

ASSEMBLY BILL NO. 131—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 4, 1999

Referred to Committee on Government Affairs

SUMMARY—Authorizes collective bargaining for certain state employees. (BDR 23-36)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

~

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

AN ACT relating to state employees; authorizing collective bargaining for certain state employees; creating a board for labor relations for state employees; providing for bargaining units and for their representation; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; authorizing the superintendent of the state printing division of the department of administration to make certain labor agreements; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 281.129 is hereby amended to read as follows:
2 281.129 Any officer of the state, except the legislative fiscal officer,
3 who disburses money in payment of salaries and wages of officers and
4 employees of the state may, upon written requests of the officer or
5 employee specifying amounts, withhold those amounts and pay them to:
6 1. Charitable organizations;
7 2. Employee credit unions;
8 3. Insurers, if the committee on benefits has approved the request;
9 4. The United States for the purchase of savings bonds and similar
10 obligations of the United States; and
11 5. ~~Employee~~ ***Except as otherwise provided in section 32 of this act,***
12 ***employee*** organizations and labor organizations.
13 The state controller may adopt regulations necessary to withhold money
14 from the salaries or wages of officers and employees of the executive
15 department.

1 **Sec. 2.** NRS 284.013 is hereby amended to read as follows:

2 284.013 1. Except as otherwise provided in subsection 4, this
3 chapter does not apply to:

4 (a) Agencies, bureaus, commissions, officers or personnel in the
5 legislative department or the judicial department of state government,
6 including the commission on judicial discipline;

7 (b) Any person who is employed by a board, commission, committee or
8 council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644,
9 inclusive, 648, 652, 654 and 656 of NRS; or

10 (c) Officers or employees of any agency of the executive department of
11 the state government who are exempted by specific statute.

12 2. Except as otherwise provided in subsection 3, the terms and
13 conditions of employment of all persons referred to in subsection 1,
14 including salaries not prescribed by law and leaves of absence, including,
15 without limitation, annual leave and sick and disability leave, must be
16 fixed by the appointing or employing authority within the limits of
17 legislative appropriations or authorizations.

18 3. Except as otherwise provided in this subsection, leaves of absence
19 prescribed pursuant to subsection 2 must not be of lesser duration than
20 those provided for other state officers and employees pursuant to the
21 provisions of this chapter. The provisions of this subsection do not govern
22 the legislative commission with respect to the personnel of the legislative
23 counsel bureau.

24 4. Any board, commission, committee or council created in chapters
25 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and
26 656 of NRS which contracts for the services of a person, shall require the
27 contract for those services to be in writing. The contract must be approved
28 by the state board of examiners before those services may be provided.

29 ***5. To the extent that they are inconsistent or otherwise are in***
30 ***conflict, the provisions of any regulations adopted pursuant to this***
31 ***chapter do not apply to any terms or conditions of employment that are***
32 ***properly within the scope of and subject to the provisions of:***

33 ***(a) A collective bargaining agreement or supplemental bargaining***
34 ***agreement that is enforceable pursuant to the provisions of sections 4 to***
35 ***50, inclusive, of this act; or***

36 ***(b) An agreement concerning the terms and conditions of employment***
37 ***for compositors, machine operators, pressmen and assistants that is made***
38 ***pursuant to section 68 of this act between the superintendent of the state***
39 ***printing division of the department of administration and any group or***
40 ***organization that represents such employees.***

41 ***As used in this subsection, "terms and conditions of employment" has the***
42 ***meaning ascribed to it in section 17 of this act.***

1 **Sec. 3.** Chapter 288 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 4 to 50, inclusive, of this act.

3 **Sec. 4.** *As used in sections 4 to 50, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 5 to*
5 *17, inclusive, of this act have the meanings ascribed to them in those*
6 *sections.*

7 **Sec. 5.** *“Bargaining unit” means a collection of employees that the*
8 *board has established as a bargaining unit pursuant to section 27 of this*
9 *act.*

10 **Sec. 6.** *“Board” means the board for labor relations for state*
11 *employees.*

12 **Sec. 7.** *“Chief of the budget division” means the chief of the budget*
13 *division of the department of administration.*

14 **Sec. 8.** *“Collective bargaining” means a method to determine the*
15 *terms and conditions of employment for all employees within a*
16 *bargaining unit through negotiation, mediation or arbitration between*
17 *the executive department and the exclusive representative of the*
18 *bargaining unit pursuant to sections 4 to 50, inclusive, of this act.*

19 **Sec. 9.** *“Confidential employee” means an employee who:*
20 *1. Assists in the formulation, determination and effectuation of*
21 *personnel policies or managerial policies concerning collective*
22 *bargaining or supplemental bargaining;*

23 *2. Provides administrative support to an employee described in*
24 *subsection 1; or*

25 *3. Is employed by the board.*

26 **Sec. 10. 1.** *“Employee” means a person who:*
27 *(a) Is employed in the classified service of the state pursuant to*
28 *chapter 284 of NRS, including, without limitation, persons employed in*
29 *the classified service by the University and Community College System of*
30 *Nevada;*

31 *(b) Is employed by the public employees’ retirement system and who is*
32 *required to be paid in accordance with the pay plan for the classified*
33 *service of the state; and*

34 *(c) Is employed by any other employer that receives money from the*
35 *State of Nevada if the National Labor Relations Board has refused to*
36 *assert jurisdiction over the employer because the employer lacks the*
37 *ultimate authority to determine the primary terms and conditions of*
38 *employment and who is in a position similar to a position in the classified*
39 *service of the state.*

1 2. The term does not include:

2 (a) An employee whose position is classified at grade 42 or higher
3 under the pay plan in existence on January 1, 1999, or whose position is
4 given an equivalent classification under any subsequently adopted pay
5 plan;

6 (b) A compositor, machine operator, pressman or assistant who is
7 employed pursuant to NRS 344.080 by the superintendent of the state
8 printing division of the department of administration;

9 (c) A confidential employee;

10 (d) An employee who is normally scheduled to work 20 hours or less
11 per week, unless the employee is hired to avoid the provisions of sections
12 4 to 50, inclusive, of this act; and

13 (e) A temporary employee who is employed for a fixed period of 4
14 months or less.

15 Sec. 11. “Employee organization” means an organization that is
16 created, maintained and operated to represent employees concerning the
17 terms and conditions of employment for those employees.

18 Sec. 12. “Exclusive representative” means an employee organization
19 that, as a result of designation by the board, has the exclusive right to
20 represent all employees within a bargaining unit and to negotiate with
21 the executive department pursuant to sections 4 to 50, inclusive, of this
22 act concerning the terms and conditions of employment for those
23 employees.

24 Sec. 13. “Executive department” means an agency, board, bureau,
25 commission, department, division, elected officer or any other unit of the
26 executive department of state government.

27 Sec. 14. “Mediation” means assistance by an impartial third party to
28 reconcile differences between the executive department and an exclusive
29 representative through interpretation, suggestion and advice.

30 Sec. 15. “Party” includes, without limitation, the executive
31 department.

32 Sec. 16. “Supplemental bargaining” means bargaining concerning
33 the terms and conditions of employment that is conducted pursuant to
34 section 45 of this act.

35 Sec. 17. Except as otherwise provided in sections 4 to 50, inclusive,
36 of this act, “terms and conditions of employment” include, without
37 limitation:

38 1. Salaries and wages;

39 2. Hours and working conditions;

40 3. Benefits other than benefits related to the public employees’
41 retirement system;

42 4. Grievances; and

43 5. Labor disputes.

1 **Sec. 18.** *The provisions of chapter 241 of NRS do not apply to any of*
2 *the following, if conducted for the purposes of sections 4 to 50, inclusive,*
3 *of this act:*

4 1. *A negotiation or informal discussion between the executive*
5 *department and an employee organization.*

6 2. *A meeting or investigation conducted by a mediator or arbitrator.*

7 3. *A meeting between the executive department and its designated*
8 *representatives concerning collective bargaining or supplemental*
9 *bargaining.*

10 **Sec. 19.** 1. *The board for labor relations for state employees is*
11 *hereby created, consisting of three members appointed as follows:*

12 (a) *One member appointed by the governor;*

13 (b) *One member appointed by the majority leader of the senate; and*

14 (c) *One member appointed by the speaker of the assembly.*

15 2. *The members of the board must be broadly representative of the*
16 *public and must not be closely allied with any employee organization or*
17 *the executive department.*

18 3. *The term of office of each member of the board is 4 years.*

19 4. *The members of the board serve at the pleasure of the appointing*
20 *authority in each case.*

21 5. *Any vacancy in the membership of the board must be filled for the*
22 *remainder of the unexpired term in the same manner as the original*
23 *appointment.*

24 **Sec. 20.** 1. *The members of the board shall annually elect one of*
25 *their number as chairman and one as vice chairman. The vice chairman*
26 *shall perform the duties of the chairman during any absence of the*
27 *chairman.*

28 2. *Two members of the board constitute a quorum.*

29 3. *The board may, within the limits of legislative appropriations:*

30 (a) *Appoint an executive secretary, who is in the classified service of*
31 *the state; and*

32 (b) *Employ such clerical personnel as may be necessary, who are in*
33 *the classified service of the state.*

34 **Sec. 21.** 1. *Each member of the board is entitled to receive a salary*
35 *of not more than \$80, as fixed by the board, for each day in which the*
36 *member is engaged in the business of the board.*

37 2. *While engaged in the business of the board, each member and*
38 *employee of the board is entitled to receive the per diem allowance and*
39 *travel expenses provided for state officers and employees generally.*

40 **Sec. 22.** 1. *The board shall adopt regulations concerning:*

41 (a) *The establishment of bargaining units and the classifications of*
42 *employees within each bargaining unit pursuant to section 27 of this act;*

1 **(b) The recognition of employee organizations and the designation of**
2 **exclusive representatives pursuant to sections 28 to 32, inclusive, of this**
3 **act;**

4 **(c) Procedures for mediation;**

5 **(d) Procedures for arbitration; and**

6 **(e) Hearings and proceedings before the board, including, without**
7 **limitation, hearings and proceedings conducted pursuant to section 48 of**
8 **this act.**

9 **2. The board may adopt any other regulations that are necessary to**
10 **carry out the provisions of sections 4 to 50, inclusive, of this act.**

11 **3. The board may hear and determine any complaint:**

12 **(a) Arising out of the interpretation or performance of an agreement**
13 **entered into pursuant to sections 4 to 50, inclusive, of this act;**

14 **(b) Concerning the classification of an employee within an**
15 **appropriate bargaining unit pursuant to section 27 of this act; or**

16 **(c) Concerning a practice that is prohibited by section 47 of this act.**

17 **Sec. 23. 1. In carrying out the provisions of sections 4 to 50,**
18 **inclusive, of this act, the board may:**

19 **(a) Administer oaths or affirmations;**

20 **(b) Take testimony; and**

21 **(c) Issue subpoenas to compel the attendance and testimony of a**
22 **person and to compel the production of books, papers and other items**
23 **that are relevant to a matter being investigated or considered by the**
24 **board.**

25 **2. If a person named in a subpoena fails or refuses to attend or**
26 **testify before the board, to answer any questions propounded by the**
27 **board or to produce the books, papers or other items required by the**
28 **subpoena, the chairman of the board may petition the district court to**
29 **enter an order compelling the person to attend and testify before the**
30 **board, to answer the questions propounded by the board or to produce**
31 **the books, papers or other items required by the subpoena. The petition**
32 **filed by the chairman must set forth that:**

33 **(a) Due notice has been given to the person named in the subpoena of**
34 **the time and place for his attendance and testimony before the board or**
35 **for the production of the books, papers or other items required by the**
36 **subpoena;**

37 **(b) The person has been subpoenaed by the board pursuant to this**
38 **section; and**

39 **(c) The person has failed or refused to attend or testify before the**
40 **board, to answer certain questions propounded by the board or to**
41 **produce the books, papers or other items required by the subpoena.**

1 3. Upon such a petition, the court shall enter an order directing the
2 person named in the subpoena to:

3 (a) Appear before the court at the place and time designated in the
4 order. The time designated by the court must be not later than 10 days
5 after the date of the order.

6 (b) Show cause why the person has failed or refused to attend or
7 testify before the board, to answer the questions propounded by the board
8 or to produce the books, papers or other items required by the
9 subpoena.

