

ASSEMBLY BILL NO. 89—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 12, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes collective bargaining for certain state employees. (BDR 23-209)

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

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

AN ACT relating to state employees; 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 board of the public employees' benefits program has
- 9         approved the request;
- 10         4. The United States for the purchase of savings bonds and similar
- 11         obligations of the United States; and
- 12         5. ~~Employee~~ *Except as otherwise provided in section 32 of this act,*
- 13         *employee* organizations and labor organizations.
- 14         The state controller may adopt regulations necessary to withhold money
- 15         from the salaries or wages of officers and employees of the executive
- 16         department.
- 17     **Sec. 2.** NRS 284.013 is hereby amended to read as follows:
- 18         284.013 1. Except as otherwise provided in subsection 4, this chapter
- 19         does not apply to:



1 (a) Agencies, bureaus, commissions, officers or personnel in the  
2 legislative department or the judicial department of state government,  
3 including the commission on judicial discipline;

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

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

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

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

21 4. Any board, commission, committee or council created in chapters  
22 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and  
23 656 of NRS which contracts for the services of a person, shall require the  
24 contract for those services to be in writing. The contract must be approved  
25 by the state board of examiners before those services may be provided.

26 *5. To the extent that they are inconsistent or otherwise are in*  
27 *conflict, the provisions of this chapter do not apply to any terms or*  
28 *conditions of employment that are properly within the scope of and*  
29 *subject to the provisions of:*

30 *(a) A collective bargaining agreement or supplemental bargaining*  
31 *agreement that is enforceable pursuant to the provisions of sections 4 to*  
32 *50, inclusive, of this act; or*

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

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

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

42 **Sec. 4.** *As used in sections 4 to 50, inclusive, of this act, unless the*  
43 *context otherwise requires, the words and terms defined in sections 5 to*  
44 *17, inclusive, of this act have the meanings ascribed to them in those*  
45 *sections.*

46 **Sec. 5.** *"Bargaining unit" means a collection of employees that the*  
47 *board has established as a bargaining unit pursuant to section 27 of this*  
48 *act.*



- 1     *Sec. 6. "Board" means the board for labor relations for state*  
2     *employees.*
- 3     *Sec. 7. "Chief of the budget division" means the chief of the budget*  
4     *division of the department of administration.*
- 5     *Sec. 8. "Collective bargaining" means a method to determine the*  
6     *terms and conditions of employment for all employees within a*  
7     *bargaining unit through negotiation, mediation or arbitration between*  
8     *the executive department and the exclusive representative of the*  
9     *bargaining unit pursuant to sections 4 to 50, inclusive, of this act.*
- 10    *Sec. 9. "Confidential employee" means an employee who:*  
11    1. *Assists in the formulation, determination and effectuation of*  
12    *personnel policies or managerial policies concerning collective*  
13    *bargaining or supplemental bargaining;*  
14    2. *Provides administrative support to an employee described in*  
15    *subsection 1; or*  
16    3. *Is employed by the board.*
- 17    *Sec. 10. 1. "Employee" means a person who:*  
18    (a) *Is employed in the classified service of the state pursuant to*  
19    *chapter 284 of NRS, including, without limitation, persons employed in*  
20    *the classified service by the University and Community College System of*  
21    *Nevada;*  
22    (b) *Is employed by the public employees' retirement system and who is*  
23    *required to be paid in accordance with the pay plan for the classified*  
24    *service of the state; or*  
25    (c) *Is employed by any other employer that receives money from the*  
26    *State of Nevada if the National Labor Relations Board has refused to*  
27    *assert jurisdiction over the employer because the employer lacks the*  
28    *ultimate authority to determine the primary terms and conditions of*  
29    *employment and who is in a position similar to a position in the classified*  
30    *service of the state.*  
31    2. *The term does not include:*  
32    (a) *An employee whose position is classified at grade 42 or higher*  
33    *under the pay plan in existence on January 1, 2001, or whose position is*  
34    *given an equivalent classification under any subsequently adopted pay*  
35    *plan;*  
36    (b) *A compositor, machine operator, pressman or assistant who is*  
37    *employed pursuant to NRS 344.080 by the superintendent of the state*  
38    *printing division of the department of administration;*  
39    (c) *A confidential employee;*  
40    (d) *An employee who is normally scheduled to work 20 hours or less*  
41    *per week, unless the employee is hired to avoid the provisions of sections*  
42    *4 to 50, inclusive, of this act; or*  
43    (e) *A temporary employee who is employed for a fixed period of 4*  
44    *months or less.*
- 45    *Sec. 11. "Employee organization" means an organization that is*  
46    *created, maintained and operated to represent employees concerning the*  
47    *terms and conditions of employment for those employees.*



