

Assembly Bill No. 451–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to state employees; providing that an employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime under certain circumstances; requiring the Division of Human Resource Management of the Department of Administration to conduct a study relating to the pay of certain positions within the Executive Department of the State Government; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Budget Division of the Office of Finance in the Office of the Governor. (NRS 223.400) Under existing law, the Budget Division has various duties and powers including, without limitation, the preparation of: (1) the executive budget report for the Governor’s approval and submission to the Legislature; and (2) the proposed budget for the Executive Department of the State Government. (NRS 353.185) Under existing law, certain employees in the unclassified service are not entitled to compensation for overtime. (NRS 284.148) **Section 1** of this bill provides that such an employee in the Budget Division is entitled to compensation for overtime performed when the employee is doing work relating to the preparation of the executive budget report or proposed budget during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year. **Section 2** of this bill provides that the provisions of **section 1** expire by limitation on June 30, 2025.

Section 1.3 of this bill requires the Division of Human Resource Management of the Department of Administration to: (1) conduct a study, or contract with a third party to conduct a study, to evaluate the pay of all classified and unclassified positions within the Executive Department of the State Government; and (2) submit a report of the findings of the study to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee. **Section 1.7** of this bill makes an appropriation to the Division of Human Resource Management for the costs of the study.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 284.148 is hereby amended to read as follows:
284.148 1. An elected officer or an employee in the unclassified service who is on the personal staff of an elected officer, an appointed head of a department or division who serves at the pleasure or discretion of an elected officer or an executive,



administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.:

(a) Must be paid on a salary basis, within a maximum amount established by law;

(b) ~~Is~~ *Except as otherwise provided in subsection 4, is* not entitled to compensation for overtime; and

(c) Is not subject to disciplinary suspensions for less than 1 week.

2. An employee in the classified service who is an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and who is either a head of a department, division or bureau, or a doctoral level professional:

(a) Must be paid on a salary basis;

(b) Is not entitled to compensation for overtime; and

(c) Is not subject to disciplinary suspensions for less than 1 week.

3. Unless otherwise specified by statute, the Division shall determine which positions in the classified and unclassified service are subject to the provisions of this section.

4. An employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime performed when the employee is doing work relating to the preparation of the executive budget report or the proposed budget for the Executive Department of the State Government during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year.

Sec. 1.3. 1. The Division of Human Resource Management of the Department of Administration shall conduct a comprehensive salary study, or contract with a third party to conduct such a study, to evaluate the pay of all classified and unclassified positions within the Executive Department of the State Government, including, without limitation, a review of the feasibility or desirability of providing compensation for overtime for positions which are currently not entitled to such compensation.

2. Not later than December 31, 2024, the Division of Human Resource Management shall prepare and submit a report of the findings of the study conducted pursuant to subsection 1 to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee.

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of



the Department of Administration the sum of \$500,000 for the costs of conducting the study required by section 1.3 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Sections 1.3 and 1.7 of this act become effective on July 1, 2023.

3. Section 1 of this act becomes effective on July 1, 2023, and expires by limitation on June 30, 2025.