10 A certified copy of the order must be served upon the person named in
11 the subpoena.

12 4. If it appears to the court that the subpoena was regularly issued by
13 the board and properly served, the court shall enter an order directing
14 the person named in the subpoena to appear before the board at the
15 place and time designated in the order and to testify before the board, to
16 answer the questions propounded by the board or to produce the books,
17 papers or other items required by the subpoena. Failure to obey the order
18 constitutes contempt of court.

19 **Sec. 24. 1.** A subpoena issued by the board extends to all parts of
20 this state and must be served in accordance with the provisions of
21 N.R.C.P. 4(c). The board may not require a person named in a subpoena
22 to attend at a place outside the county in which the person resides unless:

23 (a) The location of the place is less than 100 miles from the person's
24 primary residence; or

25 (b) A party, by affidavit, shows that the testimony of the person is
26 material and necessary to the proceedings, and the board endorses on the
27 subpoena an order requiring the person to attend at the place named in
28 the subpoena, regardless of its location in this state.

29 2. A person who appears before the board pursuant to a subpoena is
30 entitled to receive fees and mileage in the same amounts and under the
31 same circumstances as prescribed by law for a witness in a civil action in
32 the district court, unless the person is a party to the proceeding or an
33 officer or employee of this state or any of its political subdivisions. As
34 used in this subsection, "employee" includes, without limitation, an
35 employee in the classified or unclassified service of the state.

36 3. If a person who is entitled to receive fees and mileage pursuant to
37 subsection 2 must appear at a hearing before the board at a place located
38 so far from his primary residence that it is not reasonable for the person
39 to return to that residence from day to day, the person is entitled, in
40 addition to fees and mileage, to receive the per diem compensation for
41 subsistence and transportation authorized by NRS 281.160 for each day
42 of actual attendance at such a hearing and for each day necessarily
43 occupied in traveling to and from such a hearing.

1 **4.** Except as otherwise provided in subsection 5, a party who requests
2 that the board issue a subpoena to a person shall pay to the board the
3 amount of any compensation for subsistence and transportation that the
4 person is entitled to receive from the board pursuant to subsection 3.

5 **5.** As part of an award of costs to the party who prevails in a
6 proceeding, the board may require the party who did not prevail in the
7 proceeding to pay to the board the amount of any compensation for
8 subsistence and transportation that the prevailing party would have
9 otherwise been required to pay to the board pursuant to subsection 4.

10 **Sec. 25. 1.** For the purposes of collective bargaining, supplemental
11 bargaining and other mutual aid or protection, employees have the right
12 to:

13 **(a)** Organize, form, join and assist employee organizations, engage in
14 collective bargaining and supplemental bargaining through exclusive
15 representatives and engage in other concerted activities; and

16 **(b)** Refrain from engaging in any such activity.

17 **2.** Collective bargaining and supplemental bargaining entail a
18 mutual obligation of the executive department and an exclusive
19 representative to meet at reasonable times and to bargain in good faith
20 with respect to:

21 **(a)** The terms and conditions of employment;

22 **(b)** The negotiation of an agreement;

23 **(c)** The resolution of any question arising under an agreement; and

24 **(d)** The execution of a written contract incorporating the provisions of
25 an agreement, if requested by either party or required pursuant to
26 sections 4 to 50, inclusive, of this act.

27 **3.** The provisions of this section must not be construed to compel the
28 executive department or an exclusive representative to agree to a
29 proposal or to make a concession.

30 **Sec. 26. 1.** Except as otherwise provided in subsection 2, the
31 following subjects are not within the scope of collective bargaining or
32 supplemental bargaining pursuant to sections 4 to 50, inclusive, of this
33 act and are reserved to the executive department without negotiation:

34 **(a)** The right to hire, direct or assign an employee, except the right to
35 reassign an employee as a form of discipline;

36 **(b)** The right to determine the minimum qualifications for a job or
37 position and the nature and content of any examination offered to
38 applicants for that job or position;

39 **(c)** The right to determine the content of the workday, including,
40 without limitation, the amount of work that must be performed, except
41 for considerations of safety; and

1 (d) *The right to take whatever action may be necessary to carry out*
2 *the responsibilities of the executive department in a situation of*
3 *emergency, including, without limitation, a riot, military action, natural*
4 *disaster or civil disorder.*

5 2. *The executive department and an exclusive representative may*
6 *negotiate concerning:*

7 (a) *The procedures that the executive department will observe in*
8 *exercising the authority reserved to it pursuant to this section; and*

9 (b) *The effect of the exercise of such authority by the executive*
10 *department.*

11 **Sec. 27. 1.** *The board shall, by regulation, establish bargaining*
12 *units on a statewide basis, including, without limitation, the bargaining*
13 *units described in subsection 2.*

14 2. *The board shall establish one bargaining unit for each of the*
15 *occupational groups described in this subsection, and each such*
16 *bargaining unit must include all supervisory employees at the working*
17 *level of the occupational group:*

18 (a) *Labor, maintenance, custodial and institutional employees,*
19 *including, without limitation, employees of penal and correctional*
20 *institutions who are not responsible for security at those institutions.*

21 (b) *Administrative and clerical employees, including, without*
22 *limitation, paralegals and employees whose work involves general office*
23 *work, or keeping or examining records and accounts.*

24 (c) *Technical aides to professional employees, including, without*
25 *limitation, computer programmers, tax examiners, conservation*
26 *employees and crew supervisors.*

27 (d) *Professional employees, including, without limitation, physical*
28 *therapists and other employees in medical and other professions related*
29 *to health.*

30 (e) *Employees, other than professional employees, who provide health*
31 *care and personal care, including, without limitation, employees who*
32 *care for children.*

33 (f) *Officers of the Nevada highway patrol who hold the rank of*
34 *sergeant or lower.*

35 (g) *Adult and youth correctional employees, including, without*
36 *limitation, classification case workers, group supervisors in correctional*
37 *institutions and forensic specialists.*

38 (h) *Employees, other than officers of the Nevada highway patrol and*
39 *adult and youth correctional employees, who have the powers of a peace*
40 *officer and whose work includes investigation, the enforcement of*
41 *statutes, ordinances or regulations, or the preservation of public order,*

1 including, without limitation, all such employees of the public utilities
2 commission of Nevada, the transportation services authority and the
3 taxicab authority.

4 (i) Supervisory employees not otherwise included in other bargaining
5 units.

6 3. This section does not prohibit the board from including within an
7 occupational group employees other than those specified for that group.

8 4. The board shall, by regulation, establish the exact classifications
9 of employees within each bargaining unit. The board may assign a new
10 classification to a bargaining unit based upon the similarity of the new
11 classification to other classifications within the bargaining unit.

12 5. The board shall not change an established bargaining unit
13 arbitrarily.

14 6. As used in this section:

15 (a) "Professional employee" means an employee engaged in work
16 that:

17 (1) Is predominantly intellectual and varied in character as opposed
18 to routine mental, manual, mechanical or physical work;

19 (2) Involves the consistent exercise of discretion and judgment in its
20 performance;

21 (3) Is of such a character that the result accomplished or produced
22 cannot be standardized in relation to a given period; and

23 (4) Requires advanced knowledge in a field of science or learning
24 customarily acquired through a prolonged course of specialized
25 intellectual instruction and study in an institution of higher learning, as
26 distinguished from general academic education, an apprenticeship or
27 training in the performance of routine mental or physical processes.

28 (b) "Supervisory employee" means an employee who has authority to:

29 (1) Hire, transfer, suspend, lay off, recall, promote, discharge,
30 assign, reward or discipline other employees, or who has the
31 responsibility to direct such employees; or

32 (2) Adjust the grievances of other employees or effectively
33 recommend such an action, if the exercise of that authority requires the
34 use of independent judgment and is not of a routine or clerical nature.

35 **Sec. 28. 1.** If no employee organization is designated as the
36 exclusive representative of a bargaining unit and an employee
37 organization files with the board a list of its membership showing that the
38 employee organization represents more than 50 percent of the employees
39 within the bargaining unit, the board shall designate the employee
40 organization as the exclusive representative of the bargaining unit
41 without ordering an election.

42 2. If the board designates an employee organization as the exclusive
43 representative of a bargaining unit without ordering an election pursuant

1 to subsection 1 or paragraph (a) of subsection 2 of section 29 of this act,
2 the board shall:

3 (a) Without ordering an election, remove the employee organization
4 as the exclusive representative of the bargaining unit and designate
5 another employee organization as the exclusive representative of the
6 bargaining unit if, after June 30 and on or before December 31 of an
7 odd-numbered year:

8 (1) Another employee organization files with the board a list of its
9 membership showing that it represents more than 50 percent of the
10 employees within the bargaining unit; and

11 (2) The board has not ordered an election pursuant to paragraph
12 (b) during that period; or

13 (b) Order an election to be conducted pursuant to section 30 of this
14 act if:

15 (1) After June 30 and on or before December 31 of an odd-
16 numbered year, a group of employees within the bargaining unit files
17 with the board a written request for an election which includes a list
18 showing that more than 50 percent of the employees within the
19 bargaining unit have requested that an election be conducted to change
20 or discontinue representation;

21 (2) The board has not, during that period, designated another
22 employee organization as the exclusive representative of the bargaining
23 unit pursuant to paragraph (a); and

24 (3) No other election to choose, change or discontinue
25 representation has been conducted within the bargaining unit during the
26 preceding 12 months.

27 **Sec. 29. 1.** If no employee organization is designated as the
28 exclusive representative of a bargaining unit, the board shall order an
29 election to be conducted within the bargaining unit pursuant to section
30 30 of this act if:

31 (a) An employee organization files with the board a written request for
32 an election which includes a list of its membership showing that it
33 represents at least 30 percent but not more than 50 percent of the
34 employees within the bargaining unit; and

35 (b) No other election to choose, change or discontinue representation
36 has been conducted within the bargaining unit during the preceding 12
37 months.

38 **2.** If the board designates an employee organization as the exclusive
39 representative of a bargaining unit based upon the results of an election
40 ordered pursuant to subsection 1 or paragraph (b) of subsection 2 of
41 section 28 of this act, the board shall:

1 (a) Without ordering an election, remove the employee organization
2 as the exclusive representative of the bargaining unit and designate
3 another employee organization as the exclusive representative of the
4 bargaining unit if, after June 30 and on or before December 31 of an
5 odd-numbered year:

6 (1) Another employee organization files with the board a list of its
7 membership showing that it represents more than 50 percent of the
8 employees within the bargaining unit; and

9 (2) The board has not ordered an election pursuant to paragraph
10 (b) during that period; or

11 (b) Order an election to be conducted pursuant to section 30 of this
12 act if:

13 (1) After June 30 and on or before December 31 of an odd-
14 numbered year:

15 (I) Another employee organization files with the board a written
16 request for an election which includes a list of its membership showing
17 that the employee organization represents at least 30 percent but not
18 more than 50 percent of the employees within the bargaining unit; or

19 (II) A group of employees within the bargaining unit files with
20 the board a written request for an election which includes a list showing
21 that more than 50 percent of the employees within the bargaining unit
22 have requested that an election be conducted to change or discontinue
23 representation;

24 (2) The board has not, during that period, designated another
25 employee organization as the exclusive representative of the bargaining
26 unit pursuant to paragraph (a); and

27 (3) No other election to choose, change or discontinue
28 representation has been conducted within the bargaining unit during the
29 preceding 12 months.

30 **Sec. 30. 1.** If the board orders an election within a bargaining unit
31 pursuant to section 28 or 29 of this act, the board shall order that each of
32 the following be placed as a choice on the ballot for the election:

33 (a) If applicable, the employee organization that requested the election
34 pursuant to section 29 of this act and the employee organization that is
35 presently designated as the exclusive representative of the bargaining
36 unit pursuant to section 28 or 29 of this act;

37 (b) Any other employee organization that, on or before the date that is
38 prescribed by the regulations adopted by the board, files with the board a
39 written request to be placed on the ballot for the election and includes
40 with the written request a list of its membership showing that the
41 employee organization represents at least 20 percent of the employees
42 within the bargaining unit; and

43 (c) A choice for “no representation.”

