

Amendment No. 449

Assembly Amendment to Assembly Bill No. 382	(BDR 23-291)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> 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.

IK/EGO



Date: 4/18/2019

A.B. No. 382—Revises provisions relating to the compensation of certain public safety employees. (BDR 23-291)





## ASSEMBLY BILL NO. 382—ASSEMBLYWOMAN MONROE-MORENO

MARCH 21, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the compensation of certain public safety employees. (BDR 23-291)

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 State Government; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to conduct biennial surveys relating to the compensation of certain classified employees in the Department of Public Safety and in the Department of Corrections and make certain related revisions to the pay plan for such classified employees in certain circumstances; requiring the inclusion of certain expenditures relating to the compensation of those employees ~~[of the Department of Public Safety]~~ in the proposed budget for the Executive Department of the State Government; 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 prepare a pay plan for all employees in the classified service. Under existing law, each employee in the classified service is required to be paid at the rates set forth in the pay plan for the class of position in which the employee is employed and when necessary money is available for the payment. Existing law authorizes the Administrator to make recommendations to the Legislature during legislative sessions regarding salaries for the classified service based on several factors, including salary surveys of comparable jobs in government and private industry in Nevada and western states. (NRS 284.175)

Under existing law, the sworn personnel of the Department of Public Safety have the powers of a peace officer. (NRS 289.270) Existing law authorizes the Director of the Department of Corrections to designate employees of the Department as peace officers. (NRS 289.220) Existing law also classifies peace officers as being within category I, category II or category III and the peace officers in each such category are designated as having certain powers and must meet certain training and educational requirements. (NRS 289.460, 289.470, 289.480) Under existing law, a category III peace officer is a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. (NRS 289.480)

**Section 1** of this bill requires the Administrator to conduct a survey of the salaries and other compensation paid to: (1) sworn personnel and dispatch personnel of the Department of Public Safety who are in the classified service and classified employees of the

**Department of Corrections who are category III peace officers;** and (2) comparable positions in the law enforcement agencies of the three most populous cities in Nevada and of the two most populous counties in Nevada. **Section 2** of this bill makes a conforming change.

Existing law requires the Chief of the Budget Division of the Office of Finance in the Office of the Governor to include certain information in the proposed biennial budget for the Executive Department of the State Government. (NRS 353.185) **Section 3** of this bill requires the Chief of the Budget Division to set forth in the biennial proposed budget for the Executive Department proposed expenditures for salaries of the sworn personnel and dispatch personnel of the Department of Public Safety who are in the classified service ~~[- which are]~~ **and classified employees of the Department of Corrections who are category III peace officers. Section 3 requires that the proposed expenditures be** based on the rates established in the pay plan after the biennial survey concerning those salaries has been conducted by the Administrator. **Section 4** of this bill requires ~~[the]~~ **each** Department to submit estimates of that information separately to the Chief.

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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. On or before July 1 of each even-numbered year, the Administrator shall conduct a survey of the salaries and other compensation paid to:**

(a) **Classified employees of the Department of Public Safety who are sworn personnel and employees who serve in positions with corresponding ranks and similar duties with the law enforcement agencies of the three most populous incorporated cities in this State and the law enforcement agencies of the two most populous counties in this State; ~~and~~**

(b) **Classified employees of the Department of Public Safety whose duties involve providing dispatch services and employees who serve in positions with similar duties with the law enforcement agencies of the three most populous incorporated cities in this State and the law enforcement agencies of the two most populous counties in this State ~~[-]; and~~**

(c) **Classified employees of the Department of Corrections who are category III peace officers and employees who serve in positions with corresponding ranks and similar duties with the law enforcement agencies of the three most populous incorporated cities in this State and the law enforcement agencies of the two most populous counties in this State.**

**2. The survey conducted pursuant to subsection 1 must include, without limitation, the following information for each position:**

(a) **Base salary ~~[-]~~ as calculated pursuant to subsection 3 of NRS 286.421;**

