

ASSEMBLY BILL NO. 354—ASSEMBLYMAN SEGERBLOM

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the State Personnel System. (BDR 23-1014)

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 the State Personnel System; clarifying the selection process of the Chair of the Employee-Management Committee; making various changes related to the hearing process of the Committee; requiring the Personnel Commission to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Employee-Management Committee performs several
 2 duties relating to the administration of the State Personnel System, including
 3 holding hearings and making final decisions for the adjustment of certain
 4 grievances. (NRS 284.068, 284.073, 284.384) The Committee consists of an equal
 5 number of persons who represent management within the Executive Department of
 6 State Government and persons who represent employees within the Executive
 7 Department of State Government. **Section 1** of this bill clarifies that the Chair of
 8 the Committee is chosen by a majority of all persons appointed to the Committee,
 9 including persons appointed as alternate members. **Section 1.3** of this bill requires
 10 that an equal number of persons representing management within the Executive
 11 Department and persons representing employees of the Executive Department
 12 participate in hearings and the making of final decisions. **Section 1.7** of this bill
 13 requires the Personnel Commission of the Department of Personnel to adopt
 14 regulations which provide procedures for the use of resolution conferences by the
 15 Committee.



* A B 3 5 4 R 1 *

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

Section 1. NRS 284.071 is hereby amended to read as follows:
284.071 1. The Chair of the Employee-Management
Committee must be chosen by a majority vote of ~~{the members.}~~ *all
persons appointed to serve as members pursuant to NRS 284.068,
including, without limitation, the persons appointed to serve as
alternates.*

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

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

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

Sec. 1.3. NRS 284.073 is hereby amended to read as follows:

284.073 1. The Employee-Management Committee shall:

~~{1.}~~ (a) Serve in an advisory capacity to the Governor, the
Commission and the Department with respect to all matters of
personnel administration and relations between management and
employees.

~~{2.}~~ (b) Receive, consider and make recommendations on
matters relating to personnel administration, policy and procedures.

~~{3.}~~ (c) Provide a forum for the hearing of employees'
suggestions, complaints or disciplinary problems.

~~{4.}~~ (d) Provide a means of communication for disseminating
information to employees regarding the personnel program.

~~{5.—Hold}~~

(e) *Except as otherwise provided in subsection 2, hold
hearings, when requested, and make final decisions for the
adjustment of grievances as provided by the regulations of the
Commission.*

2. *The Committee shall not hold any hearing or make a final
decision for the adjustment of a grievance unless an equal number
of members appointed pursuant to paragraphs (a) and (b) of
subsection 2 of NRS 284.068 attend the hearing and take part in
making the final decision.*

Sec. 1.7. NRS 284.384 is hereby amended to read as follows:

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

2. The regulations must provide procedures for:



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

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

(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance.

3. The regulations must include provisions for:

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

(b) Making the resolution binding.

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

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

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

Sec. 2. (Deleted by amendment.)

Sec. 3. The Personnel Commission of the Department of Personnel shall, before January 1, 2012, adopt the regulations required by NRS 284.384, as amended by section 1.7 of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 1.3 of this act become effective on October 1, 2011.

3. Section 1.7 of this act becomes effective on January 1, 2012.