1 2. If a ballot for an election contains more than two choices and
2 none of the choices on the ballot receives a majority of the votes cast at
3 the initial election, the board shall order a runoff election between the
4 two choices on the ballot that received the highest number of votes at the
5 initial election.

6 3. If the choice for "no representation" receives a majority of the
7 votes cast at the initial election or at any runoff election, the board shall
8 designate the bargaining unit as being without representation.

9 4. If an employee organization receives a majority of the votes cast at
10 the initial election or at any runoff election, the board shall designate the
11 employee organization as the exclusive representative of the bargaining
12 unit.

13 **Sec. 31.** 1. The board shall preside over all elections that are
14 conducted pursuant to sections 4 to 50, inclusive, of this act and shall
15 determine the eligibility requirements for employees to vote in any such
16 election.

17 2. An employee organization that is placed as a choice on the ballot
18 for an election or any employee who is eligible to vote at an election may
19 file with the board a written objection to the results of the election. The
20 objection must be filed not later than 10 days after the date on which the
21 notice of the results of the election is given by the board.

22 3. In response to a written objection filed pursuant to subsection 2 or
23 upon its own motion, the board may invalidate the results of an election
24 and order a new election if the board finds that any conduct or
25 circumstances raise substantial doubt that the results of the election are
26 reliable.

27 **Sec. 32.** 1. The board may designate an employee organization as
28 the exclusive representative of more than one bargaining unit if the
29 employee organization meets the requirements set forth in section 28 or
30 29 of this act to be designated as the exclusive representative of each
31 such bargaining unit separately.

32 2. If the board designates an employee organization as the exclusive
33 representative of a bargaining unit pursuant to sections 4 to 50,
34 inclusive, of this act:

35 (a) The employee organization shall be deemed to:

36 (1) Be a party to any collective bargaining agreement or
37 supplemental bargaining agreement then in effect between the executive
38 department and the bargaining unit; and

39 (2) Assume all the rights and privileges of the previous exclusive
40 representative under any such agreement, but the employee organization
41 shall not be deemed to assume any costs or liabilities incurred by the
42 previous exclusive representative for acts that occurred while the
43 previous exclusive representative served in that capacity; and

1 **(b)** *An officer of the executive department may not, pursuant to NRS*
2 *281.129, withhold any amount of money from the salary or wages of an*
3 *employee within the bargaining unit to pay dues or similar fees to an*
4 *employee organization other than the employee organization that is the*
5 *exclusive representative of the bargaining unit.*

6 **Sec. 33. 1.** *Except as otherwise provided in subsection 2, an*
7 *exclusive representative shall:*

8 **(a)** *Act as the agent and exclusive representative of all employees*
9 *within each bargaining unit that it represents;*

10 **(b)** *Meet with the executive department at reasonable times, including,*
11 *without limitation, meeting with the executive department reasonably in*
12 *advance of its budget-making process; and*

13 **(c)** *In good faith and on behalf of each bargaining unit that it*
14 *represents, individually or collectively, negotiate with the executive*
15 *department concerning the terms and conditions of employment for the*
16 *employees within each bargaining unit that it represents, including,*
17 *without limitation, any terms and conditions of employment that are*
18 *within the scope of supplemental bargaining pursuant to section 45 of*
19 *this act.*

20 **2.** *If an employee is within a bargaining unit that has an exclusive*
21 *representative, the employee has the right to present grievances to the*
22 *executive department at any time and to have those grievances adjusted*
23 *without the intervention of the exclusive representative if:*

24 **(a)** *The exclusive representative is given an opportunity to be present*
25 *at any meetings or hearings related to the adjustment of the grievance;*
26 *and*

27 **(b)** *The adjustment of the grievance is not inconsistent with the*
28 *provisions of the collective bargaining agreement or any supplemental*
29 *bargaining agreement then in effect.*

30 **Sec. 34.** *The governor or a person designated by the governor shall,*
31 *in good faith and on behalf of the executive department, negotiate with*
32 *the exclusive representative of each bargaining unit concerning the terms*
33 *and conditions of employment for the employees within the bargaining*
34 *unit, including, without limitation, any terms and conditions of*
35 *employment that are within the scope of supplemental bargaining*
36 *pursuant to section 45 of this act.*

37 **Sec. 35. 1.** *The governor shall sign and enforce any collective*
38 *bargaining agreement reached by the executive department and an*
39 *exclusive representative on behalf of the employees within a bargaining*
40 *unit that it represents.*

41 **2.** *Each collective bargaining agreement must be in writing, must not*
42 *authorize any conduct that would violate the provisions of NRS 288.230*
43 *to 288.260, inclusive, and must include, without limitation:*

1 (a) *A procedure to resolve grievances which applies to all employees*
2 *in the bargaining unit and which culminates in final and binding*
3 *arbitration; and*

4 (b) *A provision which provides that an officer of the executive*
5 *department may, upon written authorization by an employee within the*
6 *bargaining unit, withhold a sufficient amount of money from the salary*
7 *or wages of the employee pursuant to NRS 281.129 to pay dues or similar*
8 *fees to the exclusive representative of the bargaining unit.*

9 **Sec. 36.** *In each even-numbered year, the executive department and*
10 *an exclusive representative shall begin negotiations concerning a*
11 *collective bargaining agreement not sooner than January 1 of the even-*
12 *numbered year and not later than:*

13 1. *March 15 of the even-numbered year or any later date in that year*
14 *which is set by agreement of the parties, if the exclusive representative is*
15 *designated by the board as the exclusive representative of the bargaining*
16 *unit on or before March 1 of the same even-numbered year; or*

17 2. *July 15 of the even-numbered year or any later date in that year*
18 *which is set by agreement of the parties, if the exclusive representative is*
19 *designated by the board as the exclusive representative of the bargaining*
20 *unit after March 1 of the same even-numbered year.*

21 **Sec. 37.** 1. *If the parties do not reach a collective bargaining*
22 *agreement through negotiation on or before July 31 of the even-*
23 *numbered year or any later date in that year which is set by agreement of*
24 *the parties, the board shall appoint a mediator.*

25 2. *The mediator shall bring the parties together as soon as possible*
26 *and shall attempt to settle each issue in dispute on or before August 15 of*
27 *the even-numbered year or any later date in that year which is set by the*
28 *mediator or by agreement of the parties.*

29 3. *The mediator and the parties shall apply and follow the*
30 *procedures for mediation that are prescribed by the regulations adopted*
31 *by the board. During mediation, the parties retain their respective duties*
32 *to negotiate in good faith.*

33 4. *The executive department and the exclusive representative shall*
34 *each pay one-half of the cost of mediation.*

35 **Sec. 38.** 1. *If the mediator determines that his services are no*
36 *longer helpful or if the parties do not reach a collective bargaining*
37 *agreement through mediation on or before August 15 of the even-*
38 *numbered year or any later date in that year which is set by the mediator*
39 *or by agreement of the parties pursuant to section 37 of this act, the*
40 *mediator shall discontinue meditation and the parties shall attempt to*
41 *agree upon an impartial arbitrator.*

1 2. If the parties do not agree upon an impartial arbitrator within 5
2 days after the date that mediation is discontinued pursuant to subsection
3 1 or on or before any later date in that year which is set by agreement of
4 the parties, the parties shall request from the American Arbitration
5 Association a list of seven potential arbitrators. The parties shall select
6 an arbitrator from this list by alternately striking one name until the
7 name of only one arbitrator remains, and that arbitrator must hear the
8 dispute in question. The exclusive representative shall strike the first
9 name.

10 3. The arbitrator shall begin arbitration proceedings on or before
11 September 15 of the even-numbered year or any later date in that year
12 which is set by agreement of the parties.

13 4. The arbitrator and the parties shall apply and follow the
14 procedures for arbitration that are prescribed by the regulations adopted
15 by the board. During arbitration, the parties retain their respective duties
16 to negotiate in good faith.

17 5. The arbitrator may administer oaths or affirmations, take
18 testimony and issue and seek enforcement of subpoenas in the same
19 manner as the board pursuant to sections 23 and 24 of this act and,
20 except as otherwise provided in subsection 6, the provisions of sections 23
21 and 24 of this act apply to subpoenas issued by the arbitrator.

22 6. The executive department and the exclusive representative shall
23 each pay one-half of the cost of arbitration, including, without limitation,
24 the fees and mileage and any compensation for subsistence and
25 transportation that a person is entitled to receive pursuant to subsections
26 2 and 3 of section 24 of this act for appearing before the arbitrator
27 pursuant to a subpoena. The provisions of subsections 4 and 5 of section
28 24 of this act do not apply to a subpoena issued by the arbitrator.

29 **Sec. 39. 1.** For each separate issue that is in dispute, the arbitrator
30 shall incorporate either the final offer of the executive department or the
31 final offer of the exclusive representative into the decision of the
32 arbitrator. The arbitrator shall not revise or amend the final offer of
33 either party on any issue.

34 2. To determine which final offers to incorporate into his decision,
35 the arbitrator shall assess the reasonableness of:

36 (a) The position of each party as to each issue in dispute; and
37 (b) The contractual terms and provisions contained in each final
38 offer.

39 3. In assessing reasonableness pursuant to subsection 2, the
40 arbitrator shall:

1 (a) Compare the terms and conditions of employment for the
2 employees within the bargaining unit with the terms and conditions of
3 employment for other employees performing similar services and for
4 other employees generally:

5 (1) In public employment in comparable communities; and

6 (2) In private employment in comparable communities; and

7 (b) Consider, without limitation:

8 (1) The average consumer prices for goods and services; and

9 (2) Such other factors as are normally or traditionally used as part
10 of collective bargaining, mediation, arbitration or other methods of
11 dispute resolution to determine the terms and conditions of employment
12 for employees in public or private employment.

13 4. The arbitrator shall render a written decision on or before October
14 15 of the even-numbered year or on or before any later date which is set
15 by agreement of the parties and which is not later than December 31 of
16 the even-numbered year.

17 5. Except as otherwise provided in sections 40, 43, 44 and 50 of this
18 act, each provision that is included in a decision of the arbitrator is final
19 and binding upon the parties if the decision of the arbitrator concerning
20 the provision is supported by competent, material and substantial
21 evidence on the whole record and is based upon the factors set forth in
22 this section.

23 **Sec. 40. 1.** Except as otherwise provided in this section, after an
24 arbitrator renders a decision pursuant to section 39 of this act, the parties
25 may agree to open or reopen negotiations concerning any terms and
26 conditions of employment, whether or not such terms and conditions of
27 employment were included in the decision of the arbitrator, and may
28 agree to revise or amend the decision of the arbitrator.

29 2. The provisions of any agreement by the parties to revise or amend
30 the decision of the arbitrator must be in writing.

31 3. If the parties reach an agreement to revise or amend the decision
32 of the arbitrator before the date on which the decision of the arbitrator
33 must be submitted to the governor and the chief of the budget division
34 pursuant to section 41 of this act, the provisions of that agreement:

35 (a) Shall be deemed to be incorporated into the decision of the
36 arbitrator; and

37 (b) Must be given effect over any conflicting provision in the decision
38 of the arbitrator.

