

ASSEMBLY BILL NO. 608—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 18, 1999

Referred to Committee on Government Affairs

SUMMARY—Expands applicability of provisions regarding collective bargaining and occupational diseases to include certain additional peace officers. (BDR 23-1277)

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

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

AN ACT relating to peace officers; expanding the applicability of certain provisions relating to relations between local governments and public employees to include certain additional peace officers; expanding applicability of certain provisions relating to occupational diseases to include certain additional peace officers; 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 288.140 is hereby amended to read as follows:
2 288.140 1. It is the right of every local government employee,
3 subject to the limitation provided in subsection 3, to join any employee
4 organization of his choice or to refrain from joining any employee
5 organization. A local government employer shall not discriminate in any
6 way among its employees on account of membership or nonmembership in
7 an employee organization.
8 2. The recognition of an employee organization for negotiation,
9 pursuant to this chapter, does not preclude any local government employee
10 who is not a member of that employee organization from acting for himself
11 with respect to any condition of his employment, but any action taken on a
12 request or in adjustment of a grievance shall be consistent with the terms of
13 an applicable negotiated agreement, if any.
14 3. A police officer, sheriff, deputy sheriff or other law enforcement
15 officer may be a member of an employee organization only if ~~such~~ **the**
16 employee organization is composed exclusively of law enforcement

1 officers. *The term “law enforcement officer” includes, without limitation,*
2 *local governmental employees who have the powers of a peace officer*
3 *pursuant to subsection 1, 2, 4 or 5 of NRS 289.150, NRS 289.170,*
4 *subsection 1 of NRS 289.190 or subsection 2 of NRS 289.220, and who*
5 *are certified by the peace officers’ standards and training committee.*

6 **Sec. 2.** NRS 288.215 is hereby amended to read as follows:

7 288.215 1. As used in this section:

8 (a) “Firemen” means those persons who are salaried employees of a fire
9 prevention or suppression unit organized by a political subdivision of the
10 state and whose principal duties are controlling and extinguishing fires.

11 (b) “Police officers” means those persons who are salaried employees
12 of a police department or other law enforcement agency organized by a
13 political subdivision of the state and whose principal duties are to enforce
14 the law. *The term includes, without limitation, local governmental*
15 *employees who have the powers of a peace officer pursuant to subsection*
16 *1, 2, 4 or 5 of NRS 289.150, NRS 289.170, subsection 1 of NRS 289.190*
17 *or subsection 2 of NRS 289.220, and who are certified by the peace*
18 *officers’ standards and training committee.*

19 2. The provisions of this section apply only to firemen and police
20 officers and their local government employers.

21 3. If the parties have not agreed to make the findings and
22 recommendations of the factfinder final and binding upon all issues, and
23 do not otherwise resolve their dispute, they shall, within 10 days after the
24 factfinder’s report is submitted, submit the issues remaining in dispute to
25 an arbitrator who must be selected in the manner provided in NRS 288.200
26 and have the same powers provided for factfinders in NRS 288.210.

27 4. The arbitrator shall, within 10 days after he is selected, and after 7
28 days’ written notice is given to the parties, hold a hearing to receive
29 information concerning the dispute. The hearings must be held in the
30 county in which the local government employer is located and the
31 arbitrator shall arrange for a full and complete record of the hearings.

32 5. At the hearing, or at any subsequent time to which the hearing may
33 be adjourned, information may be presented by:

34 (a) The parties to the dispute; or

35 (b) Any interested person.

36 6. The parties to the dispute shall each pay one-half of the costs
37 incurred by the arbitrator.

38 7. A determination of the financial ability of a local government
39 employer must be based on all existing available revenues as established
40 by the local government employer and within the limitations set forth in
41 NRS 354.6241, with due regard for the obligation of the local government
42 employer to provide facilities and services guaranteeing the health, welfare
43 and safety of the people residing within the political subdivision.

1 8. At the recommendation of the arbitrator, the parties may, before the
2 submission of a final offer, enter into negotiations. If the negotiations are
3 begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An
4 agreement by the parties is final and binding, and upon notification to the
5 arbitrator, the arbitration terminates.

6 9. If the parties do not enter into negotiations or do not agree within 30
7 days, each of the parties shall submit a single written statement containing
8 its final offer for each of the unresolved issues.

9 10. The arbitrator shall, within 10 days after the final offers are
10 submitted, accept one of the written statements, on the basis of the criteria
11 provided in NRS 288.200, and shall report his decision to the parties. The
12 decision of the arbitrator is final and binding on the parties. Any award of
13 the arbitrator is retroactive to the expiration date of the last contract.

14 11. The decision of the arbitrator must include a statement:

15 (a) Giving his reason for accepting the final offer that is the basis of his
16 award; and

17 (b) Specifying his estimate of the total cost of the award.

18 **Sec. 3.** NRS 617.135 is hereby amended to read as follows:

19 617.135 "Police officer" includes:

20 1. A sheriff, deputy sheriff, officer of a metropolitan police department
21 or city policeman;

22 2. A chief, inspector supervisor, commercial officer or trooper of the
23 Nevada highway patrol ~~and~~ *division of the department of motor vehicles*
24 *and public safety*;

25 3. A chief, investigator or agent of the investigation division of the
26 department of motor vehicles and public safety;

27 4. An officer or investigator for the control of emissions from vehicles
28 of the registration division of the department of motor vehicles and public
29 safety;

30 5. An investigator of the bureau of enforcement of the registration
31 division of the department of motor vehicles and public safety;

32 6. A member of the police department of the University and
33 Community College System of Nevada;

34 7. A:

35 (a) Uniformed employee of; or

36 (b) Forensic specialist employed by,
37 the department of prisons whose position requires regular and frequent
38 contact with the offenders imprisoned and subjects the employee to recall
39 in emergencies;

40 8. A parole and probation officer of the division of parole and
41 probation of the department of motor vehicles and public safety; ~~and~~

1 9. A forensic specialist or correctional officer employed by the mental
2 hygiene and mental retardation division of the department of human
3 resources at facilities for mentally disordered offenders ~~H~~;

4 *10. A special investigator employed by the office of the attorney
5 general or an investigator employed by a district attorney, who is certified
6 by the peace officers' standards and training committee;*

7 *11. A school police officer employed or appointed pursuant to
8 subsection 4 of NRS 391.100 who is certified by the peace officers'
9 standards and training committee;*

10 *12. An officer or employee of the Nevada youth training center who
11 is certified by the peace officers' standards and training committee;*

12 *13. A legislative police officer of the State of Nevada or police officer
13 of the Capitol Building, who is certified by the peace officers' standards
14 and training committee;*

15 *14. An assistant or deputy of the state fire marshal who is certified by
16 the peace officers' standards and training committee;*

17 *15. A person designated as a game warden pursuant to NRS 501.349
18 who is certified by the peace officers' standards and training committee;*

19 *16. A taxicab field investigator who is certified by the peace officers'
20 standards and training committee;*

21 *17. An agent of the state gaming control board whose duties include
22 the enforcement, or the investigation of suspected violations, of statutes
23 or regulations, and who is certified by the peace officers' standards and
24 training committee; and*

25 *18. A security officer employed by a board of county commissioners
26 pursuant to NRS 244.167 or by the governing body of a city pursuant to
27 NRS 266.323, who is certified by the peace officers' standards and
28 training committee.*