

Assembly Bill No. 436—Committee on Ways and Means

CHAPTER.....

AN ACT relating to state employees; revising provisions relating to compensation of state employees to eliminate longevity pay for such employees; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for a plan to encourage continuity of service for state employees whereby each employee with 8 years or more of continuous state service is entitled to a semiannual payment which begins at \$75 and increases annually after that for each year of continuous service to a maximum semiannual payment of \$1,175 (referred to commonly as "longevity pay"). (NRS 284.177) **Section 5** of this bill repeals that provision, but does not affect any longevity pay of local governmental employees, and **sections 1 and 2** of this bill make conforming changes to reflect that repeal.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Section 1.** NRS 281.123 is hereby amended to read as follows:

281.123 1. Except as otherwise provided in subsection 3 or NRS 281.1233, or as authorized by statute referring specifically to that position, the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period.

2. As used in subsection 1, the term "salary":

(a) Includes any:

(1) Payment received by an employee for being available to work although the employee was not actually required to perform the work;

(2) Increase in salary provided to compensate for a rise in the cost of living; ***and***

(3) ~~Payment received under a plan established to encourage continuity of service; and~~

~~—(4)—~~ Payment received as compensation for purportedly performing additional duties.

(b) Excludes any:

(1) Payment received as compensation for overtime even if that payment is otherwise authorized by law; and

(2) Rent or utilities supplied to an employee if the employee is required by statute or regulation to live in a particular dwelling.



3. The provisions of subsection 1 do not apply to the salaries of:

- (a) Dentists and physicians employed full-time by the State; or
- (b) Officers and employees of the Nevada System of Higher Education.

**Sec. 2.** NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals, employees in the unclassified service of the Executive Branch of the Government of the State of Nevada, or employees of the Legislative Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority. The benefit conferred by this subsection includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave, ~~and longevity,~~ and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

2. Except as otherwise provided in subsection 4, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

3. Except as otherwise provided in this subsection and subsection 4, a person may not transfer pursuant to subsection 1 to a class composed of:

- (a) Professionally qualified persons; or
- (b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

↪ A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

4. The restrictions provided in subsections 2 and 3 do not apply to an employee of the Supreme Court, an employee of the Court of Appeals, an employee in the unclassified service of the Executive Branch of Government or an employee of the Legislative Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that such an employee may only transfer to a position in the classified service that has duties and compensation that are similar either to



the employee's current position or to a position the employee previously held in the classified service.

5. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

6. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a regular session of the Legislature and is eligible at that time pursuant to subsection 1 to transfer to a position having similar duties and compensation in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date. For the purposes of this section, the weekly compensation of a person paid a daily salary during a legislative session is seven times the daily salary.

**Secs. 3 and 4.** (Deleted by amendment.)

**Sec. 5.** NRS 284.177 and 284.179 are hereby repealed.

**Sec. 6.** This act becomes effective upon passage and approval.