39 4. If the parties do not reach an agreement to revise or amend the
40 decision of the arbitrator before the date on which the decision of the
41 arbitrator must be submitted to the governor and the chief of the budget

1 *division pursuant to section 41 of this act, the parties shall submit the*
2 *decision of the arbitrator to the governor and the chief of the budget*
3 *division without revision or amendment.*

4 **Sec. 41. 1.** *On or before December 31 of the even-numbered year*
5 *in which negotiations began, the parties shall submit to the governor and*
6 *the chief of the budget division:*

7 *(a) If arbitration was not required, the collective bargaining*
8 *agreement reached by the parties through negotiation; or*

9 *(b) If arbitration was required, the decision of the arbitrator without*
10 *revision or amendment or, if applicable, as revised or amended by the*
11 *parties pursuant to section 40 of this act. If so submitted, the decision of*
12 *the arbitrator without revision or amendment or, if applicable, as revised*
13 *or amended, shall be deemed to be the collective bargaining agreement*
14 *between the parties.*

15 **2.** *In the proposed executive budget which is prepared by the chief of*
16 *the budget division pursuant to NRS 353.230 and which is submitted to*
17 *the legislature pursuant to section 2 of article 4 of the constitution of this*
18 *state, the chief of the budget division and the governor shall include*
19 *requests for appropriations from the legislature in amounts that are*
20 *sufficient to give effect to each provision of the collective bargaining*
21 *agreement that requires such an appropriation.*

22 **Sec. 42. 1.** *If a provision of a collective bargaining agreement does*
23 *not require an appropriation from the legislature to be given effect, the*
24 *provision:*

25 *(a) Becomes effective on July 1 of the odd-numbered year following*
26 *the even-numbered year in which negotiations began, whether or not the*
27 *legislature makes any appropriation in a regular or special session to*
28 *give effect to any other provision of the collective bargaining agreement;*
29 *and*

30 *(b) Expires on June 30 of the next odd-numbered year.*

31 **2.** *Except as otherwise provided in sections 43 and 44 of this act, if a*
32 *provision of the collective bargaining agreement requires an*
33 *appropriation from the legislature to be given effect, the provision:*

34 *(a) Becomes effective on July 1 of the odd-numbered year following*
35 *the even-numbered year in which negotiations began only if the*
36 *legislature, at a regular session or any special session that commences*
37 *before that date, makes an appropriation that is sufficient to give effect to*
38 *the provision; and*

39 *(b) Expires on June 30 of the next odd-numbered year.*

40 **Sec. 43. 1.** *During the regular session or any special session of the*
41 *legislature that commences before July 1 of the odd-numbered year*
42 *following the even-numbered year in which negotiations began, the*

1 *parties may agree, in writing, to revise or amend any provision of the*
2 *collective bargaining agreement that requires an appropriation from the*
3 *legislature to be given effect.*

4 *2. If the parties reach such an agreement, the parties shall submit the*
5 *agreement to the legislative counsel with sufficiently detailed information*
6 *to enable the legislative counsel to prepare any necessary legislative*
7 *measures.*

8 *3. If the legislature, in a bill passed at the regular or special session,*
9 *expressly approves the provision as revised or amended and makes an*
10 *appropriation that is sufficient to give effect to the provision as revised or*
11 *amended, the provision as revised or amended becomes effective and*
12 *expires at the same time as other provisions in the collective bargaining*
13 *agreement.*

14 **Sec. 44. 1.** *At any time after the legislature makes an*
15 *appropriation that is sufficient to give effect to a provision in a collective*
16 *bargaining agreement, whether or not the provision has become*
17 *effective, the legislature may, in a bill or concurrent resolution passed at*
18 *a regular or special session, suspend the operation of the provision in*
19 *whole or in part and for all or for some of its unexpired term.*

20 *2. If a provision is suspended pursuant to subsection 1, the parties*
21 *may agree, in writing during the regular or special session, to revise or*
22 *amend the suspended provision or any other provision of the collective*
23 *bargaining agreement for which an appropriation has been made by the*
24 *legislature, whether or not such a provision has been suspended.*

25 *3. If the parties reach such an agreement, the parties shall submit the*
26 *agreement to the legislative counsel with sufficiently detailed information*
27 *to enable the legislative counsel to prepare any necessary legislative*
28 *measures.*

29 *4. If the legislature, in a bill passed at the regular or special session,*
30 *expressly approves the provision as revised or amended and makes an*
31 *appropriation that is sufficient to give effect to the provision as revised or*
32 *amended, the provision as revised or amended becomes effective on the*
33 *date set in the bill and expires at the same time as other provisions in the*
34 *collective bargaining agreement.*

35 **Sec. 45. 1.** *Except as otherwise provided in this section, if any*
36 *provision of a collective bargaining agreement is in effect between the*
37 *executive department and a bargaining unit pursuant to sections 42, 43*
38 *and 44 of this act, the executive department and the exclusive*
39 *representative of the bargaining unit may engage in supplemental*
40 *bargaining concerning any terms and conditions of employment which*
41 *are peculiar to or which uniquely affect fewer than all the employees*
42 *within the bargaining unit if such supplemental terms and conditions of*
43 *employment:*

1 (a) Are not included in any provision of the collective bargaining
2 agreement then in effect between the executive department and the
3 bargaining unit; and

4 (b) Do not require an appropriation from the legislature to be given
5 effect.

6 2. The executive department and an exclusive representative may
7 engage in supplemental bargaining pursuant to subsection 1 for fewer
8 than all the employees within two or more bargaining units that the
9 exclusive representative represents if the requirements of subsection 1
10 are met for each such bargaining unit.

11 3. If the parties reach a supplemental bargaining agreement
12 pursuant to this section, the provisions of the supplemental bargaining
13 agreement:

14 (a) Must be in writing; and

15 (b) Shall be deemed to be incorporated into the provisions of each
16 collective bargaining agreement then in effect between the executive
17 department and the employees who are subject to the supplemental
18 bargaining agreement if the provisions of the supplemental bargaining
19 agreement do not conflict with the provisions of the collective bargaining
20 agreement.

21 4. If any provision of the supplemental bargaining agreement
22 conflicts with any provision of the collective bargaining agreement, the
23 provision of the supplemental bargaining agreement is void and the
24 provision of the collective bargaining agreement must be given effect.

25 5. The provisions of the supplemental bargaining agreement expire
26 at the same time as the other provisions of the collective bargaining
27 agreement into which they are incorporated.

28 6. The executive department and an exclusive representative may not
29 engage in supplemental bargaining pursuant to this section:

30 (a) In an even-numbered year, on or after the date on which the
31 executive department and the exclusive representative begin negotiations
32 pursuant to section 36 of this act concerning a collective bargaining
33 agreement; and

34 (b) In the following odd-numbered year, before July 1.

35 7. The executive department and an exclusive representative may,
36 during collective bargaining conducted pursuant to sections 36 to 44,
37 inclusive, of this act, negotiate and include in a collective bargaining
38 agreement any terms and conditions of employment that would otherwise
39 be within the scope of supplemental bargaining conducted pursuant to
40 this section.

1 **Sec. 46. 1. Except as otherwise provided in NRS 284.013:**

2 **(a) If any provision of a collective bargaining agreement conflicts**
3 **with any provision of NRS or a special act, the provision of the collective**
4 **bargaining agreement is void and must not be given effect, unless the**
5 **legislature expressly acknowledges the conflict and approves the**
6 **provision of the collective bargaining agreement in a bill or concurrent**
7 **resolution passed at a regular or special session; and**

8 **(b) If any provision of a supplemental bargaining agreement conflicts**
9 **with any provision of NRS or a special act, the provision of the**
10 **supplemental bargaining agreement is void and must not be given effect.**

11 **2. If any provision of a collective bargaining agreement or**
12 **supplemental bargaining agreement conflicts with any rule or regulation**
13 **adopted by an employer, the provision of the collective bargaining**
14 **agreement or supplemental bargaining agreement prevails and must be**
15 **given effect.**

16 **3. The provisions of a collective bargaining agreement or**
17 **supplemental bargaining agreement are severable. If any provision of a**
18 **collective bargaining agreement or supplemental bargaining agreement**
19 **is invalidated on its face or as applied, such invalidity does not affect the**
20 **other provisions of the agreement or the application of those provisions if**
21 **such other provisions can be given effect without the invalidated**
22 **provision.**

23 **Sec. 47. 1. It is a prohibited practice for the executive department**
24 **or its designated representative willfully to:**

25 **(a) Refuse to engage in collective bargaining or otherwise fail to**
26 **bargain in good faith with an exclusive representative, including, without**
27 **limitation, refusing to engage in mediation or arbitration.**

28 **(b) Interfere with, restrain or coerce an employee in the exercise of**
29 **any right guaranteed pursuant to sections 4 to 50, inclusive, of this act.**

30 **(c) Dominate, interfere with or assist in the formation or**
31 **administration of an employee organization.**

32 **(d) Discriminate in regard to hiring, tenure or any terms and**
33 **conditions of employment to encourage or discourage membership in an**
34 **employee organization.**

35 **(e) Discharge or otherwise discriminate against an employee because**
36 **the employee has:**

37 **(1) Signed or filed an affidavit, petition or complaint or has**
38 **provided any information or given any testimony pursuant to sections 4**
39 **to 50, inclusive, of this act; or**

40 **(2) Formed, joined or chosen to be represented by an employee**
41 **organization.**

42 **(f) Discriminate because of race, color, religion, sex, age, disability,**
43 **national origin, or political or personal reasons or affiliations.**

1 (g) Deny rights accompanying a designation as an exclusive
2 representative.

3 2. It is a prohibited practice for an employee organization or its
4 designated agent willfully to:

5 (a) When acting as an exclusive representative, refuse to engage in
6 collective bargaining or otherwise fail to bargain in good faith with the
7 executive department, including, without limitation, refusing to engage
8 in mediation or arbitration.

9 (b) Interfere with, restrain or coerce an employee in the exercise of
10 any right guaranteed pursuant to sections 4 to 50, inclusive, of this act.

11 (c) Discriminate because of race, color, religion, sex, age, disability,
12 national origin, or political or personal reasons or affiliations.

13 **Sec. 48. 1.** To establish that a party has committed a prohibited
14 practice in violation of section 47 of this act, the party aggrieved by the
15 practice must file a complaint with the board and must prove the
16 allegations contained in the complaint at a hearing conducted in
17 accordance with:

18 (a) The provisions of chapter 233B of NRS that apply to a contested
19 case; and

20 (b) The regulations adopted by the board.

21 2. If the board finds that the party accused in the complaint has
22 committed a prohibited practice, the board:

23 (a) Shall order the party to cease and desist from engaging in the
24 prohibited practice; and

25 (b) May order any other affirmative relief that is necessary to remedy
26 the prohibited practice.

27 3. The board may petition the district court for enforcement of its
28 orders.

29 4. Any order or decision issued by the board pursuant to this section
30 concerning the merits of a complaint is a final decision in a contested
31 case and may be appealed pursuant to the provisions of chapter 233B of
32 NRS that apply to a contested case, except that a party aggrieved by the
33 order or decision of the board must file a petition for judicial review not
34 later than 10 days after being served with the order or decision of the
35 board.

36 **Sec. 49. 1.** Except as otherwise provided by specific statute, an
37 employee organization and the executive department may sue or be sued
38 as an entity pursuant to sections 4 to 50, inclusive, of this act.

39 2. If any action or proceeding is brought by or against an employee
40 organization pursuant to sections 4 to 50, inclusive, of this act, the
41 district court for the county in which the employee organization

1 *maintains its principal office or the county in which the claim arose has*
2 *jurisdiction over any claim brought pursuant to sections 4 to 50,*
3 *inclusive, of this act.*

4 *3. A natural person and his assets are not subject to liability for any*
5 *judgment awarded pursuant to sections 4 to 50, inclusive, of this act*
6 *against the executive department or an employee organization.*

7 **Sec. 50.** *1. Except as otherwise provided in this section, a party*
8 *may seek judicial review in the district court of the decision of an*
9 *arbitrator made pursuant to section 39 of this act based upon*
10 *jurisdictional grounds or upon the grounds that the decision:*

11 *(a) Was procured by fraud, collusion or other similar unlawful*
12 *means; or*

13 *(b) Was not supported by competent, material and substantial*
14 *evidence on the whole record and based upon the factors set forth in*
15 *section 39 of this act.*

16 *2. If a party seeks judicial review pursuant to this section, the district*
17 *court may stay the contested portion of the decision of the arbitrator until*
18 *the court rules on the matter.*

19 *3. The district court may affirm or reverse the contested portion of*
20 *the decision of the arbitrator, in whole or in part, but the court may not*
21 *remand the matter to the arbitrator or require any additional fact-finding*
22 *or decision making by the arbitrator.*

23 *4. If the district court reverses any part of the contested portion of*
24 *the decision of the arbitrator, the court shall enter an order invalidating*
25 *that part of the decision of the arbitrator, and that part of the decision of*
26 *the arbitrator is void and must not be given effect.*

27 *5. A party may not seek judicial review of the decision of the*
28 *arbitrator pursuant to this section:*

29 *(a) In the same even-numbered year in which the decision of the*
30 *arbitrator was made; and*

31 *(b) In the following odd-numbered year, before July 1.*

32 **Sec. 51.** *NRS 288.020 is hereby amended to read as follows:*

33 *288.020 As used in ~~this chapter,~~ NRS 288.020 to 288.220, inclusive,*
34 *unless the context otherwise requires, the words and terms defined in NRS*
35 *288.025 to 288.075, inclusive, have the meanings ascribed to them in those*
36 *sections.*

37 **Sec. 52.** *NRS 288.110 is hereby amended to read as follows:*

38 *288.110 1. The board may make rules governing:*

39 *(a) Proceedings before it;*

40 *(b) Procedures for factfinding;*

41 *(c) The recognition of employee organizations; and*

42 *(d) The determination of bargaining units.*

1 2. The board may hear and determine any complaint arising out of the
2 interpretation of, or performance under, the provisions of ~~{this chapter}~~
3 **NRS 288.020 to 288.220, inclusive**, by any local government employer,
4 local government employee or employee organization. The board shall
5 conduct a hearing within 90 days after it decides to hear a complaint. The
6 board, after a hearing, if it finds that the complaint is well taken, may order
7 any person to refrain from the action complained of or to restore to the
8 party aggrieved any benefit of which he has been deprived by that action.
9 The board shall issue its decision within 120 days after the hearing on the
10 complaint is completed.