- 1     **Sec. 12.** *“Exclusive representative” means an employee organization*  
2 *that, as a result of designation by the board, has the exclusive right to*  
3 *represent all employees within a bargaining unit and to negotiate with*  
4 *the executive department pursuant to sections 4 to 50, inclusive, of this*  
5 *act concerning the terms and conditions of employment for those*  
6 *employees.*
- 7     **Sec. 13.** *“Executive department” means an agency, board, bureau,*  
8 *commission, department, division, elected officer or any other unit of the*  
9 *executive department of state government.*
- 10    **Sec. 14.** *“Mediation” means assistance by an impartial third party to*  
11 *reconcile differences between the executive department and an exclusive*  
12 *representative through interpretation, suggestion and advice.*
- 13    **Sec. 15.** *“Party” includes, without limitation, the executive*  
14 *department.*
- 15    **Sec. 16.** *“Supplemental bargaining” means bargaining concerning*  
16 *the terms and conditions of employment that is conducted pursuant to*  
17 *section 45 of this act.*
- 18    **Sec. 17.** *Except as otherwise provided in sections 4 to 50, inclusive,*  
19 *of this act, “terms and conditions of employment” include, without*  
20 *limitation:*
- 21       1. *Salaries and wages;*  
22       2. *Hours and working conditions;*  
23       3. *Benefits other than benefits related to the public employees’*  
24 *retirement system;*  
25       4. *Grievances; and*  
26       5. *Labor disputes.*
- 27    **Sec. 18.** *The provisions of chapter 241 of NRS do not apply to any of*  
28 *the following, if conducted for the purposes of sections 4 to 50, inclusive,*  
29 *of this act:*
- 30       1. *A negotiation or informal discussion between the executive*  
31 *department and an employee organization.*  
32       2. *A meeting or investigation conducted by a mediator or arbitrator.*  
33       3. *A meeting between the executive department and its designated*  
34 *representatives concerning collective bargaining or supplemental*  
35 *bargaining.*
- 36    **Sec. 19.** *1. The board for labor relations for state employees is*  
37 *hereby created, consisting of three members appointed as follows:*  
38       (a) *One member appointed by the governor;*  
39       (b) *One member appointed by the majority leader of the senate; and*  
40       (c) *One member appointed by the speaker of the assembly.*  
41       2. *The members of the board must be broadly representative of the*  
42 *public and must not be closely allied with any employee organization or*  
43 *the executive department.*  
44       3. *The term of office of each member of the board is 4 years.*  
45       4. *The members of the board serve at the pleasure of the appointing*  
46 *authority in each case.*  
47       5. *Any vacancy in the membership of the board must be filled for the*  
48 *remainder of the unexpired term in the same manner as the original*  
49 *appointment.*



- 1     **Sec. 20.**   1.   *The members of the board shall annually elect one of*  
2     *their number as chairman and one as vice chairman. The vice chairman*  
3     *shall perform the duties of the chairman during any absence of the*  
4     *chairman.*  
5     2.   *Two members of the board constitute a quorum.*  
6     3.   *The board may, within the limits of legislative appropriations:*  
7     (i)   *Appoint an executive secretary, who is in the classified service of*  
8     *the state; and*  
9     (ii)   *Employ such clerical personnel as may be necessary, who are in*  
10    *the classified service of the state.*  
11    **Sec. 21.**   1.   *Each member of the board is entitled to receive a salary*  
12    *of not more than \$80, as fixed by the board, for each day in which the*  
13    *member is engaged in the business of the board.*  
14    2.   *While engaged in the business of the board, each member and*  
15    *employee of the board is entitled to receive the per diem allowance and*  
16    *travel expenses provided for state officers and employees generally.*  
17    **Sec. 22.**   1.   *The board shall adopt regulations concerning:*  
18    (i)   *The establishment of bargaining units and the classifications of*  
19    *employees within each bargaining unit pursuant to section 27 of this act;*  
20    (ii)   *The recognition of employee organizations and the designation of*  
21    *exclusive representatives pursuant to sections 28 to 32, inclusive, of this*  
22    *act;*  
23    (iii)   *Procedures for mediation;*  
24    (iv)   *Procedures for arbitration; and*  
25    (v)   *Hearings and proceedings before the board, including, without*  
26    *limitation, hearings and proceedings conducted pursuant to section 48 of*  
27    *this act.*  
28    2.   *The board may adopt any other regulations that are necessary to*  
29    *carry out the provisions of sections 4 to 50, inclusive, of this act.*  
30    3.   *The board may hear and determine any complaint:*  
31    (i)   *Arising out of the interpretation or performance of an agreement*  
32    *entered into pursuant to sections 4 to 50, inclusive, of this act;*  
33    (ii)   *Concerning the classification of an employee within an*  
34    *appropriate bargaining unit pursuant to section 27 of this act; or*  
35    (iii)   *Concerning a practice that is prohibited by section 47 of this act.*  
36    **Sec. 23.**   1.   *In carrying out the provisions of sections 4 to 50,*  
37    *inclusive, of this act, the board may:*  
38    (i)   *Administer oaths or affirmations;*  
39    (ii)   *Take testimony; and*  
40    (iii)   *Issue subpoenas to compel the attendance and testimony of a*  
41    *person and to compel the production of books, papers and other items*  
42    *that are relevant to a matter being investigated or considered by the*  
43    *board.*  
44    2.   *If a person named in a subpoena fails or refuses to attend or*  
45    *testify before the board, to answer any questions propounded by the*  
46    *board or to produce the books, papers or other items required by the*  
47    *subpoena, the chairman of the board may petition the district court to*  
48    *enter an order compelling the person to attend and testify before the*  
49    *board, to answer the questions propounded by the board or to produce*



1 *the books, papers or other items required by the subpoena. The petition*  
2 *filed by the chairman must set forth that:*

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

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

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

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

14 *(a) Appear before the court at the place and time designated in the*  
15 *order. The time designated by the court must be not later than 10 days*  
16 *after the date of the order.*

17 *(b) Show cause why the person has failed or refused to attend or*  
18 *testify before the board, to answer the questions propounded by the board*  
19 *or to produce the books, papers or other items required by the*  
20 *subpoena.*

21 *A certified copy of the order must be served upon the person named in*  
22 *the subpoena.*

23 *4. If it appears to the court that the subpoena was regularly issued by*  
24 *the board and properly served, the court shall enter an order directing*  
25 *the person named in the subpoena to appear before the board at the place*  
26 *and time designated in the order and to testify before the board, to*  
27 *answer the questions propounded by the board or to produce the books,*  
28 *papers or other items required by the subpoena. Failure to obey the order*  
29 *constitutes contempt of court.*

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

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

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

40 *2. A person who appears before the board pursuant to a subpoena is*  
41 *entitled to receive fees and mileage in the same amounts and under the*  
42 *same circumstances as prescribed by subsection 1 of NRS 50.225 for a*  
43 *witness in a civil action in the district court, unless the person is a party*  
44 *to the proceeding or an officer or employee of this state or any of its*  
45 *political subdivisions. As used in this subsection, "employee" includes,*  
46 *without limitation, an employee in the classified or unclassified service of*  
47 *the state.*

48 *3. If a person who is entitled to receive fees and mileage pursuant to*  
49 *subsection 2 must appear at a hearing before the board at a place located*



1 so far from his primary residence that it is not reasonable for the person  
2 to return to that residence from day to day, the person is entitled, in  
3 addition to fees and mileage, to receive for each day of actual attendance  
4 at such a hearing and for each day necessarily occupied in traveling to  
5 and from such a hearing a per diem allowance in an amount equal to the  
6 per diem allowance provided for state officers and employees generally  
7 while away from the office and within this state pursuant to subsection 1  
8 of NRS 281.160.

