SUMMARY—Revises provisions relating to the classified service of the State. (BDR 23-131)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to state employment; replacing the terms "class" and "class title" with the term "job title" for purposes of certain provisions relating to employees in the classified service of this State; 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, maintain and revise as necessary a master classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. (NRS 284.160) Existing law additionally requires the Administrator to establish and maintain a roster of all employees in the public service which must set forth, as to each employee, certain information, including the class title of the position held by the employee and any change in class title, pay or status. (NRS 284.105) **Sections 1-14** of this bill replace, for purposes of certain provisions relating to employees in the classified service of this State, the terms "class" and "class title" with the term

"job title" when used to refer to the positions that the Administrator classifies as sufficiently similar for purposes of the master classification plan. **Section 15** of this bill directs the Legislative Counsel, in preparing supplements to the Nevada Administrative Code, to substitute appropriately the term "job title" for the terms "class" and "class title" to reflect the changes made in **sections 1-14** and provides that such revisions are to be construed as nonsubstantive.

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

Section 1. 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) Annually:

(1) Evaluate the effectiveness of any policy of the Division intended to encourage equity in the workforce for persons of color and other persons of marginalized identities, taking into consideration any complaints included in a report submitted pursuant to NRS 284.123;

(2) Prepare a report concerning the results of the evaluation conducted pursuant to subparagraph (1); and

(3) Submit the report prepared pursuant to subparagraph (2) to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

(1) The ~~[class]~~ ***job*** title of the position held.

(2) The salary or pay.

(3) Any change in ~~[class]~~ ***job*** title, pay or status.

(4) Other pertinent data.

(i) 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. The report must state whether each veteran listed is a resident of this State.

(j) 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.

(k) 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.

(l) 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.

(m) Encourage and exercise leadership in the development of effective human resources 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.

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

(o) Maintain a continuous program of recruiting for the classified service.

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

Sec. 2. NRS 284.155 is hereby amended to read as follows:

284.155 1. The Commission shall adopt a code of regulations for the classified service.

2. The code must include regulations concerning certifications and appointments for:

(a) Positions in ~~[classes]~~ ***job titles*** having a maximum salary of $12,500 or less as of December 31, 1980, where the regular procedures for evaluation and certification are impracticable; and

(b) ~~[Classes]~~ ***Job titles*** where applicants for promotion are not normally available.

➥ These regulations may be different from the regulations concerning certifications and appointments for other positions in the classified service.

Sec. 3. NRS 284.160 is hereby amended to read as follows:

284.160 1. The Administrator shall prepare, maintain and revise as necessary a master classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same ~~[class.]~~ ***job title.***

2. In determining the qualifications that may be reasonably required for all positions in the same ~~[class]~~ ***job title*** pursuant to subsection 1, the Administrator shall allow a person to substitute equivalent employment experience obtained in the Federal Government for any employment experience required to be obtained in the government of this State.

3. The Administrator shall review annually the classification plan of each appointing authority using the audit function developed and implemented pursuant to NRS 284.107.

4. Subject to the provisions of subsection 5, with the approval of the Administrator, an appointing authority may make changes in the classification of positions within its agency whenever the appointing authority deems it necessary for the efficiency of the public service.

5. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator, at the request of an appointing authority, may make a change in the classification plan without the prior approval of the Commission if:

(a) The Administrator deems it necessary for the efficiency of the public service;

(b) The change is not proposed in conjunction with an occupational study; and

(c) The Administrator, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the Division.

➥ Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

6. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

7. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.

Sec. 4. NRS 284.165 is hereby amended to read as follows:

284.165 1. As soon as practicable and after consultation with the Administrator and principal supervisory officials, an appointing authority shall allocate the position of every employee in the classified service within its agency to one of the positions in the master classification plan.

2. Any employee affected by the allocation of a position to a grade or ~~[class]~~ ***job title*** or by a change in classification, after filing with the appointing authority a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the appointing authority.

3. Any employee who is aggrieved by the appointing authority's decision concerning an allocation or change in classification is entitled to have the decision reviewed by the Commission if the employee submits a written request to the Commission for such a review not later than 30 days after the appointing authority's decision.