11 3. Any party aggrieved by the failure of any person to obey an order of
12 the board issued pursuant to subsection 2, or the board at the request of
13 such a party, may apply to a court of competent jurisdiction for a
14 prohibitory or mandatory injunction to enforce the order.

15 4. The board may not consider any complaint or appeal filed more
16 than 6 months after the occurrence which is the subject of the complaint or
17 appeal.

18 5. The board may decide without a hearing a contested matter:

19 (a) In which all of the legal issues have been previously decided by the
20 board, if it adopts its previous decision or decisions as precedent; or

21 (b) Upon agreement of all the parties.

22 6. The board may award reasonable costs, which may include
23 attorneys' fees, to the prevailing party.

24 **Sec. 53.** NRS 288.120 is hereby amended to read as follows:

25 288.120 1. For the purpose of hearing and deciding appeals or
26 complaints, the board may issue subpoenas requiring the attendance of
27 witnesses before it, together with all books, memoranda, papers and other
28 documents relative to the matters under investigation, administer oaths and
29 take testimony thereunder.

30 2. The district court in and for the county in which any hearing is
31 being conducted by the board may compel the attendance of witnesses, the
32 giving of testimony and the production of books and papers as required by
33 any subpoena issued by the board.

34 3. In case of the refusal of any witness to attend or testify or produce
35 any papers required by such subpoena, the board may report to the district
36 court in and for the county in which the hearing is pending by petition,
37 setting forth:

38 (a) That due notice has been given of the time and place of attendance
39 of the witness or the production of the books and papers;

40 (b) That the witness has been subpoenaed in the manner prescribed in

41 ~~{this chapter}~~; **NRS 288.020 to 288.220, inclusive**; and

1 (c) That the witness has failed and refused to attend or produce the
2 papers required by subpoena before the board in the hearing named in the
3 subpoena, or has refused to answer questions propounded to him in the
4 course of such hearing,
5 and asking an order of the court compelling the witness to attend and
6 testify or produce the books or papers before the board.

7 4. The court, upon petition of the board, shall enter an order directing
8 the witness to appear before the court at a time and place to be fixed by the
9 court in such order, the time to be not more than 10 days from the date of
10 the order, and then and there show cause why he has not attended or
11 testified or produced the books or papers before the board. A certified copy
12 of the order shall be served upon the witness. If it appears to the court that
13 the subpoena was regularly issued by the board, the court shall thereupon
14 enter an order that the witness appear before the board at the time and
15 place fixed in the order and testify or produce the required books or
16 papers, and upon failure to obey the order the witness shall be dealt with as
17 for contempt of court.

18 **Sec. 54.** NRS 288.140 is hereby amended to read as follows:

19 288.140 1. It is the right of every local government employee,
20 subject to the limitation provided in subsection 3, to join any employee
21 organization of his choice or to refrain from joining any employee
22 organization. A local government employer shall not discriminate in any
23 way among its employees on account of membership or nonmembership in
24 an employee organization.

25 2. The recognition of an employee organization for negotiation,
26 pursuant to ~~{this chapter,}~~ *NRS 288.020 to 288.220, inclusive*, does not
27 preclude any local government employee who is not a member of that
28 employee organization from acting for himself with respect to any
29 condition of his employment, but any action taken on a request or in
30 adjustment of a grievance shall be consistent with the terms of an
31 applicable negotiated agreement, if any.

32 3. A police officer, sheriff, deputy sheriff or other law enforcement
33 officer may be a member of an employee organization only if such
34 employee organization is composed exclusively of law enforcement
35 officers.

36 **Sec. 55.** NRS 288.150 is hereby amended to read as follows:

37 288.150 1. Except as provided in subsection 4, every local
38 government employer shall negotiate in good faith through one or more
39 representatives of its own choosing concerning the mandatory subjects of
40 bargaining set forth in subsection 2 with the designated representatives of
41 the recognized employee organization, if any, for each appropriate
42 bargaining unit among its employees. If either party so requests,
43 agreements reached must be reduced to writing.

- 1 2. The scope of mandatory bargaining is limited to:
- 2 (a) Salary or wage rates or other forms of direct monetary
- 3 compensation.
- 4 (b) Sick leave.
- 5 (c) Vacation leave.
- 6 (d) Holidays.
- 7 (e) Other paid or nonpaid leaves of absence.
- 8 (f) Insurance benefits.
- 9 (g) Total hours of work required of an employee on each workday or
- 10 work week.
- 11 (h) Total number of days' work required of an employee in a work year.
- 12 (i) Discharge and disciplinary procedures.
- 13 (j) Recognition clause.
- 14 (k) The method used to classify employees in the bargaining unit.
- 15 (l) Deduction of dues for the recognized employee organization.
- 16 (m) Protection of employees in the bargaining unit from discrimination
- 17 because of participation in recognized employee organizations consistent
- 18 with the provisions of ~~[this chapter.]~~ **NRS 288.020 to 288.220, inclusive.**
- 19 (n) No-strike provisions consistent with the provisions of ~~[this chapter.]~~
- 20 **NRS 288.020 to 288.220, inclusive.**
- 21 (o) Grievance and arbitration procedures for resolution of disputes
- 22 relating to interpretation or application of collective bargaining
- 23 agreements.
- 24 (p) General savings clauses.
- 25 (q) Duration of collective bargaining agreements.
- 26 (r) Safety of the employee.
- 27 (s) Teacher preparation time.
- 28 (t) Materials and supplies for classrooms.
- 29 (u) The policies for the transfer and reassignment of teachers.
- 30 (v) Procedures for reduction in work force.
- 31 3. Those subject matters which are not within the scope of mandatory
- 32 bargaining and which are reserved to the local government employer
- 33 without negotiation include:
- 34 (a) Except as otherwise provided in paragraph (u) of subsection 2, the
- 35 right to hire, direct, assign or transfer an employee, but excluding the right
- 36 to assign or transfer an employee as a form of discipline.
- 37 (b) The right to reduce in force or lay off any employee because of lack
- 38 of work or lack of money, subject to paragraph (v) of subsection 2.
- 39 (c) The right to determine:
- 40 (1) Appropriate staffing levels and work performance standards,
- 41 except for safety considerations;
- 42 (2) The content of the workday, including , without limitation , work
- 43 load factors, except for safety considerations;

1 (3) The quality and quantity of services to be offered to the public;
2 and

3 (4) The means and methods of offering those services.

4 (d) Safety of the public.

5 4. Notwithstanding the provisions of any collective bargaining
6 agreement negotiated pursuant to ~~{this chapter,}~~ **NRS 288.020 to 288.220,**
7 **inclusive,** a local government employer is entitled to take whatever actions
8 may be necessary to carry out its responsibilities in situations of
9 emergency such as a riot, military action, natural disaster or civil disorder.
10 Those actions may include the suspension of any collective bargaining
11 agreement for the duration of the emergency. Any action taken under the
12 provisions of this subsection must not be construed as a failure to negotiate
13 in good faith.

14 5. The provisions of ~~{this chapter,}~~ **NRS 288.020 to 288.220,**
15 **inclusive,** including , without limitation , the provisions of this section,
16 recognize and declare the ultimate right and responsibility of the local
17 government employer to manage its operation in the most efficient manner
18 consistent with the best interests of all its citizens, its taxpayers and its
19 employees.

20 6. This section does not preclude, but ~~{this chapter,}~~ **NRS 288.020 to**
21 **288.220, inclusive,** does not require the local government employer to
22 negotiate subject matters enumerated in subsection 3 which are outside the
23 scope of mandatory bargaining. The local government employer shall
24 discuss subject matters outside the scope of mandatory bargaining but it is
25 not required to negotiate those matters.

26 7. Contract provisions presently existing in signed and ratified
27 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

28 **Sec. 56.** NRS 288.155 is hereby amended to read as follows:

29 288.155 Agreements entered into between local government
30 employers and employee organizations pursuant to ~~{this chapter,}~~ **NRS**
31 **288.020 to 288.220, inclusive,** may extend beyond the term of office of
32 any member or officer of the local government employer.

33 **Sec. 57.** NRS 288.180 is hereby amended to read as follows:

34 288.180 1. Whenever an employee organization desires to negotiate
35 concerning any matter which is subject to negotiation pursuant to ~~{this~~
36 ~~chapter,}~~ **NRS 288.020 to 288.220, inclusive,** it shall give written notice of
37 that desire to the local government employer. If the subject of negotiation
38 requires the budgeting of money by the local government employer, the
39 employee organization shall give notice on or before February 1.

40 2. Following the notification provided for in subsection 1, the
41 employee organization or the local government employer may request
42 reasonable information concerning any subject matter included in the
43 scope of mandatory bargaining which it deems necessary for and relevant

1 to the negotiations. The information requested must be furnished without
2 unnecessary delay. The information must be accurate, and must be
3 presented in a form responsive to the request and in the format in which
4 the records containing it are ordinarily kept. If the employee organization
5 requests financial information concerning a metropolitan police
6 department, the local government employers which form that department
7 shall furnish the information to the employee organization.

8 3. The parties shall promptly commence negotiations. As the first step,
9 the parties shall discuss the procedures to be followed if they are unable to
10 agree on one or more issues.

11 4. This section does not preclude, but ~~{this chapter does}~~ *the*
12 *provisions of NRS 288.020 to 288.220, inclusive, do* not require, informal
13 discussion between an employee organization and a local government
14 employer of any matter which is not subject to negotiation or contract
15 ~~{under this chapter.}~~ *pursuant to NRS 288.020 to 288.220, inclusive.* Any
16 such informal discussion is exempt from all requirements of notice or time
17 schedule.

18 **Sec. 58.** NRS 288.210 is hereby amended to read as follows:

19 288.210 1. For the purpose of investigating disputes, the factfinder
20 may issue subpoenas requiring the attendance of witnesses before him,
21 together with all books, memoranda, papers and other documents relative
22 to the matters under investigation, administer oaths and take testimony
23 thereunder.

24 2. The district court in and for the county in which any investigation is
25 being conducted by a factfinder may compel the attendance of witnesses,
26 the giving of testimony and the production of books and papers as required
27 by any subpoena issued by the factfinder.

28 3. In case of the refusal of any witness to attend or testify or produce
29 any papers required by such subpoena, the factfinder may report to the
30 district court in and for the county in which the investigation is pending by
31 petition, setting forth:

32 (a) That due notice has been given of the time and place of attendance
33 of the witness or the production of the books and papers;

34 (b) That the witness has been subpoenaed in the manner prescribed in
35 ~~{this chapter.}~~ *NRS 288.020 to 288.220, inclusive;*

36 (c) That the witness has failed and refused to attend or produce the
37 papers required by subpoena before the factfinder in the investigation
38 named in the subpoena, or has refused to answer questions propounded to
39 him in the course of such investigation,
40 and asking an order of the court compelling the witness to attend and
41 testify or produce the books or papers before the factfinder.

42 4. The court, upon petition of the factfinder, shall enter an order
43 directing the witness to appear before the court at a time and place to be

1 fixed by the court in such order, the time to be not more than 10 days from
2 the date of the order, and then and there show cause why he has not
3 attended or testified or produced the books or papers before the factfinder.
4 A certified copy of the order shall be served upon the witness. If it appears
5 to the court that the subpoena was regularly issued by the factfinder, the
6 court shall thereupon enter an order that the witness appear before the
7 factfinder at the time and place fixed in the order and testify or produce the
8 required books or papers, and upon failure to obey the order the witness
9 shall be dealt with as for contempt of court.