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

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

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

21 (a) Organize, form, join and assist employee organizations, engage in  
22 collective bargaining and supplemental bargaining through exclusive  
23 representatives and engage in other concerted activities; and

24 (b) Refrain from engaging in any such activity.

25 2. Collective bargaining and supplemental bargaining entail a  
26 mutual obligation of the executive department and an exclusive  
27 representative to meet at reasonable times and to bargain in good faith  
28 with respect to:

29 (a) The terms and conditions of employment;

30 (b) The negotiation of an agreement;

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

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

35 3. The provisions of this section must not be construed to compel the  
36 executive department or an exclusive representative to agree to a  
37 proposal or to make a concession.

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

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

44 (b) The right to determine the minimum qualifications for a job or  
45 position and the nature and content of any examination offered to  
46 applicants for that job or position;

47 (c) The right to determine the content of the workday, including,  
48 without limitation, the amount of work that must be performed, except  
49 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,*  
42 *including, without limitation, all such employees of the public utilities*  
43 *commission of Nevada, the transportation services authority and the*  
44 *taxicab authority.*
- 45         (i) *Supervisory employees not otherwise included in other bargaining*  
46 *units.*
- 47     3. *This section does not prohibit the board from including within an*  
48 *occupational group employees other than those specified for that group.*





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

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

7     6. As used in this section:

8     (a) "Professional employee" means an employee engaged in work  
9 that:

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

12     (2) Involves the consistent exercise of discretion and judgment in its  
13 performance;

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

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

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

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

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

28     Sec. 28. 1. If no employee organization is designated as the  
29 exclusive representative of a bargaining unit and an employee  
30 organization files with the board a list of its membership showing that  
31 the employee organization represents more than 50 percent of the  
32 employees within the bargaining unit, the board shall designate the  
33 employee organization as the exclusive representative of the bargaining  
34 unit without ordering an election.

35     2. If the board, without ordering an election, designates an employee  
36 organization as the exclusive representative of a bargaining unit  
37 pursuant to subsection 1 of this section or paragraph (a) of subsection 2  
38 of section 29 of this act, the board shall:

39     (a) Without ordering an election, remove the employee organization  
40 as the exclusive representative of the bargaining unit and designate  
41 another employee organization as the exclusive representative of the  
42 bargaining unit if, after June 30 and on or before December 31 of an  
43 odd-numbered year:

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

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



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

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

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

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

15 **Sec. 29. 1.** If no employee organization is designated as the  
16 exclusive representative of a bargaining unit, the board shall order an  
17 election to be conducted within the bargaining unit pursuant to section  
18 30 of this act if:

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

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

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

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

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

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

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

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

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

48 (II) A group of employees within the bargaining unit files with  
49 the board a written request for an election which includes a list showing



\* A B 8 9 \*

1 *that more than 50 percent of the employees within the bargaining unit*  
2 *have requested that an election be conducted to change or discontinue*  
3 *representation;*

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

7 *(3) No other election to choose, change or discontinue*  
8 *representation has been conducted within the bargaining unit during the*  
9 *preceding 12 months.*

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

13 *(a) If applicable, the employee organization that requested the election*  
14 *pursuant to section 29 of this act and the employee organization that is*  
15 *presently designated as the exclusive representative of the bargaining*  
16 *unit pursuant to section 28 or 29 of this act;*

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

23 *(c) A choice for "no representation."*

24 *2. If a ballot for an election contains more than two choices and*  
25 *none of the choices on the ballot receives a majority of the votes cast at*  
26 *the initial election, the board shall order a runoff election between the*  
27 *two choices on the ballot that received the highest number of votes at the*  
28 *initial election.*

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

32 *4. If an employee organization receives a majority of the votes cast at*  
33 *the initial election or at any runoff election, the board shall designate the*  
34 *employee organization as the exclusive representative of the bargaining*  
35 *unit.*

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

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

45 *3. In response to a written objection filed pursuant to subsection 2 or*  
46 *upon its own motion, the board may invalidate the results of an election*  
47 *and order a new election if the board finds that any conduct or*  
48 *circumstance raises substantial doubt that the results of the election are*  
49 *reliable.*



1     **Sec. 32.** 1. *The board may designate an employee organization as*  
2 *the exclusive representative of more than one bargaining unit if the*  
3 *employee organization meets the requirements set forth in section 28 or*  
4 *29 of this act to be designated as the exclusive representative of each*  
5 *such bargaining unit separately.*

6     2. *If the board designates an employee organization as the exclusive*  
7 *representative of a bargaining unit pursuant to sections 4 to 50,*  
8 *inclusive, of this act:*

9     (a) *The employee organization shall be deemed to:*

10     (1) *Be a party to any collective bargaining agreement or*  
11 *supplemental bargaining agreement then in effect between the executive*  
12 *department and the bargaining unit; and*

13     (2) *Assume all the rights and privileges of the previous exclusive*  
14 *representative under any such agreement, but the employee organization*  
15 *shall not be deemed to assume any costs or liabilities incurred by the*  
16 *previous exclusive representative for acts that occurred while the*  
17 *previous exclusive representative served in that capacity; and*

18     (b) *An officer of the executive department may not, pursuant to NRS*  
19 *281.129, withhold any amount of money from the salary or wages of an*  
20 *employee within the bargaining unit to pay dues or similar fees to an*  
21 *employee organization other than the employee organization that is the*  
22 *exclusive representative of the bargaining unit.*

