

Senate Bill No. 510–Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to the State Personnel System; revising the provisions governing the right of certain employees of the Legislative Branch of the State Government to transfer to positions in the classified service of the State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that certain unclassified employees of the Executive Branch of the State Government and certain employees of the Judicial and Legislative Branches are entitled to transfer to positions having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service. Such an employee is exempt from any requirement of a competitive examination and is entitled to: (1) retain credits for annual and sick leave and longevity; and (2) priority on the lists of eligible persons, to the extent that those privileges are accorded to employees transferring within the classified service. (NRS 284.3775) This bill revises those provisions so that an employee of the Legislative Branch who has served for 4 consecutive months is entitled to transfer to: (1) any position in the classified service having duties and compensation similar to those of the employee’s position with the Legislative Branch, as under existing law; or (2) any other position in the classified service for which the employee is qualified, regardless of the duties and compensation of the position.

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 284.295 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 ~~4~~ 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 of the appointing authority and certification by the Administrator 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 examinations 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 constitutes a promotion.

Sec. 2. 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~~ **or** employees in the unclassified service of the Executive Branch of the Government of the State of Nevada ~~or employees of the Legislative 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 ~~this subsection~~ **subsections 1 and 2** includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave and longevity, and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

~~2-~~ **4.** Except as otherwise provided in subsection ~~4-~~ **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.



~~13-1~~ 5. Except as otherwise provided in this subsection and subsection ~~14-1~~ 6, a person may not transfer pursuant to subsection 1 to a class 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 described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

~~14-1~~ 6. The restrictions provided in subsections ~~12-1~~ 4 and ~~13-1~~ 5 do not apply to ~~1an1~~:

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

*(b) An employee of the Supreme Court, an employee of the Court of Appeals ~~11~~ or an employee in the unclassified service of the Executive Branch of Government ~~for an employee of the Legislative Branch of Government~~ whose appointment to that position was immediately preceded by an appointment in the classified service, except that ~~1such1~~ 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.*

~~15-1~~ 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.

~~16-1~~ 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 ~~11-1~~ 2 to transfer to a position ~~having similar duties and compensation~~ 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 ~~fa person~~ *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. 3. This act becomes effective upon passage and approval.