10 **Sec. 59.** NRS 288.220 is hereby amended to read as follows:

11 288.220 The following proceedings, required by or pursuant to ~~this~~
12 ~~chapter,~~ **NRS 288.020 to 288.220, inclusive**, are not subject to any
13 provision of NRS which requires a meeting to be open or public:

14 1. Any negotiation or informal discussion between a local government
15 employer and an employee organization or employees as individuals,
16 whether conducted by the governing body or through a representative or
17 representatives.

18 2. Any meeting of a mediator with either party or both parties to a
19 negotiation.

20 3. Any meeting or investigation conducted by a factfinder.

21 4. Any meeting of the governing body of a local government employer
22 with its management representative or representatives.

23 5. Deliberations of the board toward a decision on a complaint, appeal
24 or petition for declaratory relief.

25 **Sec. 60.** NRS 288.270 is hereby amended to read as follows:

26 288.270 1. It is a prohibited practice for a local government
27 employer or its designated representative willfully to:

28 (a) Interfere, restrain or coerce any employee in the exercise of any
29 right guaranteed under ~~this chapter,~~ **NRS 288.020 to 288.220, inclusive**.

30 (b) Dominate, interfere or assist in the formation or administration of
31 any employee organization.

32 (c) Discriminate in regard to hiring, tenure or any term or condition of
33 employment to encourage or discourage membership in any employee
34 organization.

35 (d) Discharge or otherwise discriminate against any employee because
36 he has signed or filed an affidavit, petition or complaint or given any
37 information or testimony ~~under this chapter,~~ **pursuant to NRS 288.020 to**
38 **288.220, inclusive**, or because he has formed, joined or chosen to be
39 represented by any employee organization.

40 (e) Refuse to bargain collectively in good faith with the exclusive
41 representative as required in NRS 288.150. Bargaining collectively
42 includes the entire bargaining process, including mediation and

1 factfinding, provided for in ~~{this chapter.}~~ *NRS 288.020 to 288.220,*
2 *inclusive.*

3 (f) Discriminate because of race, color, religion, sex, age, physical or
4 visual handicap, national origin or because of political or personal reasons
5 or affiliations.

6 (g) Fail to provide the information required by NRS 288.180.

7 2. It is a prohibited practice for a local government employee or for an
8 employee organization or its designated agent willfully to:

9 (a) Interfere with, restrain or coerce any employee in the exercise of any
10 right guaranteed under ~~{this chapter.}~~ *NRS 288.020 to 288.220, inclusive.*

11 (b) Refuse to bargain collectively in good faith with the local
12 government employer, if it is an exclusive representative, as required in
13 NRS 288.150. Bargaining collectively includes the entire bargaining
14 process, including mediation and factfinding, provided for in ~~{this chapter.}~~
15 *NRS 288.020 to 288.220, inclusive.*

16 (c) Discriminate because of race, color, religion, sex, age, physical or
17 visual handicap, national origin or because of political or personal reasons
18 or affiliations.

19 (d) Fail to provide the information required by NRS 288.180.

20 **Sec. 61.** NRS 62.1266 is hereby amended to read as follows:

21 62.1266 1. The board of county commissioners may provide for the
22 appointment of one or more probation officers and assistant probation
23 officers and such other employees as may be necessary to carry out the
24 duties of the department.

25 2. Probation officers, assistant probation officers and other employees
26 authorized pursuant to this section are employees of the county, subject to
27 the provisions of the merit personnel system unless exempt pursuant to
28 NRS 245.216, and are local government employees for the purposes of
29 ~~{chapter 288 of NRS.}~~ *NRS 288.020 to 288.220, inclusive.* Probation
30 officers, assistant probation officers and other employees hired before the
31 effective date of the ordinance establishing the department may be
32 dismissed only for cause.

33 3. All information obtained in the discharge of duty by a probation
34 officer, assistant probation officer or other employee of the department is
35 privileged and must not be disclosed to any person other than the director
36 of the department, the judges and the employees of the judicial district,
37 such officers, employees and agents of the district court as the judges of
38 the judicial district direct and other persons entitled pursuant to this chapter
39 to receive that information, unless otherwise authorized by the director of
40 the department.

41 **Sec. 62.** NRS 245.210 is hereby amended to read as follows:

42 245.210 1. The board of county commissioners of each of the
43 several counties shall, by ordinance or agreement pursuant to ~~{chapter 288}~~

1 ~~of NRS,]~~ **NRS 288.020 to 288.220, inclusive**, provide for annual, sick and
2 disability leave for elected and appointed county officers and county
3 employees. The provisions of such an ordinance or agreement may be
4 more restrictive but not more extensive than the provisions set forth in this
5 section.

6 2. The ordinance or agreement must include provisions in substance as
7 follows:

8 (a) A provision that all elected and appointed officers and employees
9 are entitled to annual leave with pay of 1 1/4 working days for each month
10 of service, which may be cumulative from year to year not to exceed 30
11 working days.

12 (b) A provision that the board of county commissioners may by order
13 provide for additional annual leave for long-term appointed officers and
14 employees and for prorated annual leave for part-time employees.

15 (c) A provision that if an appointed officer or employee dies and was
16 entitled to accumulated annual leave under the provisions of the ordinance,
17 the heirs of the deceased officer or employee who are given priority to
18 succeed to his assets under the laws of intestate succession of this state, or
19 the executor or administrator of his estate, upon submitting satisfactory
20 proof to the board of county commissioners of their entitlement, are
21 entitled to be paid an amount of money equal to the number of days earned
22 or accrued annual leave multiplied by the daily salary or wages of the
23 deceased officer or employee.

24 (d) A provision that an elected county officer must not be paid for
25 accumulated annual leave upon termination of his service.

26 (e) A provision that during the first 6 months of employment of any
27 appointed officer or employee, annual leave accrues as provided in
28 paragraph (a), but annual leave must not be taken during this period.

29 (f) A provision that an appointed officer or employee must not be paid
30 for accumulated annual leave upon termination of employment unless he
31 has been employed for 6 months or more.

32 (g) A provision that all elected and appointed officers and employees
33 are entitled to sick and disability leave with pay of 1 1/4 working days for
34 each month of service, which may be cumulative from year to year.

35 (h) A provision that the board of county commissioners may by order
36 provide for additional sick and disability leave for long-term employees
37 and for prorated sick and disability leave for part-time employees.

38 (i) A provision that any appointed officer or employee may be granted a
39 leave of absence without pay.

40 3. Such an ordinance or agreement may include a provision that upon
41 termination of employment, retirement or death all elected and appointed
42 officers and employees are entitled to payment for their unused sick leave
43 at their rate of salary at the time of termination, retirement or death.

- 1 4. Such an ordinance or agreement may include a provision that
- 2 elected and appointed county officers and employees may donate portions
- 3 of their accumulated annual and sick leave to other elected and appointed
- 4 county

1 officers and employees. If such a provision is adopted, donated time must
2 be converted into money at the hourly rate of salary of the donor and the
3 money must be converted into sick leave at the hourly rate of salary of the
4 recipient.

5 **Sec. 63.** NRS 245.211 is hereby amended to read as follows:

6 245.211 1. The board of county commissioners of any county may
7 establish, by contract or otherwise, and administer a disability pension plan
8 or disability insurance program for the benefit of the county sheriff, any
9 sheriff's deputy or fireman who is disabled, to any degree, by an injury
10 arising out of and in the course of his employment.

11 2. The board of county commissioners may adopt ordinances, rules,
12 regulations, policies and procedures necessary to establish and administer
13 the plan or program specified in subsection 1.

14 3. If a county elects to consider implementation of a plan or program
15 specified in subsection 1, or to change the benefits provided by an existing
16 plan or program, the persons affected by the proposed plan or program, or
17 proposed change, may negotiate with the county concerning the nature and
18 extent of such plan, program or change. ~~[Chapter 288 of NRS shall]~~ **The**
19 **provisions of NRS 288.020 to 288.220, inclusive,** apply to negotiations for
20 this purpose.

21 4. The plan or program authorized by this section shall be
22 supplemental or in addition to and not in conflict with the coverage,
23 compensation, benefits or procedure established by or adopted pursuant to
24 chapters 616A to 616D, inclusive, of NRS.

25 5. The benefits provided for in this section are supplemental to other
26 benefits an employee is entitled to receive on account of the same
27 disability. In no event shall the benefits provided for in this section, when
28 added to benefits provided for or purchased by the expenditure of public
29 moneys, exceed the maximum amount of benefits an employee is entitled
30 to receive if he has been a member of the department or agency for 10
31 years or more.

32 **Sec. 64.** NRS 245.215 is hereby amended to read as follows:

33 245.215 1. The board of county commissioners shall adopt
34 regulations for any merit personnel system established pursuant to the
35 provisions of NRS 245.213 to 245.216, inclusive. The regulations must
36 provide:

37 (a) For the classification of all county positions, not exempt from the
38 merit personnel system, based on the duties, authority and responsibility of
39 each position, with adequate provision for reclassification of any position
40 whatsoever whenever warranted by changed circumstances.

41 (b) A pay plan for all county employees, including exempt employees
42 other than elected officers that are covered in other provisions of NRS or
43 by special legislative act.

1 (c) Policies and procedures for regulating reduction in force and the
2 removal of employees.

3 (d) Hours of work, attendance regulations and provisions for sick and
4 vacation leave.

5 (e) Policies and procedures governing persons holding temporary or
6 provisional appointments.

7 (f) Policies and procedures governing relationships with employees and
8 employee organizations.

9 (g) Policies concerning employee training and development.

10 (h) Grievance procedures.

11 (i) Other policies and procedures necessary for the administration of a
12 merit personnel system.

13 2. Regulations adopted pursuant to this section for a merit personnel
14 system established by a board of county commissioners pursuant to
15 subsection 2 of NRS 245.213 must not exempt any employees other than
16 those who are specifically exempted from such a merit personnel system
17 pursuant to NRS 245.216.

18 3. In the event of a conflict between the policies and procedures
19 adopted pursuant to this section and the provisions of a collective
20 bargaining agreement entered into pursuant to ~~chapter 288 of NRS,~~ **NRS**
21 **288.020 to 288.220, inclusive**, the provisions of the agreement prevail.

22 **Sec. 65.** NRS 268.406 is hereby amended to read as follows:

23 268.406 1. The governing board of any incorporated city may
24 establish, by contract or otherwise, and administer a disability pension plan
25 or disability insurance program for the benefit of any city police officer or
26 fireman who is disabled, to any degree, by an injury arising out of and in
27 the course of his employment.

28 2. The governing board may adopt ordinances, rules, regulations,
29 policies and procedures necessary to establish and administer the plan or
30 program specified in subsection 1.

31 3. If an incorporated city elects to consider implementation of a plan
32 or program specified in subsection 1, or to change the benefits provided by
33 an existing plan or program, the persons affected by the proposed plan or
34 program, or proposed change, may negotiate with the city concerning the
35 nature and extent of such plan, program or change. ~~Chapter 288 of NRS~~
36 **The provisions of NRS 288.020 to 288.220, inclusive**, shall apply to
37 negotiations for this purpose.

38 4. The plan or program authorized by this section shall be
39 supplemental or in addition to and not in conflict with the coverage,
40 compensation, benefits or procedure established by or adopted pursuant to
41 chapters 616A to 616D, inclusive, of NRS.

1 5. The benefits provided for in this section are supplemental to other
2 benefits an employee is entitled to receive on account of the same
3 disability. In no event shall the benefits provided for in this section, when
4 added to benefits provided for or purchased by the expenditure of public
5 moneys, exceed the maximum amount of benefits an employee is entitled
6 to receive if he has been a member of the department or agency for 10
7 years or more.

8 **Sec. 66.** NRS 280.305 is hereby amended to read as follows:

9 280.305 1. The committee may establish, by contract or otherwise,
10 and administer a disability pension plan or disability insurance program for
11 the benefit of any police officer of the department who is disabled, to any
12 degree, by an injury arising out of and in the course of his employment.
13 The cost of the plan or program may be charged, in whole or in part,
14 against the annual operating budget for the department.

