

SENATE BILL NO. 315—SENATOR ROBERSON

MARCH 16, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions concerning pay for certain state employees for legal holidays. (BDR 23-508)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to state employees; revising the pay for certain state employees for legal holidays; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for state employees who regularly work 40 hours per workweek to receive 8 hours of pay for a legal holiday. (NAC 284.255) **Section 1** of this bill provides for state employees who regularly work 40 hours per workweek with a normal schedule of work of 10 hours on each of 4 workdays during the workweek to receive 10 hours of pay for a legal holiday. **Section 1** also specifies that the state employee must receive the 10 hours of pay for the legal holiday without being required to: (1) use paid leave of any kind; (2) work on the legal holiday without being paid for that work; or (3) work on any day without being compensated. **Section 1** further provides that the state employee must receive the 10 hours of pay for the legal holiday whether or not the legal holiday is one of the state employee's regularly scheduled workdays, but that if the legal holiday is not one of the state employee's regularly scheduled workdays, the employer of the state employee shall require the state employee not to work on another of the state employee's regularly scheduled workdays during the workweek to maintain the state employee's 40-hour workweek.

Section 2 of this bill amends existing law so that **section 1** does not change existing requirements which provide for payment of actual hours worked on a legal holiday in addition to pay for the legal holiday.



* S B 3 1 5 *

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a legal holiday occurs during a regularly scheduled workweek of a state employee who regularly works 40 hours per workweek with a normal schedule of work of 10 hours on each of 4 workdays during the workweek, the state employee is entitled to be paid for 10 hours for the legal holiday.

2. A state employee described in subsection 1 is entitled to be paid for 10 hours for the legal holiday pursuant to subsection 1:

(a) Without being required to:

(1) Use paid or unpaid leave of any kind for all or any portion of the 10 hours paid for the legal holiday;

(2) Work on the legal holiday unless, in addition to the payment for 10 hours required pursuant to subsection 1, the state employee is paid for the hours worked on the legal holiday in accordance with subsection 12 of NRS 284.180; or

(3) Work hours on any day without compensation to offset all or any portion of the 10 hours paid for the legal holiday; and

(b) Whether or not the legal holiday is one of the state employee's regularly scheduled workdays. If the legal holiday is not one of the state employee's regularly scheduled workdays, the employer of the state employee shall require the state employee not to work on one of the state employee's regularly scheduled workdays during that workweek to maintain 40 paid hours in the employee's workweek.

3. The provisions of this section do not affect the pay, if any, a state employee is entitled to receive for a legal holiday if the state employee does not regularly work 40 hours per workweek with a normal schedule of work of 10 hours on each of 4 workdays during the workweek.

Sec. 2. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.



3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➔ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.



1 10. All overtime must be approved in advance by the
2 appointing authority or the designee of the appointing authority. No
3 officer or employee, other than a director of a department or the
4 chair of a board, commission or similar body, may authorize
5 overtime for himself or herself. The chair of a board, commission or
6 similar body must approve in advance all overtime worked by
7 members of the board, commission or similar body.

8 11. The Budget Division of the Department of Administration
9 shall review all overtime worked by employees of the Executive
10 Department to ensure that overtime is held to a minimum. The
11 Budget Division shall report quarterly to the State Board of
12 Examiners the amount of overtime worked in the quarter within the
13 various agencies of the State.

14 12. A state employee is entitled to his or her normal rate of pay
15 for working on a legal holiday unless the employee is entitled to
16 payment for overtime pursuant to this section and the regulations
17 adopted pursuant thereto. This payment is in addition to any
18 payment provided for by *section 1 of this act or* regulation for a
19 legal holiday.

20 **Sec. 3.** This act becomes effective on July 1, 2015.