(b) **Any longevity pay;**

(c) **Any incentive pay; ~~and~~**

(d) **~~Any retirement contribution made by the employer on behalf of the employee pursuant to chapter 286 of NRS; and~~**

**~~—(e) The average amount, if any, paid or contributed solely for the employee by the employer for the cost of premiums or contributions for life, accident or health insurance or benefits, or any combination thereof, pursuant to chapter 287 of NRS.~~**

**3. Within 30 days after a survey is conducted pursuant to subsection 1, the Administrator shall calculate the rate of compensation for the classified employees ~~[of the Department of Public Safety]~~ regarding whom the survey was conducted as the sum of the following ~~[three]~~ amounts:**

1 (a) *The average amount of the base salary, longevity pay and incentive pay*  
2 *received by the employees of local law enforcement agencies with comparable*  
3 *years of service reported in the survey; and*

4 ~~(b) [The average amount of the retirement contribution paid pursuant to~~  
5 ~~chapter 286 of NRS by the local law enforcement agencies on behalf of the~~  
6 ~~employees of local law enforcement agencies reported in the survey; and~~

7 ~~—(c)—~~ *The difference between the amount paid by the Department of Public*  
8 *Safety or the Department of Corrections, as applicable, for the cost of premiums*  
9 *or contributions for life, accident or health insurance or benefits, or any*  
10 *combination thereof, pursuant to chapter 287 of NRS for the classified employees*  
11 *of the applicable Department regarding whom the survey was conducted and the*  
12 *average amount paid or contributed by the local law enforcement agencies for the*  
13 *cost of premiums or contributions solely for an employee for life, accident or*  
14 *health insurance or benefits, or any combination thereof, pursuant to chapter*  
15 *287 of NRS for the employees of local law enforcement agencies reported in the*  
16 *survey.*

17 4. *If the rate of compensation for any classified employee of the Department*  
18 *of Public Safety or the Department of Corrections regarding whom the survey*  
19 *was conducted that is calculated pursuant to subsection 3 is different from the*  
20 *rate for that employee in the pay plan prepared pursuant to NRS 284.175 that is*  
21 *in effect, the Administrator shall amend the rates in the pay plan to the rates*  
22 *calculated pursuant to subsection 3.*

23 5. *The Administrator shall provide the results of a survey conducted*  
24 *pursuant to subsection 1 to:*

25 (a) *The Chief of the Budget Division of the Office of Finance on or before*  
26 *August 1 immediately following the conduct of the survey; and*

27 (b) *The Director of the Legislative Counsel Bureau for transmittal to the*  
28 *Legislature on or before 14 calendar days before the commencement of the next*  
29 *regular legislative session.*

30 6. *As used in this section [“sworn”]:*

31 (a) *“Category III peace officer” has the meaning ascribed to it in NRS*  
32 *289.480.*

33 (b) *“Sworn personnel” means employees who have the powers of a peace*  
34 *officer pursuant to NRS 289.270.*

35 **Sec. 2.** NRS 284.175 is hereby amended to read as follows:

36 284.175 1. After consultation with appointing authorities and state fiscal  
37 officers, the Administrator shall prepare a pay plan for all employees in the  
38 classified service.

39 2. The pay plan and its amendments become effective only after approval by  
40 the Governor.

41 3. The pay plan must include, without limitation, ranges for each class, grade  
42 or group of positions in the classified service. Each employee in the classified  
43 service must be paid at one of the rates set forth in the pay plan for the class of  
44 position in which the employee is employed and at such time as necessary money is  
45 made available for the payment.

46 4. The Commission shall adopt regulations to carry out the pay plan.