15 2. The committee may adopt rules, policies and procedures necessary
16 to establish and administer the plan or program specified in subsection 1.

17 3. If the committee elects to consider implementation of a plan or
18 program specified in subsection 1, or to change the benefits provided by an
19 existing plan or program, the persons affected by the proposed plan or
20 program, or proposed change, may negotiate with:

21 (a) The committee or two or more persons designated by it; and

22 (b) The sheriff or a person designated by him,

23 concerning the nature and extent of the plan, program or change. ~~{Chapter~~
24 ~~288 of NRS applies}~~ ***The provisions of NRS 288.020 to 288.220,***
25 ***inclusive, apply*** to negotiations for this purpose.

26 4. The plan or program authorized by this section must be
27 supplemental or in addition to and not in conflict with the coverage,
28 compensation, benefits or procedure established by or adopted pursuant to
29 chapters 616A to 616D, inclusive, of NRS.

30 5. The benefits provided for in this section are supplemental to other
31 benefits an employee is entitled to receive on account of the same
32 disability. In no event may the benefits provided for in this section, when
33 added to benefits provided for or purchased by the expenditure of public
34 money, exceed the maximum amount of benefits an employee is entitled to
35 receive if he has been a member of the department or agency for 10 years
36 or more.

37 **Sec. 67.** NRS 280.320 is hereby amended to read as follows:

38 280.320 1. A department is a local government employer for the
39 purpose of the Local Government Employee-Management Relations Act
40 and a public employer for the purpose of the Public Employees'
41 Retirement Act.

42 2. In negotiations arising ~~{under}~~ ***pursuant to*** the provisions of
43 ~~{chapter 288 of NRS:}~~ ***NRS 288.020 to 288.220, inclusive:***

- 1 (a) The committee or two or more persons designated by it; and
- 2 (b) The sheriff or a person designated by him,
- 3 shall represent the department.

4 **Sec. 68.** Chapter 344 of NRS is hereby amended by adding thereto a
5 new section to read as follows:

6 *1. The superintendent may negotiate and make agreements with any*
7 *group or organization that represents composers, machine operators,*
8 *pressmen and assistants concerning the terms and conditions of*
9 *employment for those employees.*

10 *2. As used in this section, “terms and conditions of employment” has*
11 *the meaning ascribed to it in section 17 of this act.*

12 **Sec. 69.** NRS 344.080 is hereby amended to read as follows:

13 344.080 1. The superintendent shall employ such composers,
14 machine operators, pressmen and assistants as the exigency of the work
15 from time to time requires, and he may at any time discharge those
16 employees. He shall not, at any time, employ more composers, machine
17 operators, pressmen and assistants than the necessities of the division may
18 require.

19 2. ~~[The]~~ *Except as otherwise provided in NRS 284.013 and section 68*
20 *of this act, the* compensation of the composers, machine operators,
21 pressmen and assistants must be fixed by the department of personnel, but
22 no such employees are entitled to receive a higher rate of wages than is
23 recognized by the employing printers of the State of Nevada or than the
24 nature of the employment may require.

25 3. All clerical employees and such other persons as are employed for
26 work not directly related to the printing crafts must be in the classified
27 service of the state.

28 **Sec. 70.** NRS 353.230 is hereby amended to read as follows:

29 353.230 1. The chief shall review the estimates, altering, revising,
30 increasing or decreasing the items of the estimates as he may deem
31 necessary in view of the needs of the various departments, institutions and
32 agencies in the executive department of the state government and the total
33 anticipated income of the state government and of the various departments,
34 institutions and agencies of the executive department during the next fiscal
35 year. In performing the duties required by this subsection, the chief shall
36 use the projections and estimates prepared by the economic forum pursuant
37 to NRS 353.228.

38 2. The chief shall meet with a fiscal analyst of the legislative counsel
39 bureau or his designated representative and personnel of the various
40 departments, institutions and agencies of the executive department to
41 discuss:

- 42 (a) The budgetary requests of each department, institution and agency;
- 43 and

1 (b) The budgetary recommendations of the budget division for each
2 department, institution and agency,
3 for the next 2 fiscal years. The chief shall allow the fiscal analyst of the
4 legislative counsel bureau or his designated representative full access to all
5 materials connected with the review.

6 3. The chief shall then prepare a final version of the proposed budget,
7 in accordance with **section 41 of this act and** NRS 353.150 to 353.246,
8 inclusive, and shall deliver it to the governor. The final version of the
9 proposed budget must include **any requests for appropriations that are**
10 **required pursuant to section 41 of this act and** the adjusted base budget
11 for each department, institution and agency of the executive department,
12 the costs for continuing each program at the current level of service and
13 the costs, if any, for new programs, recommended enhancements of
14 existing programs or reductions for the departments, institutions and
15 agencies of the executive department for the next 2 fiscal years. All
16 projections of revenue and any other information concerning future state
17 revenue contained in the proposed budget must be based upon the
18 projections and estimates prepared by the economic forum pursuant to
19 NRS 353.228.

20 4. The governor **shall include in the proposed budget any requests for**
21 **appropriations that are required pursuant to section 41 of this act and**
22 shall transmit the proposed budget to the legislature not later than the ~~10th~~
23 ~~day of the regular legislative session.~~ **date set forth in section 2 of article**
24 **4 of the constitution of this state.** The governor shall simultaneously
25 submit, as a separate document:

26 (a) An analysis of any new programs or enhancements of existing
27 programs being recommended; and

28 (b) Any increase in or new revenues which are being recommended in
29 the proposed budget.

30 The document must specify the total cost by department, institution or
31 agency of new programs or enhancements, but need not itemize the
32 specific costs. All projections of revenue and any other information
33 concerning future state revenue contained in the document must be based
34 upon the projections and estimates prepared by the economic forum
35 pursuant to NRS 353.228.

36 5. On or before the 19th calendar day of the regular legislative session,
37 the governor shall submit to the legislative counsel recommendations for
38 each legislative measure which will be necessary to carry out the final
39 version of the proposed budget. These recommendations must contain
40 sufficient detailed information to enable the legislative counsel to prepare
41 the necessary legislative measures.

42 6. During the consideration of the general appropriation bill and any
43 special appropriation bills and bills authorizing budgeted expenditures by

1 the departments, institutions and agencies operating on money designated
2 for specific purposes by the constitution or otherwise, drafted at the request
3 of the legislature upon the recommendations submitted by the governor
4 with the proposed budget, the governor or his representative have the right
5 to appear before and be heard by the appropriation committees of the
6 legislature in connection with the appropriation bill or bills, and to render
7 any testimony, explanation or assistance required of him.

8 **Sec. 71.** NRS 354.6241 is hereby amended to read as follows:

9 354.6241 1. The statement required by paragraph (c) of subsection 4
10 of NRS 354.624 must indicate for each fund set forth in that paragraph:

11 (a) Whether the fund is being used in accordance with the provisions of
12 this chapter.

13 (b) Whether the fund is being administered in accordance with
14 generally accepted accounting procedures.

15 (c) Whether the reserve in the fund is limited to an amount that is
16 reasonable and necessary to carry out the purposes of the fund.

17 (d) The sources of revenues available for the fund during the fiscal year,
18 including transfers from any other funds.

19 (e) The statutory and regulatory requirements applicable to the fund.

20 (f) The balance and retained earnings of the fund.

21 2. To the extent that the reserve in any fund set forth in paragraph (c)
22 of subsection 4 of NRS 354.624 exceeds the amount that is reasonable and
23 necessary to carry out the purposes for which the fund was created, the
24 reserve may be expended by the local government pursuant to the
25 provisions of ~~{chapter 288 of NRS,}~~ **NRS 288.020 to 288.220, inclusive.**

26 **Sec. 72.** NRS 391.180 is hereby amended to read as follows:

27 391.180 1. As used in this section, “employee” means any employee
28 of a school district or charter school in this state.

29 2. A school month in any public school in this state consists of 4
30 weeks of 5 days each.

31 3. Nothing contained in this section prohibits the payment of
32 employees’ compensation in 12 equal monthly payments for 9 or more
33 months’ work.

34 4. The per diem deduction from the salary of an employee because of
35 absence from service for reasons other than those specified in this section
36 is that proportion of the yearly salary which is determined by the ratio
37 between the duration of the absence and the total number of contracted
38 work days in the year.

39 5. Boards of trustees shall either prescribe by regulation or negotiate
40 pursuant to ~~{chapter 288 of NRS,}~~ **NRS 288.020 to 288.220, inclusive,**
41 with respect to sick leave, accumulation of sick leave, payment for unused
42 sick leave, sabbatical leave, personal leave, professional leave, military

1 leave and such other leave as they determine to be necessary or desirable
2 for employees.

3 6. The salary of any employee unavoidably absent because of personal
4 illness or accident, or because of serious illness, accident or death in the
5 family, may be paid up to the number of days of sick leave accumulated by
6 the employee. An employee may not be credited with more than 15 days of
7 sick leave in any 1 school year. Except as otherwise provided in this
8 subsection, if an employee takes a position with another school district or
9 charter school, all sick leave that he has accumulated must be transferred
10 from his former school district or charter school to his new school district
11 or charter school. The amount of sick leave so transferred may not exceed
12 the maximum amount of sick leave which may be carried forward from
13 one year to the next according to the applicable negotiated agreement or
14 the policy of the district or charter school into which the employee
15 transferred. Unless the applicable negotiated agreement or policy of the
16 employing district or charter school provides otherwise, such an employee:

17 (a) Shall first use the sick leave credited to the employee from the
18 district or charter school into which he transferred before using any of the
19 transferred leave; and

20 (b) Is not entitled to compensation for any sick leave transferred
21 pursuant to this subsection.

22 7. Subject to the provisions of subsection 8:

23 (a) If an intermission of less than 6 days is ordered by the board of
24 trustees of a school district or the governing body of a charter school for
25 any good reason, no deduction of salary may be made therefor.

26 (b) If, on account of sickness, epidemic or other emergency in the
27 community, a longer intermission is ordered by the board of trustees of a
28 school district, the governing body of a charter school or a board of health
29 and the intermission or closing does not exceed 30 days at any one time,
30 there may be no deduction or discontinuance of salaries.

31 8. If the board of trustees of a school district or the governing body of
32 a charter school orders an extension of the number of days of school to
33 compensate for the days lost as the result of an intermission because of
34 those reasons contained in paragraph (b) of subsection 7, an employee
35 may be required to render his services to the school district or charter
36 school during that extended period. If the salary of the employee was
37 continued during the period of intermission as provided in subsection 7,
38 the employee is not entitled to additional compensation for services
39 rendered during the extended period.

40 9. If any subject referred to in this section is included in an agreement
41 or contract negotiated by:

42 (a) The board of trustees of a school district pursuant to ~~chapter 288 of~~
43 ~~NRS;~~ **NRS 288.020 to 288.220, inclusive;** or

1 (b) The governing body of a charter school pursuant to NRS 386.595,
2 the provisions of the agreement or contract regarding that subject
3 supersede any conflicting provisions of this section or of a regulation of
4 the board of trustees.

5 **Sec. 73.** NRS 391.3116 is hereby amended to read as follows:

6 391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, do
7 not apply to a teacher, administrator, or other licensed employee who has
8 entered into a contract with the board negotiated pursuant to ~~chapter 288~~
9 ~~of NRS~~ **NRS 288.020 to 288.220, inclusive**, if the contract contains
10 separate provisions relating to the board's right to dismiss or refuse to
11 reemploy the employee or demote an administrator.

12 **Sec. 74.** Section 11 of chapter 227, Statutes of Nevada 1975, as last
13 amended by chapter 564, Statutes of Nevada 1989, at page 1197, is hereby
14 amended to read as follows:

15 Sec. 11. 1. The Board shall submit its proposed annual
16 budget for the Authority in the manner set forth in NRS 354.470 to
17 354.626, inclusive.

18 2. In addition to powers elsewhere conferred, the Board, on
19 behalf of the Authority, may:

20 (a) Establish, construct, purchase, lease, enter into a lease
21 purchase agreement respecting, acquire by gift, grant, bequest,
22 devise or otherwise, reconstruct, improve, extend, better, alter,
23 repair, equip, furnish, regulate, maintain, operate and manage
24 convention, exhibit and auditorium facilities, including personal
25 property and real property, appurtenant thereto or used in
26 connection therewith, and every estate, interest and right, legal or
27 equitable, therein.

