

SENATE BILL NO. 51—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE DIVISION OF HUMAN  
RESOURCE MANAGEMENT OF THE  
DEPARTMENT OF ADMINISTRATION)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes regarding the State Personnel System. (BDR 23-183)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to the State Personnel System; authorizing the concurrent appointment of two employees to the same unclassified position for a temporary period in certain circumstances; removing a prohibition against an employee in the Executive Department taking annual leave during the first 6 months of employment; exempting certain officers and employees of the Nevada Gaming Control Board from the provisions governing the State Personnel System; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law governs generally the employment of persons in the classified and  
2 unclassified service of the Executive Department of the State Government.  
3 (Chapter 284 of NRS) Existing law authorizes certain officers to make  
4 appointments to positions in the unclassified service. (NRS 284.145) **Section 2** of  
5 this bill authorizes such an officer to appoint a full-time equivalent employee to  
6 serve concurrently in the same unclassified position held by another full-time  
7 equivalent employee for a maximum period of 90 days for purposes of transitioning  
8 the duties of the position to the newly appointed employee.  
9 **Section 6** of this bill removes the prohibition in existing law against an  
10 employee in the Executive Department taking annual leave during the first 6  
11 months of employment. (NRS 284.350) **Section 9** of this bill makes a conforming  
12 change.



13 Existing law specifies that elected officers and certain employees in the  
14 unclassified and classified service in the Executive Department must be paid on a  
15 salary basis, are not entitled to overtime compensation and are not subject to  
16 disciplinary suspensions for less than 1 week. (NRS 284.148) Certain employees of  
17 the Nevada Gaming Control Board are subject to those limitations under existing  
18 law. (NRS 463.080) **Section 10** of this bill eliminates the applicability of those  
19 limitations to those employees of the Nevada Gaming Control Board, thereby  
20 making those employees subject solely to the requirements of the comprehensive  
21 plan that the Board is required to establish under existing law governing  
22 employment, job classifications and performance standards and the retention and  
23 discharge of its employees. (NRS 463.080)

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** NRS 284.145 is hereby amended to read as follows:

3 284.145 **1.** Officers authorized by law to make appointments  
4 to positions in the unclassified service and appointing officers of  
5 departments or institutions whose employees are exempt from the  
6 provisions of this chapter may make appointments from appropriate  
7 registers of eligible persons maintained by the Division without  
8 affecting the continuance of the names on the list.

9 **2.** *Officers authorized by law to make appointments to*  
10 *positions in the unclassified service may appoint a full-time*  
11 *equivalent employee to serve concurrently in a position in the*  
12 *unclassified service held by another full-time equivalent employee*  
13 *for a period of not more than 90 days for the purpose of*  
14 *transitioning the duties of the position to the newly appointed*  
15 *employee.*

16 **Sec. 3.** (Deleted by amendment.)

17 **Sec. 4.** (Deleted by amendment.)

18 **Sec. 5.** (Deleted by amendment.)

19 **Sec. 6.** NRS 284.350 is hereby amended to read as follows:

20 284.350 **1.** Except as otherwise provided in subsections 2, 3  
21 and 4, an employee in the public service, whether in the classified or  
22 unclassified service, is entitled to annual leave with pay of 1 1/4  
23 working days for each month of continuous public service. The  
24 annual leave may be cumulative from year to year not to exceed 30  
25 working days. The Commission may by regulation provide for  
26 additional annual leave for long-term employees and for prorated  
27 annual leave for part-time employees.

28 **2.** Except as otherwise provided in this subsection, any annual  
29 leave in excess of 30 working days must be used before January 1 of  
30 the year following the year in which the annual leave in excess of 30



1 working days is accumulated or the amount of annual leave in  
2 excess of 30 working days is forfeited on that date. If an employee:

3 (a) On or before October 15, requests permission to take annual  
4 leave; and

5 (b) The employee's request for leave is denied in writing for any  
6 reason,

7 ↪ the employee is entitled to payment for any annual leave in  
8 excess of 30 working days which the employee requested to take  
9 and which the employee would otherwise forfeit as the result of the  
10 denial of the employee's request, unless the employee has final  
11 authority to approve use of the employee's own accrued leave and  
12 the employee received payment pursuant to this subsection for any  
13 unused annual leave in excess of 30 working days accumulated  
14 during the immediately preceding calendar year. The payment for  
15 the employee's unused annual leave must be made to the employee  
16 not later than January 31.

17 3. Officers and members of the faculty of the Nevada System  
18 of Higher Education are entitled to annual leave as provided by the  
19 regulations adopted pursuant to subsection 2 of NRS 284.345.

20 4. The Commission shall establish by regulation a schedule for  
21 the accrual of annual leave for employees who regularly work more  
22 than 40 hours per week or 80 hours biweekly. The schedule must  
23 provide for the accrual of annual leave at the same rate  
24 proportionately as employees who work a 40-hour week accrue  
25 annual leave.

26 5. No elected state officer may be paid for accumulated annual  
27 leave upon termination of the officer's service.

28 6. ~~During the first 6 months of employment of any employee~~  
29 ~~in the public service, annual leave accrues as provided in subsection~~  
30 ~~1, but no annual leave may be taken during that period.~~

31 ~~7.]~~ No employee in the public service may be paid for  
32 accumulated annual leave upon termination of employment unless  
33 the employee has been employed for 6 months or more.

