

ASSEMBLY BILL NO. 309—ASSEMBLYMEN COHEN, MILLER, YEAGER, WATKINS, FRIERSON; BENITEZ-THOMPSON, FUMO, JAUREGUI, MONROE-MORENO, SPRINKLE AND SWANK

MARCH 17, 2017

JOINT SPONSORS: SENATORS SPEARMAN AND PARKS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the employment of veterans and certain widows and widowers by the State. (BDR 23-762)

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 employment; imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration and certain state agencies relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons relating to employment in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Administration to provide an annual report of the total number of veterans employed by each agency in the State to the Interagency Council on Veterans Affairs, which includes the Director of the Department of Veterans Services as one of its members. (NRS 417.0191, 417.0194) **Section 3** of this bill requires the Administrator of the Division of Human Resource Management of the Department of Administration to submit to: (1) the Director of the Department of Veterans Services and make available to the public a monthly report listing the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State; and (2) the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a quarterly



report on the number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter. **Section 6** of this bill makes a conforming change to the annual report. Finally, **section 3** requires the Administrator to ensure that the percentage of officers and employees in such state employment that are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.

Existing law requires, with certain exceptions, state agencies in the Executive Department of the State Government to periodically report to the Administrator of the Division of Human Resource Management any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. (NRS 284.121) **Section 4** of this bill requires that such a report include whether the affected appointee or employee is a veteran or, to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Under existing law, the State is required, in establishing lists of persons eligible for appointment or promotion to positions in the classified service, to add 10 points to the passing grade on a competitive examination of a veteran with a disability and 5 points to a passing grade on such an examination of a veteran who does not have a disability or a widow or widower of a veteran. Existing law authorizes the application of such preference points to any open competitive examination in the classified service, but only to one promotional examination. (NRS 284.260)

Section 5 of this bill provides that 10 preference points must be added to the passing grade of all veterans and to the passing grade of widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States. **Section 5** also provides that a person who qualifies under more than one category for preference points cannot combine all those points but is entitled to receive points for only one qualifying category that is most beneficial to the person. Finally, **section 5** removes the restriction on applying such preference points to more than one promotional examination.

Existing law requires, with certain exceptions, a state agency in the Executive Department of the State Government to give notice to the Administrator of the Division of Human Resource Management of its intention to fill certain vacant positions in the classified service. After receipt of such notice, the Administrator is required to certify from the list of eligible persons, appropriate to the grade and class in which the position is classified, the names of the persons with the highest scores and, if so certified, the appointing state agency may interview those persons for the position. (NRS 284.265) **Section 5.5** of this bill requires the Administrator to certify additionally for the position the name of any veteran with a service-connected disability who is also on the list of eligible persons and, if so certified, the appointing state agency must interview the veteran for the position.

Under existing law, certain vacant positions in the classified service are not filled by using the foregoing procedure. (Chapter 284 of NRS; chapter 284 of NAC) With regard to such positions, **section 5.5** requires the appointing state agency to interview for the position each veteran with a service-connected disability who is a qualified applicant for the position. Additionally, if there are veterans without a service-connected disability who are qualified applicants for the position, **section 5.5** requires the appointing state agency to interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a



67 sufficient number to reach that percentage, interview for the position each such
68 veteran who is a qualified applicant for the position.

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

1 **Section 1.** NRS 284.015 is hereby amended to read as follows:
2 284.015 As used in this chapter, unless the context otherwise
3 requires:

- 4 1. "Administrator" means the Administrator of the Division.
5 2. "Commission" means the Personnel Commission.
6 3. "Disability," includes, but is not limited to, physical
7 disability, intellectual disability and mental or emotional disorder.
8 4. "Division" means the Division of Human Resource
9 Management of the Department of Administration.

10 5. "Essential functions" has the meaning ascribed to it in 29
11 C.F.R. § 1630.2.

12 6. "Public service" means positions providing service for any
13 office, department, board, commission, bureau, agency or institution
14 in the Executive Department of the State Government operating by
15 authority of the Constitution or law, and supported in whole or in
16 part by any public money, whether the money is received from the
17 Government of the United States or any branch or agency thereof, or
18 from private or any other sources.

19 7. *"Veteran" has the meaning ascribed to it in NRS 417.005.*

20 8. *"Veteran with a service-connected disability" has the*
21 *meaning ascribed to it in NRS 338.13843 and includes a veteran*
22 *who is deemed to be a veteran with a service-connected disability*
23 *pursuant to section 1 of Senate Bill No. 191 of this session.*

24 **Sec. 2.** (Deleted by amendment.)

25 **Sec. 3.** NRS 284.105 is hereby amended to read as follows:

26 284.105 1. The Administrator shall direct and supervise all
27 administrative and technical activities of the Division.

28 2. In addition to the duties imposed upon the Administrator
29 elsewhere in this chapter, the Administrator shall:

30 (a) Apply and carry out the provisions of this chapter and the
31 regulations adopted pursuant to it.

32 (b) Establish objectives for the Division in terms which are
33 specific, measurable and conducive to reliable evaluation, and
34 develop a plan for accomplishing those objectives.

35 (c) Establish a system of appropriate policies for each function
36 within the Division.

37 (d) Attend all meetings of the Commission.

38 (e) Advise the Commission with respect to the preparation and
39 adoption of regulations to carry out the provisions of this chapter.



(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

(1) The class title of the position held.

(2) The salary or pay.

(3) Any change in class title, pay or status.

