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ASSEMBLY BILL NO. 451—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

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Referred to Committee on Ways and Means

**SUMMARY**—Revises provisions relating to certain employees in the Office of Finance in the Office of the Governor. (BDR 23-1085)

**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 ~~omitted material~~ is material to be omitted.

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**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; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

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

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

1       **Section 1.** NRS 284.148 is hereby amended to read as follows:

2       284.148 1. An elected officer or an employee in the  
3 unclassified service who is on the personal staff of an elected  
4 officer, an appointed head of a department or division who serves at  
5 the pleasure or discretion of an elected officer or an executive,  
6 administrative or professional employee within the meaning of the  
7 Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.:

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

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

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

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

19       (a) Must be paid on a salary basis;

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

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

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

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

33       **Sec. 2.** This act becomes effective on July 1, 2023.