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

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

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

30     (c) *In good faith and on behalf of each bargaining unit that it*  
31 *represents, individually or collectively, negotiate with the executive*  
32 *department concerning the terms and conditions of employment for the*  
33 *employees within each bargaining unit that it represents, including,*  
34 *without limitation, any terms and conditions of employment that are*  
35 *within the scope of supplemental bargaining pursuant to section 45 of*  
36 *this act.*

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

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

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

47     **Sec. 34.** *The governor or a person designated by the governor shall,*  
48 *in good faith and on behalf of the executive department, negotiate with*  
49 *the exclusive representative of each bargaining unit concerning the*



1 *terms and conditions of employment for the employees within the*  
2 *bargaining unit, including, without limitation, any terms and conditions*  
3 *of employment that are within the scope of supplemental bargaining*  
4 *pursuant to section 45 of this act.*

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

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

12 (a) *A procedure to resolve grievances which applies to all employees*  
13 *in the bargaining unit and which culminates in final and binding*  
14 *arbitration; and*

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

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

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

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

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

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

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

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

46 **Sec. 38.** 1. *If the mediator determines that his services are no*  
47 *longer helpful or if the parties do not reach a collective bargaining*  
48 *agreement through mediation on or before August 15 of the even-*  
49 *numbered year or any later date in that year which is set by the mediator*



1 or by agreement of the parties pursuant to section 37 of this act, the  
2 mediator shall discontinue mediation and the parties shall attempt to  
3 agree upon an impartial arbitrator.

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

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

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

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

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

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

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

39 (a) The position of each party as to each issue in dispute; and  
40 (b) The contractual terms and provisions contained in each final  
41 offer.

42 3. In assessing reasonableness pursuant to subsection 2, the  
43 arbitrator shall:

44 (a) Compare the terms and conditions of employment for the  
45 employees within the bargaining unit with the terms and conditions of  
46 employment for other employees performing similar services and for  
47 other employees generally:

48 (1) In public employment in comparable communities; and  
49 (2) In private employment in comparable communities; and





1 (b) Consider, without limitation:

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

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

7 4. The arbitrator shall render a written decision on or before October  
8 15 of the even-numbered year or on or before any later date which is set  
9 by agreement of the parties and which is not later than December 31 of  
10 the even-numbered year.

11 5. Except as otherwise provided in sections 40, 43, 44 and 50 of this  
12 act, each provision that is included in a decision of the arbitrator is final  
13 and binding upon the parties if the decision of the arbitrator concerning  
14 the provision is supported by competent, material and substantial  
15 evidence on the whole record and is based upon the factors set forth in  
16 this section.

17 **Sec. 40.** 1. Except as otherwise provided in this section, after an  
18 arbitrator renders a decision pursuant to section 39 of this act, the parties  
19 may agree to open or reopen negotiations concerning any terms and  
20 conditions of employment, whether or not such terms and conditions of  
21 employment were included in the decision of the arbitrator, and may  
22 agree to revise or amend the decision of the arbitrator.

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

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

29 (a) Shall be deemed to be incorporated into the decision of the  
30 arbitrator; and

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

33 4. If the parties do not reach an agreement to revise or amend the  
34 decision of the arbitrator before the date on which the decision of the  
35 arbitrator must be submitted to the governor and the chief of the budget  
36 division pursuant to section 41 of this act, the parties shall submit the  
37 decision of the arbitrator to the governor and the chief of the budget  
38 division without revision or amendment.

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

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

44 (b) If arbitration was required, the decision of the arbitrator without  
45 revision or amendment or, if applicable, as revised or amended by the  
46 parties pursuant to section 40 of this act. If so submitted, the decision of  
47 the arbitrator without revision or amendment or, if applicable, as revised  
48 or amended, shall be deemed to be the collective bargaining agreement  
49 between the parties.





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

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

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

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

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

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

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

26       **Sec. 43.** 1. *During the regular session or any special session of the*  
27 *legislature that commences before July 1 of the odd-numbered year*  
28 *following the even-numbered year in which negotiations began, the*  
29 *parties may agree, in writing, to revise or amend any provision of the*  
30 *collective bargaining agreement that requires an appropriation from the*  
31 *legislature to be given effect.*

32       2. *If the parties reach such an agreement, the parties shall submit*  
33 *the agreement to the legislative counsel with sufficiently detailed*  
34 *information to enable the legislative counsel to prepare any necessary*  
35 *legislative measures.*

36       3. *If the legislature, in a bill passed at the regular or special session,*  
37 *expressly approves the provision as revised or amended and makes an*  
38 *appropriation that is sufficient to give effect to the provision as revised or*  
39 *amended, the provision as revised or amended becomes effective and*  
40 *expires at the same time as other provisions in the collective bargaining*  
41 *agreement.*

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

48       2. *If a provision is suspended pursuant to subsection 1, the parties*  
49 *may agree, in writing during the regular or special session, to revise or*



1 *amend the suspended provision or any other provision of the collective*  
2 *bargaining agreement for which an appropriation has been made by the*  
3 *legislature, whether or not such a provision has been suspended.*

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

8 4. *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 on the*  
12 *date set in the bill and expires at the same time as other provisions in the*  
13 *collective bargaining agreement.*

14 **Sec. 45.** 1. *Except as otherwise provided in this section, if any*  
15 *provision of a collective bargaining agreement is in effect between the*  
16 *executive department and a bargaining unit pursuant to sections 42, 43*  
17 *and 44 of this act, the executive department and the exclusive*  
18 *representative of the bargaining unit may engage in supplemental*  
19 *bargaining concerning any terms and conditions of employment which*  
20 *are peculiar to or which uniquely affect fewer than all the employees*  
21 *within the bargaining unit if such supplemental terms and conditions of*  
22 *employment:*

23 (a) *Are not included in any provision of the collective bargaining*  
24 *agreement then in effect between the executive department and the*  
25 *bargaining unit; and*

26 (b) *Do not require an appropriation from the legislature to be given*  
27 *effect.*

