

Amendment No. 719

Senate Amendment to Assembly Bill No. 385 First Reprint (BDR 23-52)

Proposed by: Senator Lange

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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.

VDW/KCR



Date: 5/20/2021

A.B. No. 385—Revises provisions relating to compensation received by public officers and employees. (BDR 23-52)



ASSEMBLY BILL NO. 385—ASSEMBLYWOMEN BENITEZ-THOMPSON AND BRITTNEY
MILLER

MARCH 23, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to compensation received by public officers and employees. (BDR 23-52)

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

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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 public employment; revising provisions relating to the compensation received by officers and employees of certain public bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, this bill prohibits a public body from entering into an employment contract that entitles an officer or employee of the public body to receive: (1) any fringe benefit, unless the public body has adopted a policy authorizing all persons employed in a similar position to receive the benefit; (2) any bonus, unless the bonus is based on merit and awarded at a public meeting; and (3) certain wages or other payments upon the termination of the employment of the officer or employee for cause or resignation of the officer or employee when an investigation relating to his or her employment is pending. This bill also prescribes certain payments and benefits to which an officer or employee of a public body is entitled or remains entitled upon termination of employment. This bill exempts from these requirements employment contracts for officers and employees of the Nevada System of Higher Education and employment contracts that are negotiated pursuant to a collective bargaining agreement.

For the purposes of this bill, the term "public body" has the same meaning as in the Open Meeting Law. (NRS 241.015)

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

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a public body shall not enter into an employment contract that entitles an officer or employee of the public body to receive:

(a) Any fringe benefit, unless the public body has adopted a policy authorizing all persons employed by the public body in a similar position to receive the benefit.

1 (b) Any bonus, unless the bonus is based on merit and awarded at a public
2 meeting.

3 (c) Upon the termination of the employment of the officer or employee for
4 cause or the resignation of the officer or employee when an investigation relating
5 to his or her employment is pending, any:

6 (1) Wages in lieu of notice or administrative leave;

7 (2) Salary, benefits or equivalent compensation, including, without
8 limitation, severance pay;

9 (3) Bonus; or

10 (4) Other form of payment.

11 2. Upon the termination of the employment of an officer or employee of a
12 public body, the person:

13 (a) Must be paid for any portion of accumulated annual leave and
14 compensatory time and unused sick leave authorized by law or policy of the
15 public body.

16 (b) Remains entitled to any pension or retirement benefit provided by the
17 Public Employees' Retirement System or other retirement or pension program of
18 which he or she is a member.

19 3. Nothing in this section shall be construed to limit or prohibit:

20 (a) A person from:

21 (1) Receiving compensation for past services upon his or her
22 termination;

23 (2) Bringing any cause of action for wrongful or unlawful acts
24 committed against the person relating to his or her employment or termination;
25 or

26 (3) Accepting any legal or equitable relief awarded or recovered for
27 wrongful or unlawful acts committed against the person relating to his or her
28 employment or termination.

29 (b) A public body from entering into an agreement to pay the cost of
30 purchasing credit for service on behalf of an officer or employee pursuant to
31 NRS 286.3007 or under any other retirement or pension program, if applicable.

32 4. The provisions of this section do not apply to:

33 (a) Any contract negotiated pursuant to a collective bargaining agreement.

34 (b) Officers and employees of the Nevada System of Higher Education.

35 5. As used in this section, "public body" has the meaning ascribed to it in
36 NRS 241.015.

37 Sec. 2. (Deleted by amendment.)

38 Sec. 3. The amendatory provisions of this act do not apply to a contract
39 entered into before ~~October~~ December 1, ~~2021~~ 2022, but do apply to any
40 renewal or extension of such a contract.

41 Sec. 4. This act becomes effective on December 1, 2022.