apply to : (1) persons who obtained their degrees before becoming emergency medical technicians, firefighters or peace officers ~~+~~ ; or (2) programs of educational assistance, tuition reimbursement or other similar programs that were in existence before July 1, 2007.

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 ~~13,~~ 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~13,~~ 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~7,~~ 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“Commission” means the Peace Officers’ Standards and Training Commission.~~ (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. 5.~~ **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. 6.~~ **Sec. 7.** *“Peace officer” has the meaning ascribed to it in NRS 289.010.*

~~Sec. 7.~~ **Sec. 8.** *“Program” means ~~the career incentive~~ a program of educational assistance established by an employer pursuant to section ~~8,~~ 9 of this act.*

~~Sec. 8.~~ **Sec. 9.** *1. ~~There is hereby established a career incentive.~~ Each employer shall establish a program to provide ~~salary increases~~ educational assistance to emergency medical technicians, firefighters and peace officers ~~who~~*

~~(a) Are employed;~~

(a) Whom the employer employs as such in a full-time salaried ~~positions by the State of Nevada, an agency of this State or a political subdivision of this State~~

~~(b) After~~ *position;*

(b) Who, after becoming employed as such in a full-time salaried ~~positions by the State of Nevada, an agency of this State or a political subdivision of this State~~ position, begin a course of study to obtain a degree:

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

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

(c) ~~Enter~~ Who enter into and comply with a service commitment agreement as described in section ~~10,~~ 11 of this act.

2. ~~The Commission~~ *Each employer shall administer ~~the~~ its own program. In administering ~~the program, the Commission shall~~ its program, an employer may consult with ~~state and local governmental entities which employ~~*

~~(a) Emergency medical technicians;~~

~~(b) Firefighters;~~

~~(c) Peace officers; or~~
~~(d) Any combination of such personnel;~~ the Nevada System of Higher Education or an institution thereof.

~~[Sec. 9.]~~ Sec. 10. 1. [The] Each program must provide for an eligible emergency medical technician, firefighter or peace officer to receive reimbursement for the following increases in base salary:

~~(a) For obtaining an associate's degree, 6 percent;~~

~~(b) For obtaining a bachelor's degree, 12 percent;~~

~~(c) For obtaining a master's degree, juris doctorate or other doctoral degree, 18 percent.~~

2. As used in this section, "base salary" does not include any component of the salary of an emergency medical technician, firefighter or peace officer that is attributable to a salary increase described in subsection 1.] 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. 10.]~~ Sec. 11. 1. To be eligible to receive [a salary increase under the] 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 [the state or local governmental employer which employs him in that capacity] his employer for a period of at least 3 years after the date on which he [begins to receive the salary increase.] 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 [the State of Nevada] his employer for any amount that he received [as a salary increase under the program] 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 [the Commission,] 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. 11.]~~ Sec. 12. [An emergency medical technician, firefighter or peace officer who wishes to participate in the program and receive a salary increase under the program shall]

~~1. Pay the cost of obtaining his degree, including, without limitation, tuition, books and fees, unless he qualifies for an educational assistance or tuition reimbursement program offered by his employer, if any;~~

~~2. Submit an application to the Commission on a form provided by the Commission;~~

~~3. Demonstrate to the satisfaction of the Commission that he fulfills the requirements set forth in subsection 1 of section 8 of this act; and~~

~~4. Comply with any other applicable requirements specified by the Commission.~~ (Deleted by amendment.)

~~[Sec. 12.] Sec. 13. 1. The costs and expenses incurred by employers to pay salary increases under the program must be borne by the State.~~

~~2. If an employer is a local governmental employer, such costs and expenses must first be paid by city or county warrants. The appropriate city or county officer, as applicable, shall then present a claim to the State Board of Examiners for the amount of such costs and expenses. Upon approval of the claim by the State Board of Examiners, the State Controller shall draw his warrant for the payment thereof, and the State Treasurer shall pay the same from the Reserve for Statutory Contingency Account.~~ (Deleted by amendment.)

~~[Sec. 13.] Sec. 14. 1. The Commission shall, in consultation with state and local governmental entities which employ emergency medical technicians, firefighters or peace officers, or any combination of such personnel, Each employer shall adopt such regulations, guidelines and procedures as it determines to be necessary or advisable to carry out the provisions of sections 2 to 13, inclusive, of this act.~~ its program.

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

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

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

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

(d) Describing the specific manner in which salary increases educational assistance required to be paid under the program must will be disbursed;

(e) Setting forth the manner in which salary increases educational assistance must be repaid to the State employer in the event that the recipient of such increases assistance violates his service commitment agreement; and

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

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

~~[Sec. 14.] Sec. 15.~~ NRS 285.010 is hereby amended to read as follows:

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

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

2. "Board" means the Merit Award Board.

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

(a) Reduce or eliminate state expenditures; or

(b) Improve the operation of State Government.

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

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

~~[Sec. 15.]~~ **Sec. 16.** NRS 286.025 is hereby amended to read as follows:

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

2. The term includes:

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

(b) Additional payment ~~[for]~~:

(1) *For* longevity, shift differential, hazardous duty, work performed on a holiday if it does not exceed the working hours of 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 the career incentive program created by section 9 of 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. 16.]~~ **Sec. 17.** ~~NRS 289.510 is hereby amended to read as follows:~~

~~289.510 1. The Commission:~~

~~(a) Shall meet at the call of the Chairman, who must be elected by a majority vote of the members of the Commission;~~

~~(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State;~~

~~(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:~~

~~(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;~~

~~(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;~~

~~(3) Qualifications for instructors of peace officers; and~~

~~(4) Requirements for the certification of a course of training.~~

~~(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.~~

~~(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.~~

~~(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.~~

~~(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.~~

~~(i) Shall administer the provisions of sections 2 to 13, inclusive, of this act.~~

~~2. Regulations adopted by the Commission:~~

~~(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;~~

~~(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children; and~~

~~(c) May require that training be carried on at institutions which it approves in those regulations.] (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. 17.]~~ **Sec. 20. This act becomes effective on July 1, 2007.**