28 (b) Insure or provide for the insurance of any facility and of the
29 Board and its officers, employees and agents against such risks and
30 hazards as the Board may deem advisable, without thereby waiving
31 any immunity granted by law.

32 (c) Arrange or contract for the furnishing by any person or
33 agency, public or private, of services, privileges, works, food,
34 beverages, alcoholic beverages or facilities for or in connection
35 with a facility, hire and retain officers, agents and employees,
36 including a fiscal adviser, engineers, attorneys or other professional
37 or specialized personnel.

38 (d) Direct the board of county commissioners or the board of
39 supervisors of the City of Elko, and the governing body of any
40 other political subdivision within the boundaries of the Authority,
41 with the concurrence of that board or body, to acquire by the
42 exercise of the power of eminent domain any real property which
43 the Board deems necessary for its purposes, after the adoption by

1 the Board of a resolution declaring such acquisition necessary for
2 its purposes. This power must be exercised in the manner provided
3 by any applicable statutory provisions and laws of the State of
4 Nevada. Title to property so acquired must be taken in the name of
5 the Authority.

6 (e) Sell, lease, exchange, transfer, assign or otherwise dispose of
7 any real or personal property, or any interest therein acquired for
8 the purpose of this act, including the lease of any facility acquired
9 by the Authority which is to be operated and maintained as a public
10 project and convention, auditorium or exhibit facility.

11 (f) Fix, and from time to time increase or decrease, rates, tolls,
12 rents or charges for services or facilities furnished in connection
13 with any facility and take such action as necessary or desirable to
14 effect their collection.

15 (g) Receive, control, invest and order the expenditure of money
16 pertaining to any facility or related properties, including , but not
17 limited to annual , grants from the Federal Government, the state,
18 the county and incorporated cities in the county for capital
19 improvements for facilities.

20 (h) Enter into contracts, leases or other arrangements for
21 commercial advertising purposes with any person or government.

22 (i) Exercise all or any part or combination of the powers granted
23 in this act to the Authority, except as otherwise provided in this act.

24 (j) Sue and be sued.

25 (k) Perform other acts necessary, convenient, desirable or
26 appropriate to carry out the purposes and provisions of this act.

27 (l) Engage in the sale and dispensing of alcoholic beverages in
28 connection with activities conducted in connection with the facility,
29 operate a bar in connection therewith and obtain all necessary
30 licenses and permits and provide any bonds or security necessary or
31 advisable.

32 (m) Engage in the preparation, sale, serving and dispensing of
33 food and beverages in connection with the facilities and activities
34 conducted in connection therewith.

35 (n) Provide security for all authorized facilities and activities by
36 means of security guards, burglar alarm systems, fire alarm systems
37 and other modern methods of protection and detection, with all
38 materials, supplies and equipment incidental thereto.

39 (o) Use or make available all facilities of the Authority or any
40 portion thereof for any event, activity, meeting, convention,
41 entertainment, promotions, party or other purpose approved by the
42 Board, with or without charge, as determined by the Board.

43 (p) Sell, or cause to be sold, promotional items.

1 3. The Board, in addition to the other powers conferred upon
2 it, may:

3 (a) Set aside a fund in an amount which it considers necessary,
4 which may be expended in the discretion of the Board for the
5 purpose of promoting or attracting conventions, meetings and like
6 gatherings which will utilize the facilities of the Authority. Such an
7 expenditure shall be deemed to be made for a public purpose.

8 (b) Solicit and promote tourism generally, individually and
9 through annual grants to chambers of commerce, convention
10 authorities and other convention generating entities, and further
11 promote generally the use of its facilities, pursuant to lease
12 agreements, by organized groups or by the general public for the
13 holding of conventions, expositions, trade shows, entertainment,
14 sporting events, cultural activities or similar uses reasonably
15 calculated to produce revenue for the Authority, and to enhance the
16 general economy. Such promotion may include advertising the
17 facilities under control of the Board and the resources of the
18 community or area, including without restriction tourist
19 accommodations, transportation, entertainment and climate.

20 (c) Enter into contracts for advertising and pay the cost thereof,
21 including reasonable commissions.

22 (d) Authorize the expenditure of money subject to its control
23 and derived from any source within its jurisdiction and authority,
24 regardless of any purported limitations thereon incident to any
25 transfer or remittance to the Board of the proceeds of any license
26 tax or other money collected by any political subdivision, but
27 subject to all valid contractual or statutory restrictions which may
28 apply to any such money or remittances or to the use or disposition
29 thereof.

30 (e) Borrow money or accept contributions, grants or other
31 financial assistance from the Federal Government or any agency or
32 instrumentality thereof, for use in furtherance of any of the
33 authorized purposes of the Authority and meet and comply with
34 any conditions imposed thereon, which are within the authority or
35 discretion of the Board.

36 (f) Appoint an executive director, the Authority treasurer, the
37 auditor for the Authority, assistants to officers and establish such
38 other offices and appoint such other officers as it deems necessary.
39 All appointive officers serve at the pleasure of the Board and shall
40 perform such duties as may be designated by the Board and are
41 entitled to receive a salary set by the Board. The Board shall, by
42 agreement pursuant to ~~chapter 288 of NRS,~~ **NRS 288.020 to**

43 **288.220, inclusive,** or by resolution, set the annual, sick and

1 disability leave, salary or wages, pensions, insurance and other
2 benefits for appointed and hired Authority officers and employees.

3 4. Any contracts, leases, franchises or other transactions
4 authorized or executed by the Board are not affected by the fact
5 that the term of office of any or all of its members may expire
6 before completion of the transaction authorized.

7 5. When any member of the Board or officer or employee of
8 the Authority travels for the transaction of business of the
9 Authority, the Board may pay him the actual expenses necessary
10 for such travel, including travel expenses, room, board, gratuities,
11 car rental, telephone, taxi fares and any other expense reasonably
12 incurred in connection with such travel. Travel fares must be the
13 amount charged by public conveyance unless the Board determines
14 that travel by private conveyance is more economical, or travel by
15 public conveyance is impractical or unavoidable over any of the
16 routes to be traveled. The Board may allow for traveling by private
17 conveyance an amount not to exceed the maximum allowance per
18 mile for travel by private conveyance by state officers and
19 employees specified in NRS 281.160.

20 **Sec. 75.** Section 29 of chapter 474, Statutes of Nevada 1977, as last
21 amended by chapter 155, Statutes of Nevada 1991, at page 293, is hereby
22 amended to read as follows:

23 Sec. 29. The authority, by action of the board, may adopt its
24 own plan of civil service to be administered by the board. The plan
25 must include, but need not be limited to, the following provisions:

- 26 1. Entry into the service on the basis of open competition.
- 27 2. Service, promotions and remuneration on the basis of merit,
28 efficiency and fitness.
- 29 3. Classifications of the positions in the service.
- 30 4. The rating of candidates on the basis of publicly announced
31 competitive examinations and the maintenance of lists of eligible
32 candidates.
- 33 5. Employment of candidates from the eligible lists in the
34 highest qualified rating.
- 35 6. Probationary periods not to exceed 12 months.
- 36 7. Disciplinary action, suspension or discharge of employees
37 for cause only with the right of notice and review.
- 38 8. Schedules of compensation and increases in pay prepared by
39 the board.
- 40 9. Promotion on the basis of ascertained merit, seniority in
41 service and competitive examinations.
- 42 10. Provision for keeping service records on all employees.

1 11. Regulations for hours of work, attendance, holidays, leaves
2 of absence and transfers.

3 12. Procedures for layoffs, discharge, suspension, discipline
4 and reinstatement.

5 13. The exemption from civil service of managers, supervisors,
6 except those supervisors covered by an agreement negotiated
7 pursuant to ~~chapter 288 of NRS,~~ **NRS 288.020 to 288.220,**
8 **inclusive,** deputy directors, the executive director, persons
9 employed to render professional, scientific, technical or expert
10 service, persons providing services of a temporary or exceptional
11 character, persons employed on projects paid from the proceeds of
12 bonds issued by the authority and persons employed for a period of
13 less than 3 months in any 12-month period.

14 14. Review by the board, at the request of the employee in
15 question and after notice and hearing, of any disciplinary action,
16 suspension or discharge of any employee, which action, suspension
17 or discharge may be affirmed, modified or reversed by the board.
18 The decision of the board is a final decision in a contested case for
19 the purpose of judicial review. An employee may appeal the
20 decision of the board to a district court within the time limits and in
21 the manner provided by law for the appeal of administrative
22 decisions of state agencies.

23 **Sec. 76.** Section 2.330 of the charter of Carson City, being chapter
24 690, Statutes of Nevada 1979, at page 1857, is hereby amended to read as
25 follows:

26 Sec. 2.330 Employees: Merit personnel system.

27 1. The board of supervisors shall establish a merit personnel
28 system for all employees of Carson City except those exempted
29 under the provisions of subsection 4.

30 2. The board of supervisors shall administer this section
31 through the adoption of appropriate regulations which shall provide
32 for:

33 (a) The classification of all positions, not exempt from the merit
34 personnel system, based on the duties, authority and responsibility
35 of each position, with adequate provision for reclassification of any
36 position whatsoever whenever warranted by changed
37 circumstances.

38 (b) A pay plan for all employees, including exempt employees
39 other than elected officers that are covered in NRS 245.043.

40 (c) Policies and procedures for regulating reduction in force and
41 the removal of employees.

42 (d) Hours of work, attendance regulations and provisions for
43 sick and vacation leave.

1 (e) Policies and procedures governing persons holding
2 temporary or provisional appointments.

3 (f) Policies and procedures governing relationships with
4 employees and employee organizations.

5 (g) Policies concerning employee training and development.

6 (h) Grievance procedures.

7 (i) Other policies and procedures necessary for the
8 administration of a merit personnel system.

9 3. In the event of a conflict between the policies and
10 procedures adopted pursuant to this section and the provisions of a
11 collective bargaining agreement entered into pursuant to ~~chapter~~
12 ~~288 of NRS,~~ **NRS 288.020 to 288.220, inclusive**, the provisions of
13 the agreement prevail.

14 4. There are exempted from the provisions of this section:

15 (a) The manager and all department heads, elected or appointed;

16 (b) All deputy district attorneys;

17 (c) Not more than five supervisory deputy sheriffs; and

18 (d) No more than two deputies each in the offices of the clerk,
19 the treasurer, the recorder, the assessor, and any other department
20 created by this charter or by ordinance.

21 **Sec. 77.** Section 9.030 of the charter of the City of North Las Vegas,
22 being chapter 324, Statutes of Nevada 1987, at page 744, is hereby
23 amended to read as follows:

24 Sec. 9.030 Collective bargaining.

25 1. The city council shall recognize employee organizations for
26 the purpose of collective bargaining pursuant to ~~chapter 288 of~~
27 ~~NRS,~~ **NRS 288.020 to 288.220, inclusive**.

28 2. The city manager is responsible for and shall direct all
29 collective bargaining with recognized employee organizations. The
30 city manager may designate any administrative officer subject to
31 his direction and supervision as his representative for the purpose
32 of those negotiations.

33 3. Any agreement resulting from those negotiations must be
34 ratified by the city council before it is effective.

35 **Sec. 78.** NRS 288.010 is hereby repealed.

36 **Sec. 79.** As soon as practicable on or before July 1, 1999, the
37 members of the board for labor relations for state employees must be
38 appointed as follows:

39 1. One member appointed by the governor to an initial term that
40 begins on July 1, 1999, and ends on June 30, 2001.

41 2. One member appointed by the speaker of the assembly to an initial
42 term that begins on July 1, 1999, and ends on June 30, 2002.

1 3. One member appointed by the majority leader of the senate to an
2 initial term that begins on July 1, 1999, and ends on June 30, 2003.

3 **Sec. 80.** Notwithstanding any other provision of this act, an employee
4 organization may not be designated as the exclusive representative of a
5 bargaining unit pursuant to section 28 or 29 of this act before October 1,
6 1999.

7 **Sec. 81.** This act becomes effective on July 1, 1999.

TEXT OF REPEALED SECTION

288.010 Short title. This chapter may be cited as the Local
Government Employee-Management Relations Act.

~