Sec. 5. NRS 284.170 is hereby amended to read as follows:

284.170 1. ~~[Titles]~~ ***The Administrator shall:***

(a) Establish titles and grades ~~[shall be established]~~ for each ~~[class of employment]~~ ***job title*** for use in evaluating and certifying the names of persons for appointment under this chapter; ~~[and]~~

(b) Draw up a description of the duties and responsibilities exercised by the persons appointed to each of them ***;*** ~~[shall be drawn up;]~~ and

(c) Specify the minimum qualifications ~~[shall be specified]~~ for satisfactory performance of the duties of each grade and ~~[class.]~~ ***job title.***

2. The titles and grades in the several classifications as defined by the specifications of duties and qualifications shall be used for original appointments, promotions, payrolls and all other records affecting the status of personnel.

Sec. 6. NRS 284.175 is hereby amended to read as follows:

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

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

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

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

5. The Administrator may make recommendations to the Legislature during regular legislative sessions concerning salaries for the classified service of the State. In making such recommendations, the Administrator shall consider factors such as:

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

(b) Changes in the cost of living;

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

(d) Maintaining an equitable relationship among classifications.

Sec. 7. NRS 284.290 is hereby amended to read as follows:

284.290 1. All original competitive appointments to and promotions within the classified service must be for a fixed probationary period of 6 months, except that a longer period not exceeding 1 year may be established for ~~[classes of positions]~~ ***job titles*** in which the nature of the work requires a longer period for proper evaluation of performance.

2. Dismissals or demotions may be made at any time during the probationary period in accordance with regulations adopted by the Commission.

3. Before the end of the probationary period and in accordance with regulations adopted by the Commission, the appointing authority shall notify the Administrator in writing whether or not the probationer is a satisfactory employee and should receive the status of a permanent appointee.

Sec. 8. NRS 284.295 is hereby amended to read as follows:

284.295 1. Vacancies in positions must be filled, so far as practicable, by promotion within a department or agency from among persons holding positions in the classified service. Promotions

must be based upon merit and fitness, to be ascertained in accordance with regulations adopted by the Commission. In such regulations, the employee's efficiency, character, conduct and length of service must all constitute factors. For the purposes of this subsection, a person employed by the Legislative Branch of Government pursuant to subsection 7 of NRS 284.3775 shall be deemed to hold the position the person held before the legislative session.

2. Eligibility for promotion must be determined on recommendation and evaluation by the appointing authority that the employee meets the minimum requirements and demonstrates the employee's qualifications in accordance with regulations adopted by the Commission.

3. The Administrator may provide, in specific cases, for competitive promotional evaluations among employees of departments other than that in which a particular vacancy in a higher classification may exist.

4. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the ~~[class]~~ ***job title*** constitutes a promotion.

Sec. 9. NRS 284.300 is hereby amended to read as follows:

284.300 1. The Commission shall adopt regulations requiring that a promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee's part from the position to which the appointee was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee's continuance in the position, must be:

(a) Restored to the position from which the appointee was promoted, if there is only one such position within the appointing authority, unless the position has been filled by an employee with greater seniority;

(b) Placed in a position other than the position from which the appointee was promoted and for which a vacancy exists in the ~~[class]~~ ***job title*** held immediately before the promotion, if there is more than one such position within the appointing authority; or

(c) If no position described in paragraph (a) or (b) exists:

(1) Appointed to a position for which a vacancy exists in a ~~[class]~~ ***job title*** equal to or lower than the ~~[class]~~ ***job title*** held immediately before the promotion; or

(2) Placed in an appropriate reemployment pool.

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from seeking eligibility for original appointments.

Sec. 10. NRS 284.330 is hereby amended to read as follows:

284.330 Any person who has held a position by permanent appointment in the classified service under the law and rules, and who has been separated from the service without prejudice, may be eligible for reinstatement to a position in the same or similar grade or ~~[class]~~ ***job title*** in the classified service, subject to the rules and regulations established in accordance with the provisions of this chapter.

Sec. 11. NRS 284.335 is hereby amended to read as follows:

284.335 1. The appointing authorities and other supervising officers of the various state departments, agencies and institutions, after consultation with the Administrator, shall establish

standards of work performance for each ~~[class of positions.]~~ ***job title.*** Each appointing authority shall provide each of its employees with a copy of the standards for the employee's position.

