

Amendment No. 274

Assembly Amendment to Assembly Bill No. 602 (BDR 23-1148)

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

SJA/MSM



Date: 4/17/2007

A.B. No. 602—Makes various changes to the state personnel system.

(BDR 23-1148)



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; ~~increasing~~ **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 ~~adds a seventh member to the Committee,~~ **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 ~~salary and~~ 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 ~~(American Arbitration Association or its)~~ 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.~~

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

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

~~4.~~ 3. The Department shall provide secretarial services for the Committee.

4. ~~The Chairman of the Committee is entitled to receive a salary equal to that of the Director.~~

~~5.~~ *While engaged in the business of the Committee, the Chairman of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

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

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

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

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

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

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

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

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

(a) Is the natural parent of a child who is less than 6 months old; 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. [As soon as is practicable after July 1, 2007, the members of the Employee-Management Committee appointed pursuant to paragraphs (a) and (b) of subsection 1 of NRS 284.068 shall recommend a person to be appointed as a member of the Committee to the Governor in accordance with the provisions of NRS 284.068, as amended by section 1 of this act, and the Governor shall appoint such member, whose term expires on the same date as the other members of the Committee.] 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

1 (b) The following, each to serve an initial term that expires on June 30,
2 2009:

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

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

9 3. As soon as is practicable after being appointed pursuant to subsection
10 2, the members appointed pursuant to subsection 2 shall recommend to the
11 Governor a person to be appointed as a member of the Committee in
12 accordance with the provisions of NRS 284.068, as amended by section 1 of
13 this act, and the Governor shall appoint such member, to serve an initial term
14 that expires on June 30, 2009.

15 Sec. 5. This act becomes effective on ~~July 1,~~ June 30, 2007.