47 5. ~~[The]~~ *Except as otherwise provided in section 1 of this act, the*  
48 *Administrator may make recommendations to the Legislature during regular*  
49 *legislative sessions concerning salaries for the classified service of the State. In*  
50 *making such recommendations, the Administrator shall consider factors such as:*

51 (a) *Surveys of salaries of comparable jobs in government and private industry*  
52 *within the State of Nevada and western states, where appropriate;*

53 (b) *Changes in the cost of living;*

1 (c) The rate of turnover and difficulty of recruitment for particular positions;  
2 and

3 (d) Maintaining an equitable relationship among classifications.

4 **Sec. 3.** NRS 353.185 is hereby amended to read as follows:

5 353.185 The powers and duties of the Chief are:

6 1. To appraise the quantity and quality of services rendered by each agency in  
7 the Executive Department of the State Government, and the needs for such services  
8 and for any new services.

9 2. To develop plans for improvements and economies in organization and  
10 operation of the Executive Department, and to install such plans as are approved by  
11 the respective heads of the various agencies of the Executive Department, or as are  
12 directed to be installed by the Governor or the Legislature.

13 3. To cooperate with the State Public Works Division of the Department of  
14 Administration in developing comprehensive, long-range plans for capital  
15 improvements and the means for financing them.

16 4. To devise and prescribe the forms for reports on the operations of the  
17 agencies in the Executive Department to be required periodically from the several  
18 agencies in the Executive Department, and to require the several agencies to make  
19 such reports.

20 5. To prepare the executive budget report for the Governor's approval and  
21 submission to the Legislature.

22 6. To prepare a proposed budget for the Executive Department of the State  
23 Government for the next 2 fiscal years, which must:

24 (a) Present a complete financial plan for the next 2 fiscal years;

25 (b) Set forth all proposed expenditures for the administration, operation and  
26 maintenance of the departments, institutions and agencies of the Executive  
27 Department of the State Government, including those operating on funds  
28 designated for specific purposes by the Constitution or otherwise, which must  
29 include a separate statement of:

30 (1) *The proposed expenditures for the salaries and other compensation of*  
31 *the classified employees ~~[of the Department of Public Safety]~~ regarding whom a*  
32 *survey is conducted pursuant to section 1 of this act, which must be calculated at*  
33 *least at the rates set forth in the pay plan prepared pursuant to NRS 284.175, as*  
34 *most recently amended pursuant to section 1 of this act;*

35 (2) The anticipated expense, including personnel, for the operation and  
36 maintenance of each capital improvement to be constructed during the next 2 fiscal  
37 years and of each capital improvement constructed on or after July 1, 1999, which  
38 is to be used during those fiscal years or a future fiscal year; and

39 ~~[(2)]~~ (3) The proposed source of funding for the operation and  
40 maintenance of each capital improvement, including personnel, to be constructed  
41 during the next 2 fiscal years;

42 (c) Set forth all charges for interest and debt redemption during the next 2  
43 fiscal years;

44 (d) Set forth all expenditures for capital projects to be undertaken and executed  
45 during the next 2 fiscal years, and which must, to the extent practicable, provide  
46 that each capital project which exceeds a cost of \$10,000,000 be scheduled to  
47 receive funding for design and planning during one biennium and funding for  
48 construction in the subsequent biennium; and

49 (e) Set forth the anticipated revenues of the State Government, and any other  
50 additional means of financing the expenditures proposed for the next 2 fiscal years.

51 7. To examine and approve work programs and allotments to the several  
52 agencies in the Executive Department, and changes therein.

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.

9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.

10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.

**Sec. 4.** NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. *The Department of Public Safety and the Department of Corrections shall each submit separately as an estimate pursuant to this paragraph the estimated expenditure requirements for the salaries and other compensation of the classified employees of the applicable Department [of Public Safety] regarding whom a survey is conducted*

*pursuant to section 1 of this act at the rates set forth in the pay plan prepared pursuant to NRS 284.175, as most recently amended pursuant to section 1 of this act.*

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:

(a) The Chief for his or her information in preparing the proposed executive budget.

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

**Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 6.** This act becomes effective on July 1, 2019.