

ASSEMBLY BILL NO. 371—ASSEMBLYMEN PARNELL, GIBBONS, DE BRAGA,
BACHE, SEGERBLOM, NEIGHBORS, LESLIE, ANDERSON, LEE, FREEMAN,
KOIVISTO, MCCLAIN AND CHOWNING

MARCH 3, 1999

Referred to Committee on Government Affairs

SUMMARY—Authorizes use of arbitration in adjustment of certain grievances of state employees.
(BDR 23-1164)

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

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

AN ACT relating to state employees; authorizing the use of arbitration in the adjustment of certain grievances; providing a process for the selection of an arbitration panel; 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 284.384 is hereby amended to read as follows:
2 284.384 1. The director shall propose, and the commission shall
3 adopt, regulations which provide for the adjustment of grievances for
4 which a hearing is not provided by NRS 284.165, 284.376 or 284.390.
5 Any grievance for which a hearing is not provided by NRS 284.165,
6 284.376 or 284.390 is subject to adjustment pursuant to this section.
7 2. The regulations must provide procedures for:
8 (a) Consideration and adjustment of the grievance within the agency in
9 which it arose.
10 (b) Submission *of the grievance by the employee* to the employee-
11 management committee *or an arbitrator* for a final decision if the
12 employee is still dissatisfied with the resolution of the dispute.
13 3. The regulations must include provisions for:

1 (a) Submitting each proposed resolution of a dispute which has a fiscal
2 effect to the budget division of the department of administration for a
3 determination by that division whether the resolution is feasible on the
4 basis of its fiscal effects; and

5 (b) Making the resolution binding.

6 4. Any grievance which is subject to adjustment pursuant to this
7 section may be ~~appealed~~ *submitted by the employee* to the employee-
8 management committee *or an arbitrator* for a final decision. *If a*
9 *grievance is submitted to an arbitrator:*

10 (a) *The arbitrator shall assess his costs to the losing party, unless the*
11 *arbitrator determines that a different assessment of costs is more*
12 *equitable; and*

13 (b) *Each party shall pay its own costs of the preparation and*
14 *presentation of its case.*

15 5. The employee may represent himself at any hearing regarding a
16 grievance which is subject to adjustment pursuant to this section or be
17 represented by an attorney or other person of the employee's own
18 choosing.

19 6. *The commission shall appoint an arbitration panel whose*
20 *members are authorized to make final decisions on grievances that are*
21 *submitted to an arbitrator pursuant to this section. To appoint such a*
22 *panel, the commission shall request from the American Arbitration*
23 *Association or the Federal Mediation and Conciliation Service a list of*
24 *seven potential arbitrators. If the commission and the organizations that*
25 *represent state employees in this state are unable to agree upon which*
26 *arbitration service to use, the Federal Mediation and Conciliation*
27 *Service must be used. The commission shall hold a hearing at which the*
28 *commission will hear objections to any of the seven potential arbitrators.*
29 *At the conclusion of the hearing, the commission shall appoint three*
30 *arbitrators to serve as members of an arbitration panel for terms of 1*
31 *year, and one alternate arbitrator to serve on the panel if a vacancy*
32 *arises.*

33 7. *An arbitration panel must be reappointed in the same manner as*
34 *specified in this subsection for original appointments. If a grievance is*
35 *submitted to the arbitration panel, the employee who submitted the*
36 *grievance and the appointing authority of the employee shall select the*
37 *arbitrator that will hear the grievance by the employee striking one name*
38 *from the panel and the appointing authority striking one name from the*
39 *panel. The remaining arbitrator shall hear the grievance. The hearing*
40 *must be held in the county in which the employee resides, unless the*
41 *employee agrees to a different location.*

42 8. As used in this section, "grievance" means an act, omission or
43 occurrence which an employee who has attained permanent status feels

1 constitutes an injustice relating to any condition arising out of the
2 relationship between an employer and an employee, including, but not
3 limited to, compensation, working hours, working conditions, membership
4 in an organization of employees or the interpretation of any law, regulation
5 or disagreement.

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