

(Reprinted with amendments adopted on May 30, 2023)

FIRST REPRINT

A.B. 451

ASSEMBLY BILL NO. 451—COMMITTEE
ON GOVERNMENT AFFAIRS

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

MARCH 27, 2023

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to certain employees in the Executive Department of the State Government. (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.

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:

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 **Section 1** of this bill provides that such an employee in the Budget Division is
9 entitled to compensation for overtime performed when the employee is doing work
10 relating to the preparation of the executive budget report or proposed budget during
11 the period beginning on September 1 of an even-numbered year and ending on
12 January 31 of the following year. **Section 2** of this bill provides that the provisions
13 of **section 1** expire by limitation on June 30, 2025.



* A B 4 5 1 R 1 *

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

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. 1.3.** 1. The Division of Human Resource Management
34 of the Department of Administration shall conduct a comprehensive



1 salary study, or contract with a third party to conduct such a study,
2 to evaluate the pay of all classified and unclassified positions within
3 the Executive Department of the State Government, including,
4 without limitation, a review of the feasibility or desirability of
5 providing compensation for overtime for positions which are
6 currently not entitled to such compensation.

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

13 **Sec. 1.7.** 1. There is hereby appropriated from the State
14 General Fund to the Division of Human Resource Management of
15 the Department of Administration the sum of \$500,000 for the costs
16 of conducting the study required by section 1.3 of this act.

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

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

29 2. Sections 1.3 and 1.7 of this act become effective on July 1,
30 2023.

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