(4) Other pertinent data.

(h) *Submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State.*

(i) *Submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a report for each calendar quarter on the total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter.*

(j) *Ensure, to the extent practicable, that the combined total percentage of officers and employees in public service who are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the combined total percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.*

(k) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

~~(l)~~ (l) Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

~~(m)~~ (m) Make to the Commission and to the Governor such special reports as the Administrator may consider desirable.



* A B 3 0 9 R 2 *

~~[(n)]~~ (n) Maintain a continuous program of recruiting for the classified service.

~~[(o)]~~ (o) Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 4. NRS 284.121 is hereby amended to read as follows:

284.121 Each appointing authority shall report to the Administrator in writing, from time to time, any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. The report must contain:

1. The name of the appointee or employee.

2. The title and status of the employment of the appointee or employee.

3. The date of commencement of the action.

4. The salary or compensation of the appointee or employee.

5. Whether the appointee or employee is a veteran or, to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Sec. 5. NRS 284.260 is hereby amended to read as follows:

284.260 1. In establishing the lists of eligible persons, ~~certain~~ the following preferences must be allowed ~~for~~, *except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person:*

(a) ~~Veterans not dishonorably discharged from the Armed Forces of the United States.~~ For veterans, ~~with disabilities,~~ 10 points must be added to the passing grade achieved on the examination.

(b) For widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 10 points must be added to the passing grade achieved on the examination.

(c) For ~~ex servicemen and women who have not suffered disabilities, and for the~~ widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

~~(b) Members of the Nevada National Guard.~~

(d) For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.



2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive *or promotional* examination in the classified service. ~~† but only to one promotional examination.~~

~~3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.†~~

Sec. 5.5. NRS 284.265 is hereby amended to read as follows:

284.265 1. Except as otherwise provided in NRS 284.305, appointing authorities shall give notice to the Administrator of their intention to fill any vacancy in the classified service.

2. Except as otherwise provided in this ~~†section,†~~ *subsection*, within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified ~~†, the†~~:

(a) *The* five names at the head thereof. If the competitive examination for that position is scored to the nearest one-hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.

(b) *Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service-connected disability. The appointing authority shall interview for the position each veteran with a service-connected disability who is so certified.*

3. *If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the position in the classified service is not governed by the provisions of subsection 2, the appointing authority shall:*

(a) *Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and*

(b) *If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.*

Sec. 6. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any



1 limitations or restrictions contained in any state or federal law
2 governing the privacy or confidentiality of records, the data
3 identified in subsections 2 to 15, inclusive, as applicable, to the
4 Interagency Council on Veterans Affairs. Each state agency and
5 regulatory body shall submit such information to the Council not
6 later than November 30 of each year and shall provide the
7 information in aggregate and in digital form, and in a manner such
8 that the data is capable of integration by the Council.

9 2. The Department of Administration shall provide:

10 (a) Descriptions of and the total amount of the grant dollars
11 received for veteran-specific programs;

12 (b) The total *combined* number of veterans *and, to the extent*
13 *the information is available, widows and widowers of persons*
14 *killed in the line of duty while on active duty in the Armed Forces*
15 *of the United States, who are* employed by each agency in the
16 State; and

17 (c) The total number of veterans with service-connected
18 disabilities who are seeking preferences through the Purchasing
19 Division and the State Public Works Division of the Department of
20 Administration pursuant to NRS 333.3366 and 338.13844.

21 3. The State Department of Conservation and Natural
22 Resources shall provide the total number of veterans receiving:

23 (a) Expedited certification for the grade I certification
24 examination for wastewater treatment plant operators based on their
25 military experience; and

26 (b) Any discounted fees for access to or the use of state parks.

27 4. The Department of Corrections shall provide:

28 (a) An annual overview of the monthly population of inmates in
29 this State who are veterans; and

30 (b) The success rates for any efforts developed by the
31 Incarcerated Veterans Reintegration Council.

32 5. The Office of Economic Development shall provide an
33 overview of the workforce that is available statewide of veterans,
34 organized by O*NET-SOC code from the United States Department
35 of Labor or the trade, job title, employment status, zip code, county,
36 highest education level and driver's license class.

37 6. The Department of Education shall provide the distribution
38 of dependents of service members enrolled in Nevada's public
39 schools.

40 7. The Department of Employment, Training and
41 Rehabilitation shall provide a summary of:

42 (a) The average number of veterans served by a veteran
43 employment specialist of the Department per week;



(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State



1 approved by the United States Department of Veterans Affairs that
2 are serving veterans.

3 15. Each regulatory body shall provide the total number of
4 veterans and service members applying for licensure by the
5 regulatory body.

6 16. The Council shall, upon receiving the information
7 submitted pursuant to this section, synthesize and compile the
8 information, including any recommendations of the Council, and
9 submit the information with the report submitted pursuant to
10 subsection 8 of NRS 417.0195.

11 17. As used in this section:

12 (a) "Regulatory body" has the meaning ascribed to it in
13 NRS 622.060.

14 (b) "Service member" has the meaning ascribed to it in
15 NRS 125C.0635.

16 **Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do
17 not apply to any provision of this act which adds or revises a
18 requirement to submit a report to the Legislature.

19 **Sec. 8.** This act becomes effective:

20 1. Upon passage and approval for the purpose of adopting any
21 regulations and performing any other preparatory administrative
22 tasks that are necessary to carry out the provisions of this act; and

23 2. On October 1, 2017, for all other purposes.

