

**Amendment No. 493**

Assembly Amendment to Assembly Bill No. 309 (BDR 23-762)

**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	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JFD/EGO



Date: 4/20/2017

A.B. No. 309—Revises provisions relating to the employment of veterans and certain widows and widowers by the State. (BDR 23-762)





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.

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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 state employment; ~~requiring the appointment of a Veteran Personnel Coordinator and establishing the duties of that position;~~ 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 ~~on examinations for~~ *relating to employment in* the classified service; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to appoint such employees and assistants as are necessary to carry out the provisions governing state employment. (NRS 284.100) Section 2 of this bill requires the Administrator to appoint a Veteran Personnel Coordinator to coordinate activities for the recruitment, hiring and retention of state employees in the classified and unclassified service who are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States.~~

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 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 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 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 such widows and widowers residing in this State.

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 any person appointed to such state employment is a veteran or 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 increases to ~~12~~ **15** points the number of points required to be added to the passing grade of ~~any~~ **a** veteran ~~regardless of~~ **with a** disability. ~~and~~ **Section 5 also: (1) increases to ten points the number of points to be added to the passing grade of** ~~an additional category~~ **a veteran who does not have a disability; and (2) requires the addition of 10 points 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 removes the restriction on applying such 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 a vacancy 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. Section 5.5 of this bill requires the Administrator to also certify the name of any veteran on the list of eligible persons and requires the state agency to interview any veteran so certified for the position.

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

**Section 1.** NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.
2. "Commission" means the Personnel Commission.
3. "Disability," includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.
4. "Division" means the Division of Human Resource Management of the Department of Administration.
5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.
6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is

received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

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

**Sec. 2. [NRS 284.100 is hereby amended to read as follows:**

~~284.100 1. The Administrator shall appoint such employees of the Division and such expert and special assistants as may be necessary to carry out effectively the provisions of this chapter [ ] , including, without limitation, a Veteran Personnel Coordinator in the classified service.~~

~~2. The Veteran Personnel Coordinator appointed pursuant to subsection 1 shall coordinate activities for the recruitment, hiring and retention of employees in the classified and unclassified service who are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States.] (Deleted by amendment.)~~

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

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

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

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

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

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

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and 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 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 number of veterans and 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 percentage of officers and employees in public service who are veterans and 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 such widows and widowers residing in this State.*

(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.

~~(i)~~ (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.

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

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

~~(l)~~ (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 is a veteran or 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, ~~the~~ *certain* the following preferences must be allowed ~~for~~ :

(a) ~~Veterans not dishonorably discharged from the Armed Forces of the United States.~~ For veterans *with disabilities*, ~~10 and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 22~~ *15* points must be added to the passing grade achieved on the examination.

*(b) For veterans who have not suffered disabilities and 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)~~ (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. ~~1, 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:*

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

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

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

12       (b) Unless otherwise included among the names certified pursuant to  
13 paragraph (a), the name of any eligible person on the list who is a veteran. The  
14 appointing authority shall interview for the position each veteran who is so  
15 certified.

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

17       417.0194 1. Each state agency and regulatory body identified in subsections  
18 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in  
19 any state or federal law governing the privacy or confidentiality of records, the data  
20 identified in subsections 2 to 15, inclusive, as applicable, to the Interagency  
21 Council on Veterans Affairs. Each state agency and regulatory body shall submit  
22 such information to the Council not later than November 30 of each year and shall  
23 provide the information in aggregate and in digital form, and in a manner such that  
24 the data is capable of integration by the Council.

25       2. The Department of Administration shall provide:

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

28       (b) The total number of veterans *and widows and widowers of persons killed*  
29 *in the line of duty while on active duty in the Armed Forces of the United States*  
30 employed by each agency in the State; and

31       (c) The total number of veterans with service-connected disabilities who are  
32 seeking preferences through the Purchasing Division and the State Public Works  
33 Division of the Department of Administration pursuant to NRS 333.3366 and  
34 338.13844.

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

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

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

40       4. The Department of Corrections shall provide:

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

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

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

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

51       7. The Department of Employment, Training and Rehabilitation shall provide  
52 a summary of:

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

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

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

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

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

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

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

16 9. The Department of Motor Vehicles shall provide:

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

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

20 (c) An overview of the data on veterans collected pursuant to NRS 483.292,  
21 483.852 and 483.927.

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

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

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

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

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

31 12. The Department of Taxation shall provide the total number of veterans  
32 receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and  
33 371.104.

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

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

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

38 14. The Commission on Postsecondary Education shall provide, by industry,  
39 the total number of schools in this State approved by the United States Department  
40 of Veterans Affairs that are serving veterans.

41 15. Each regulatory body shall provide the total number of veterans and  
42 service members applying for licensure by the regulatory body.

43 16. The Council shall, upon receiving the information submitted pursuant to  
44 this section, synthesize and compile the information, including any  
45 recommendations of the Council, and submit the information with the report  
46 submitted pursuant to subsection 8 of NRS 417.0195.

47 17. As used in this section:

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

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

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

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



- 1           1. Upon passage and approval for the purpose of adopting any regulations and  
2 performing any other preparatory administrative tasks that are necessary to carry  
3 out the provisions of this act; and
- 4           2. On July 1, 2017, for all other purposes.