28 2. *The executive department and an exclusive representative may*  
29 *engage in supplemental bargaining pursuant to subsection 1 for fewer*  
30 *than all the employees within two or more bargaining units that the*  
31 *exclusive representative represents if the requirements of subsection 1*  
32 *are met for each such bargaining unit.*

33 3. *If the parties reach a supplemental bargaining agreement*  
34 *pursuant to this section, the provisions of the supplemental bargaining*  
35 *agreement:*

36 (a) *Must be in writing; and*

37 (b) *Shall be deemed to be incorporated into the provisions of each*  
38 *collective bargaining agreement then in effect between the executive*  
39 *department and the employees who are subject to the supplemental*  
40 *bargaining agreement if the provisions of the supplemental bargaining*  
41 *agreement do not conflict with the provisions of the collective bargaining*  
42 *agreement.*

43 4. *If any provision of the supplemental bargaining agreement*  
44 *conflicts with any provision of the collective bargaining agreement, the*  
45 *provision of the supplemental bargaining agreement is void and the*  
46 *provision of the collective bargaining agreement must be given effect.*

47 5. *The provisions of the supplemental bargaining agreement expire*  
48 *at the same time as the other provisions of the collective bargaining*  
49 *agreement into which they are incorporated.*



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

3     (a) *In an even-numbered year, on or after the date on which the*  
4 *executive department and the exclusive representative begin negotiations*  
5 *pursuant to section 36 of this act concerning a collective bargaining*  
6 *agreement; and*

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

8     7. *The executive department and an exclusive representative may,*  
9 *during collective bargaining conducted pursuant to sections 36 to 44,*  
10 *inclusive, of this act, negotiate and include in a collective bargaining*  
11 *agreement any terms and conditions of employment that would otherwise*  
12 *be within the scope of supplemental bargaining conducted pursuant to*  
13 *this section.*

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

15     (a) *If any provision of a collective bargaining agreement conflicts*  
16 *with any provision of NRS or a special act, the provision of the collective*  
17 *bargaining agreement is void and must not be given effect, unless the*  
18 *legislature expressly acknowledges the conflict and approves the*  
19 *provision of the collective bargaining agreement in a bill or concurrent*  
20 *resolution passed at a regular or special session; and*

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

24     2. *If any provision of a collective bargaining agreement or*  
25 *supplemental bargaining agreement conflicts with any rule or regulation*  
26 *adopted by an employer, the provision of the collective bargaining*  
27 *agreement or supplemental bargaining agreement prevails and must be*  
28 *given effect.*

29     3. *The provisions of a collective bargaining agreement or*  
30 *supplemental bargaining agreement are severable. If any provision of a*  
31 *collective bargaining agreement or supplemental bargaining agreement*  
32 *is invalidated on its face or as applied, such invalidity does not affect the*  
33 *other provisions of the agreement or the application of those provisions if*  
34 *such other provisions can be given effect without the invalidated*  
35 *provision.*

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

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

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

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

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

48     (e) *Discharge or otherwise discriminate against an employee because*  
49 *the employee has:*



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

4       (2) Formed, joined or chosen to be represented by an employee  
5 organization.

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

8       (g) Deny rights accompanying a designation as an exclusive  
9 representative.

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

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

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

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

20      **Sec. 48.** 1. To establish that a party has committed a prohibited  
21 practice in violation of section 47 of this act, the party aggrieved by the  
22 practice must file a complaint with the board and must prove the  
23 allegations contained in the complaint at a hearing conducted in  
24 accordance with:

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

27      (b) The regulations adopted by the board.

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

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

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

34      3. The board may petition the district court for enforcement of its  
35 orders.

36      4. Any order or decision issued by the board pursuant to this section  
37 concerning the merits of a complaint is a final decision in a contested  
38 case and may be appealed pursuant to the provisions of chapter 233B of  
39 NRS that apply to a contested case, except that a party aggrieved by the  
40 order or decision of the board must file a petition for judicial review not  
41 later than 10 days after being served with the order or decision of the  
42 board.

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

46      2. If any action or proceeding is brought by or against an employee  
47 organization pursuant to sections 4 to 50, inclusive, of this act, the  
48 district court for the county in which the employee organization  
49 maintains its principal office or the county in which the claim arose has



1 *jurisdiction over any claim brought pursuant to sections 4 to 50,*  
2 *inclusive, of this act.*

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

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

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

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

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

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

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

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

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

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

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

32 288.020 As used in ~~this chapter,~~ *NRS 288.020 to 288.280, inclusive,*  
33 *unless the context otherwise requires, the words and terms defined in NRS*  
34 *288.025 to 288.075, inclusive, have the meanings ascribed to them in those*  
35 *sections.*

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

37 288.110 1. The board may make rules governing:

38 (a) Proceedings before it;

39 (b) Procedures for factfinding;

40 (c) The recognition of employee organizations; and

41 (d) The determination of bargaining units.

42 2. The board may hear and determine any complaint arising out of the  
43 interpretation of, or performance under, the provisions of ~~this chapter~~  
44 *NRS 288.020 to 288.280, inclusive,* by any local government employer,  
45 local government employee or employee organization. The board shall  
46 conduct a hearing within 90 days after it decides to hear a complaint. The  
47 board, after a hearing, if it finds that the complaint is well taken, may order  
48 any person to refrain from the action complained of or to restore to the  
49 party aggrieved any benefit of which he has been deprived by that action.



1 The board shall issue its decision within 120 days after the hearing on the  
2 complaint is completed.

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

7 4. The board may not consider any complaint or appeal filed more than  
8 6 months after the occurrence which is the subject of the complaint or  
9 appeal.

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

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

13 (b) Upon agreement of all the parties.

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

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

17 288.120 1. For the purpose of hearing and deciding appeals or  
18 complaints, the board may issue subpoenas requiring the attendance of  
19 witnesses before it, together with all books, memoranda, papers and other  
20 documents relative to the matters under investigation, administer oaths and  
21 take testimony thereunder.