34 ~~[8.]~~ 7. Upon the request of an employee, the appointing  
35 authority of the employee may approve the reduction or satisfaction  
36 of an overpayment of the salary of the employee that was not  
37 obtained by the fraud or willful misrepresentation of the employee  
38 with a corresponding amount of the accrued annual leave of the  
39 employee.

40 **Sec. 7.** (Deleted by amendment.)

41 **Sec. 8.** (Deleted by amendment.)

42 **Sec. 9.** NRS 227.150 is hereby amended to read as follows:

43 227.150 1. The State Controller shall:

44 (a) Open and keep an account with each county, charging the  
45 counties with the revenue collected, as shown by the auditor's



1 statements, and also with their proportions of the salaries of the  
2 district judges, and crediting them with the amounts paid to the State  
3 Treasurer.

4 (b) Keep and state all accounts between the State of Nevada and  
5 the United States, or any state or territory, or any person or public  
6 officer of this State, indebted to the State or entrusted with the  
7 collection, disbursement or management of any money, funds or  
8 interests arising therefrom, belonging to the State, of every character  
9 and description, if the accounts are derivable from or payable into  
10 the State Treasury.

11 (c) Settle the accounts of all county treasurers, and other  
12 collectors and receivers of all state revenues, taxes, tolls and  
13 incomes, levied or collected by any act of the Legislature and  
14 payable into the State Treasury.

15 (d) Keep fair, clear, distinct and separate accounts of all the  
16 revenues and incomes of the State, and of all the expenditures,  
17 disbursements and investments thereof, showing the particulars of  
18 every expenditure, disbursement and investment.

19 2. The State Controller may:

20 (a) Direct the collection of all accounts or money due the State,  
21 except as otherwise provided in chapter 353C of NRS, and if there is  
22 no time fixed or stipulated by law for the payment of any such  
23 accounts or money, they are payable at the time set by the State  
24 Controller.

25 (b) Upon approval of the Attorney General, direct the  
26 cancellation of any accounts or money due the State.

27 (c) Except as otherwise provided in subsection 3, withhold from  
28 the compensation of an employee of the State any amount due the  
29 State for the overpayment of the salary of the employee that has not  
30 been satisfied pursuant to subsection ~~8~~ 7 of NRS 284.350 or in any  
31 other manner.

32 3. Before any amounts may be withheld from the compensation  
33 of an employee pursuant to paragraph (c) of subsection 2, the State  
34 Controller shall:

35 (a) Give written notice to the employee of the State Controller's  
36 intent to withhold such amounts from the compensation of the  
37 employee; and

38 (b) If requested by the employee within 10 working days after  
39 receipt of the notice, conduct a hearing and allow the employee the  
40 opportunity to contest the State Controller's determination to  
41 withhold such amounts from the compensation of the employee.

42 ➔ If the overpayment was not obtained by the employee's fraud or  
43 willful misrepresentation, any withholding from the compensation  
44 of the employee must be made in a reasonable manner so as not to  
45 create an undue hardship to the employee.



1 4. The State Controller may adopt such regulations as are  
2 necessary to carry out the provisions of this section.

3 **Sec. 10.** NRS 463.080 is hereby amended to read as follows:

4 463.080 1. The Board may:

5 (a) Establish, and from time to time alter, such a plan of  
6 organization as it may deem expedient.

7 (b) Acquire such furnishings, equipment, supplies, stationery,  
8 books, motor vehicles and other things as it may deem necessary or  
9 desirable in carrying out its functions.

10 (c) Incur such other expenses, within the limit of money  
11 available to it, as it may deem necessary.

12 2. Except as otherwise provided in this chapter, all costs of  
13 administration incurred by the Board must be paid out on claims  
14 from the State General Fund in the same manner as other claims  
15 against the State are paid.

16 3. The Board shall, within the limits of legislative  
17 appropriations or authorizations, employ and fix the salaries of or  
18 contract for the services of such professional, technical and  
19 operational personnel and consultants as the execution of its duties  
20 and the operation of the Board and Commission may require.

21 4. The members of the Board and all the personnel of the  
22 Board, except clerical employees , ~~[and employees described in~~  
23 ~~NRS 284.148,]~~ are exempt from the provisions of chapter 284 of  
24 NRS. They are entitled to such leaves of absence as the Board  
25 prescribes, but such leaves must not be of lesser duration than those  
26 provided for other state employees pursuant to chapter 284 of NRS.  
27 ~~[Employees described in NRS 284.148 are subject to the limitations~~  
28 ~~specified in that section.]~~

29 5. Clerical employees of the Board are in the classified service  
30 but are exempt from the provisions of chapter 284 of NRS for  
31 purposes of removal. They are entitled to receive an annual salary  
32 which must be fixed in accordance with the pay plan adopted under  
33 the provisions of that chapter.

34 6. The Board shall establish, and modify as necessary, a  
35 comprehensive plan governing employment, job classifications and  
36 performance standards, and retention or discharge of employees to  
37 assure that termination or other adverse action is not taken against  
38 such employees except for cause. The plan must include provisions  
39 for hearings in personnel matters and for review of adverse actions  
40 taken in those matters.

41 **Sec. 11.** This act becomes effective upon passage and  
42 approval.