2. The Administrator shall maintain service records of performance efficiency, character and conduct by a system of service ratings based upon those standards.

3. The Commission shall adopt regulations with respect to service ratings, and prescribe the extent to which service ratings must be considered in determining the advisability of transfers, the promotion of an employee to a higher ~~[class,]~~ ***job title,*** the question of demotion or dismissal of any employee, increases and decreases in salary of an employee within the salary range established under this chapter, and in all other decisions relating to the status of employees.

4. The Commission may, by regulation, further prescribe the extent to which the service ratings, and the reports upon which they are based, are open to inspection.

Sec. 12. NRS 284.345 is hereby amended to read as follows:

284.345 1. Except as otherwise provided in subsection 2, the Commission shall adopt regulations for attendance and leave with or without pay or reduced pay in the various ~~[classes of positions]~~ ***job titles*** in the public service.

2. The Board of Regents of the University of Nevada shall adopt regulations for attendance and for leave with or without pay or with reduced pay, sabbatical leave, sick leave, emergency leave, annual leave, terminal leave, military leave and such other leave as the Board of Regents determines to be necessary or desirable for officers and members of the faculty of the Nevada System of Higher Education. Sabbatical leave with pay may not be granted to more than 2 percent of the teaching personnel of a branch or facility of the System with the rank of instructor or higher

in any 1 year. No sabbatical leave with pay may be granted unless the person requesting the leave agrees in writing with the branch or facility to return to the branch or facility after the leave for a period not less than that required by the person's most recent contract of employment if the Nevada System of Higher Education desires the person's continued service.

Sec. 13. NRS 284.359 is hereby amended to read as follows:

284.359 A permanent or probationary employee who performs active military service under the provisions of any national military service or training act, or who voluntarily serves in the Armed Forces of the United States in time of war, or in such types of service as the Commission by regulation may prescribe, is, upon application, entitled to leave of absence without pay for the period of such service plus a period not to exceed 90 days. If within that period the employee applies for reinstatement, the employee must be reinstated to the employee's former ~~[class of position,]~~ ***job title,*** or to a ~~[class of position]~~ ***job title*** having like seniority, status and pay, or, if those positions have been abolished, to the nearest approximation thereof consistent with the circumstances.

Sec. 14. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals or employees in the unclassified service of the Executive Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

2. An employee of the Legislative Branch of the Government of the State of Nevada who has served for 4 consecutive months or more is entitled to transfer to:

(a) Any position in the classified service of the State having similar duties and compensation; or

(b) Any other position in the classified service of the State for which the employee is qualified, without regard to the duties and compensation of the position.

➥ Except as otherwise provided in this subsection and subsection 6, such an employee is entitled to transfer to such a position on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

3. The benefit conferred by subsections 1 and 2 includes any retention of credits for annual and sick leave, longevity and priority in the pools of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

4. Except as otherwise provided in subsection 6, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

5. Except as otherwise provided in this subsection and subsection 6, a person may not transfer pursuant to subsection 1 to a ~~[class]~~ ***job title*** composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

➥ A person may transfer to a ~~[class]~~ ***job title*** described in paragraph (a) or (b) if that ~~[class]~~ ***job title*** is provided for pursuant to subsection 2 of NRS 284.155.

6. The restrictions provided in subsections 4 and 5 do not apply to:

(a) An employee of the Legislative Branch of Government; or

(b) An employee of the Supreme Court, an employee of the Court of Appeals or an employee in the unclassified service of the Executive Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that an employee described in this paragraph may only transfer to a position in the classified service that has duties and compensation that are similar either to the employee's current position or to a position the employee previously held in the classified service.

7. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

8. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a regular session of the Legislature and is eligible at that time pursuant to subsection 2 to transfer to a position in the classified service of the State may transfer

to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date.

9. For the purposes of this section, the weekly compensation of an employee of the Legislative Branch of Government who is paid a daily salary during a legislative session is seven times the daily salary.

Sec. 15. 1. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, substitute appropriately the term "job title" for the terms "class" and "class title."

2. To the extent that revisions are made to the Nevada Administrative Code pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any regulation which is so revised.

Sec. 16. This act becomes effective on July 1, 2027.