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

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

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

32 (b) That the witness has been subpoenaed in the manner prescribed in  
33 ~~this chapter;~~ *NRS 288.020 to 288.280, inclusive;* and

34 (c) That the witness has failed and refused to attend or produce the  
35 papers required by subpoena before the board in the hearing named in the  
36 subpoena, or has refused to answer questions propounded to him in the  
37 course of such hearing,

38 and asking an order of the court compelling the witness to attend and  
39 testify or produce the books or papers before the board.

40 4. The court, upon petition of the board, shall enter an order directing  
41 the witness to appear before the court at a time and place to be fixed by the  
42 court in such order, the time to be not more than 10 days from the date of  
43 the order, and then and there show cause why he has not attended or  
44 testified or produced the books or papers before the board. A certified copy  
45 of the order shall be served upon the witness. If it appears to the court that  
46 the subpoena was regularly issued by the board, the court shall thereupon  
47 enter an order that the witness appear before the board at the time and place  
48 fixed in the order and testify or produce the required books or papers, and



1 upon failure to obey the order the witness shall be dealt with as for  
2 contempt of court.

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

4 288.140 1. It is the right of every local government employee,  
5 subject to the limitation provided in subsection 3, to join any employee  
6 organization of his choice or to refrain from joining any employee  
7 organization. A local government employer shall not discriminate in any  
8 way among its employees on account of membership or nonmembership in  
9 an employee organization.

10 2. The recognition of an employee organization for negotiation,  
11 pursuant to ~~this chapter,~~ **NRS 288.020 to 288.280, inclusive**, does not  
12 preclude any local government employee who is not a member of that  
13 employee organization from acting for himself with respect to any  
14 condition of his employment, but any action taken on a request or in  
15 adjustment of a grievance shall be consistent with the terms of an  
16 applicable negotiated agreement, if any.

17 3. A police officer, sheriff, deputy sheriff or other law enforcement  
18 officer may be a member of an employee organization only if such  
19 employee organization is composed exclusively of law enforcement  
20 officers.

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

22 288.150 1. Except as provided in subsection 4, every local  
23 government employer shall negotiate in good faith through one or more  
24 representatives of its own choosing concerning the mandatory subjects of  
25 bargaining set forth in subsection 2 with the designated representatives of  
26 the recognized employee organization, if any, for each appropriate  
27 bargaining unit among its employees. If either party so requests,  
28 agreements reached must be reduced to writing.

29 2. The scope of mandatory bargaining is limited to:

30 (a) Salary or wage rates or other forms of direct monetary  
31 compensation.

32 (b) Sick leave.

33 (c) Vacation leave.

34 (d) Holidays.

35 (e) Other paid or nonpaid leaves of absence.

36 (f) Insurance benefits.

37 (g) Total hours of work required of an employee on each workday or  
38 work week.

39 (h) Total number of days' work required of an employee in a work year.

40 (i) Discharge and disciplinary procedures.

41 (j) Recognition clause.

42 (k) The method used to classify employees in the bargaining unit.

43 (l) Deduction of dues for the recognized employee organization.

44 (m) Protection of employees in the bargaining unit from discrimination  
45 because of participation in recognized employee organizations consistent  
46 with the provisions of ~~this chapter,~~ **NRS 288.020 to 288.280, inclusive**.

47 (n) No-strike provisions consistent with the provisions of ~~this chapter,~~  
48 **NRS 288.020 to 288.280, inclusive**.



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- 1 (o) Grievance and arbitration procedures for resolution of disputes  
2 relating to interpretation or application of collective bargaining  
3 agreements.
- 4 (p) General savings clauses.
- 5 (q) Duration of collective bargaining agreements.
- 6 (r) Safety of the employee.
- 7 (s) Teacher preparation time.
- 8 (t) Materials and supplies for classrooms.
- 9 (u) The policies for the transfer and reassignment of teachers.
- 10 (v) Procedures for reduction in work force.
- 11 3. Those subject matters which are not within the scope of mandatory  
12 bargaining and which are reserved to the local government employer  
13 without negotiation include:
- 14 (a) Except as otherwise provided in paragraph (u) of subsection 2, the  
15 right to hire, direct, assign or transfer an employee, but excluding the right  
16 to assign or transfer an employee as a form of discipline.
- 17 (b) The right to reduce in force or lay off any employee because of lack  
18 of work or lack of money, subject to paragraph (v) of subsection 2.
- 19 (c) The right to determine:
- 20 (1) Appropriate staffing levels and work performance standards,  
21 except for safety considerations;
- 22 (2) The content of the workday, including , without limitation , work  
23 load factors, except for safety considerations;
- 24 (3) The quality and quantity of services to be offered to the public;  
25 and
- 26 (4) The means and methods of offering those services.
- 27 (d) Safety of the public.
- 28 4. Notwithstanding the provisions of any collective bargaining  
29 agreement negotiated pursuant to ~~this chapter,~~ *NRS 288.020 to 288.280,*  
30 *inclusive*, a local government employer is entitled to take whatever actions  
31 may be necessary to carry out its responsibilities in situations of emergency  
32 such as a riot, military action, natural disaster or civil disorder. Those  
33 actions may include the suspension of any collective bargaining agreement  
34 for the duration of the emergency. Any action taken under the provisions of  
35 this subsection must not be construed as a failure to negotiate in good faith.
- 36 5. The provisions of ~~this chapter,~~ *NRS 288.020 to 288.280, inclusive*,  
37 including , without limitation , the provisions of this section, recognize and  
38 declare the ultimate right and responsibility of the local government  
39 employer to manage its operation in the most efficient manner consistent  
40 with the best interests of all its citizens, its taxpayers and its employees.
- 41 6. This section does not preclude, but ~~this chapter,~~ *NRS 288.020 to*  
42 *288.280, inclusive*, does not require the local government employer to  
43 negotiate subject matters enumerated in subsection 3 which are outside the  
44 scope of mandatory bargaining. The local government employer shall  
45 discuss subject matters outside the scope of mandatory bargaining but it is  
46 not required to negotiate those matters.
- 47 7. Contract provisions presently existing in signed and ratified  
48 agreements as of May 15, 1975, at 12 p.m. remain negotiable.



1     **Sec. 56.** NRS 288.155 is hereby amended to read as follows:  
2     288.155 Agreements entered into between local government  
3     employers and employee organizations pursuant to ~~this chapter~~ *NRS*  
4     *288.020 to 288.280, inclusive*, may extend beyond the term of office of any  
5     member or officer of the local government employer.

6     **Sec. 57.** NRS 288.180 is hereby amended to read as follows:  
7     288.180 1. Whenever an employee organization desires to negotiate  
8     reasonable any matter which is subject to negotiation pursuant to ~~this~~  
9     ~~chapter~~ *NRS 288.020 to 288.280, inclusive*, it shall give written notice of  
10    that desire to the local government employer. If the subject of negotiation  
11    requires the budgeting of money by the local government employer, the  
12    employee organization shall give notice on or before February 1.

13    2. Following the notification provided for in subsection 1, the  
14    employee organization or the local government employer may request  
15    reasonable information concerning any subject matter included in the scope  
16    of mandatory bargaining which it deems necessary for and relevant to the  
17    negotiations. The information requested must be furnished without  
18    unnecessary delay. The information must be accurate, and must be  
19    presented in a form responsive to the request and in the format in which the  
20    records containing it are ordinarily kept. If the employee organization  
21    requests financial information concerning a metropolitan police  
22    department, the local government employers which form that department  
23    shall furnish the information to the employee organization.

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

27    4. This section does not preclude, but ~~this chapter does~~ *the*  
28    *provisions of NRS 288.020 to 288.280, inclusive, do* not require, informal  
29    discussion between an employee organization and a local government  
30    employer of any matter which is not subject to negotiation or contract  
31    ~~under this chapter~~ *pursuant to NRS 288.020 to 288.280, inclusive*. Any  
32    such informal discussion is exempt from all requirements of notice or time  
33    schedule.

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

35    288.210 1. For the purpose of investigating disputes, the factfinder  
36    may issue subpoenas requiring the attendance of witnesses before him,  
37    together with all books, memoranda, papers and other documents relative  
38    to the matters under investigation, administer oaths and take testimony  
39    thereunder.

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

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

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



1 (b) That the witness has been subpoenaed in the manner prescribed in  
2 ~~{this chapter,}~~ *NRS 288.020 to 288.280, inclusive;*

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

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

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

21 288.220 The following proceedings, required by or pursuant to ~~{this~~  
22 ~~chapter,}~~ *NRS 288.020 to 288.280, inclusive,* are not subject to any  
23 provision of NRS which requires a meeting to be open or public:

24 1. Any negotiation or informal discussion between a local government  
25 employer and an employee organization or employees as individuals,  
26 whether conducted by the governing body or through a representative or  
27 representatives.

28 2. Any meeting of a mediator with either party or both parties to a  
29 negotiation.

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

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

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

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

36 288.270 1. It is a prohibited practice for a local government  
37 employer or its designated representative willfully to:

38 (a) Interfere, restrain or coerce any employee in the exercise of any right  
39 guaranteed under ~~{this chapter,}~~ *NRS 288.020 to 288.280, inclusive.*

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

42 (c) Discriminate in regard to hiring, tenure or any term or condition of  
43 employment to encourage or discourage membership in any employee  
44 organization.

45 (d) Discharge or otherwise discriminate against any employee because  
46 he has signed or filed an affidavit, petition or complaint or given any  
47 information or testimony ~~{under this chapter,}~~ *pursuant to NRS 288.020 to*  
48 *288.280, inclusive,* or because he has formed, joined or chosen to be  
49 represented by any employee organization.



1 (e) Refuse to bargain collectively in good faith with the exclusive  
2 representative as required in NRS 288.150. Bargaining collectively  
3 includes the entire bargaining process, including mediation and factfinding,  
4 provided for in ~~this chapter.~~ **NRS 288.020 to 288.280, inclusive.**  
5 (f) Discriminate because of race, color, religion, sex, age, physical or  
6 visual handicap, national origin or because of political or personal reasons  
7 or affiliations.  
8 (g) Fail to provide the information required by NRS 288.180.  
9 2. It is a prohibited practice for a local government employee or for an  
10 employee organization or its designated agent willfully to:  
11 (a) Interfere with, restrain or coerce any employee in the exercise of any  
12 right guaranteed under ~~this chapter.~~ **NRS 288.020 to 288.280, inclusive.**  
13 (b) Refuse to bargain collectively in good faith with the local  
14 government employer, if it is an exclusive representative, as required in  
15 NRS 288.150. Bargaining collectively includes the entire bargaining  
16 process, including mediation and factfinding, provided for in ~~this chapter.~~  
17 **NRS 288.020 to 288.280, inclusive.**  
18 (c) Discriminate because of race, color, religion, sex, age, physical or  
19 visual handicap, national origin or because of political or personal reasons  
20 or affiliations.  
21 (d) Fail to provide the information required by NRS 288.180.  
22 **Sec. 61.** NRS 62.1266 is hereby amended to read as follows:  
23 62.1266 1. The board of county commissioners may provide for the  
24 appointment of one or more probation officers and assistant probation  
25 officers and such other employees as may be necessary to carry out the  
26 duties of the department.  
27 2. Probation officers, assistant probation officers and other employees  
28 authorized pursuant to this section are employees of the county, subject to  
29 the provisions of the merit personnel system unless exempt pursuant to  
30 NRS 245.216, and are local government employees for the purposes of  
31 ~~chapter 288 of NRS.~~ **NRS 288.020 to 288.280, inclusive.** Probation  
32 officers, assistant probation officers and other employees hired before the  
33 effective date of the ordinance establishing the department may be  
34 dismissed only for cause.  
35 3. All information obtained in the discharge of duty by a probation  
36 officer, assistant probation officer or other employee of the department is  
37 privileged and must not be disclosed to any person other than the director  
38 of the department, the judges and the employees of the judicial district,  
39 such officers, employees and agents of the district court as the judges of the  
40 judicial district direct and other persons entitled pursuant to this chapter to  
41 receive that information, unless otherwise authorized by the director of the  
42 department.  
43 **Sec. 62.** NRS 245.210 is hereby amended to read as follows:  
44 245.210 1. The board of county commissioners of each of the several  
45 counties shall, by ordinance or agreement pursuant to ~~chapter 288 of~~  
46 ~~NRS.~~ **NRS 288.020 to 288.280, inclusive,** provide for annual, sick and  
47 disability leave for elected and appointed county officers and county  
48 employees. The provisions of such an ordinance or agreement may be more



1 restrictive but not more extensive than the provisions set forth in this  
2 section.

3 2. The ordinance or agreement must include provisions in substance as  
4 follows:

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

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

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

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

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

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

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

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

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

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

41 4. Such an ordinance or agreement may include a provision that  
42 elected and appointed county officers and employees may donate portions  
43 of their accumulated annual and sick leave to other elected and appointed  
44 county officers and employees. If such a provision is adopted, donated time  
45 must be converted into money at the hourly rate of salary of the donor and  
46 the money must be converted into sick leave at the hourly rate of salary of  
47 the recipient.



1     **Sec. 63.** NRS 245.211 is hereby amended to read as follows:  
2     245.211 1. The board of county commissioners of any county may  
3     establish, by contract or otherwise, and administer a disability pension plan  
4     or disability insurance program for the benefit of the county sheriff, any  
5     sheriff's deputy or fireman who is disabled, to any degree, by an injury  
6     arising out of and in the course of his employment.

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

10    3. If a county elects to consider implementation of a plan or program  
11    specified in subsection 1, or to change the benefits provided by an existing  
12    plan or program, the persons affected by the proposed plan or program, or  
13    proposed change, may negotiate with the county concerning the nature and  
14    extent of such plan, program or change. ~~[Chapter 288 of NRS applies]~~ *The*  
15    *provisions of NRS 288.020 to 288.280, inclusive, apply* to negotiations for  
16    this purpose.

17    4. The plan or program authorized by this section must be  
18    supplemental or in addition to and not in conflict with the coverage,  
19    compensation, benefits or procedure established by or adopted pursuant to  
20    chapters 616A to 616D, inclusive, or chapter 617 of NRS.

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

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

29    245.215 1. The board of county commissioners shall adopt  
30    regulations for any merit personnel system established pursuant to the  
31    provisions of NRS 245.213 to 245.216, inclusive. The regulations must  
32    provide:

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

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

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

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

44    (e) Policies and procedures governing persons holding temporary or  
45    provisional appointments.

46    (f) Policies and procedures governing relationships with employees and  
47    employee organizations.

48    (g) Policies concerning employee training and development.

49    (h) Grievance procedures.



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

3 2. Regulations adopted pursuant to this section for a merit personnel  
4 system established by a board of county commissioners pursuant to  
5 subsection 2 of NRS 245.213 must not exempt any employees other than  
6 those who are specifically exempted from such a merit personnel system  
7 pursuant to NRS 245.216.

8 3. In the event of a conflict between the policies and procedures  
9 adopted pursuant to this section and the provisions of a collective  
10 bargaining agreement entered into pursuant to ~~chapter 288 of NRS,~~ **NRS**  
11 **288.020 to 288.280, inclusive**, the provisions of the agreement prevail.

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

13 268.406 1. The governing board of any incorporated city may  
14 establish, by contract or otherwise, and administer a disability pension plan  
15 or disability insurance program for the benefit of any city police officer or  
16 fireman who is disabled, to any degree, by an injury arising out of and in  
17 the course of his employment.

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

21 3. If an incorporated city elects to consider implementation of a plan or  
22 program specified in subsection 1 or to change the benefits provided by an  
23 existing plan or program, the persons affected by the proposed plan or  
24 program, or proposed change, may negotiate with the city concerning the  
25 nature and extent of such plan, program or change. ~~Chapter 288 of NRS~~  
26 ~~applies~~ **The provisions of NRS 288.020 to 288.280, inclusive, apply** to  
27 negotiations for this purpose.

28 4. The plan or program authorized by this section must be  
29 supplemental or in addition to and not in conflict with the coverage,  
30 compensation, benefits or procedure established by or adopted pursuant to  
31 chapters 616A to 616D, inclusive, or chapter 617 of NRS.

32 5. The benefits provided for in this section are supplemental to other  
33 benefits an employee is entitled to receive on account of the same  
34 disability. In no event ~~shall~~ **may** the benefits provided for in this section,  
35 when added to benefits provided for or purchased by the expenditure of  
36 public money, exceed the maximum amount of benefits an employee is  
37 entitled to receive if he has been a member of the department or agency for  
38 10 years or more.

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

40 280.305 1. The committee may establish, by contract or otherwise,  
41 and administer a disability pension plan or disability insurance program for  
42 the benefit of any police officer of the department who is disabled, to any  
43 degree, by an injury arising out of and in the course of his employment.  
44 The cost of the plan or program may be charged, in whole or in part,  
45 against the annual operating budget for the department.

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

48 3. If the committee elects to consider implementation of a plan or  
49 program specified in subsection 1, or to change the benefits provided by an





1 existing plan or program, the persons affected by the proposed plan or  
2 program, or proposed change, may negotiate with:

- 3 (a) The committee or two or more persons designated by it; and  
4 (b) The sheriff or a person designated by him,  
5 concerning the nature and extent of the plan, program or change. ~~{Chapter~~  
6 ~~288 of NRS applies}~~ *The provisions of NRS 288.020 to 288.280, inclusive,*  
7 *apply* to negotiations for this purpose.

8 4. The plan or program authorized by this section must be  
9 supplemental or in addition to and not in conflict with the coverage,  
10 compensation, benefits or procedure established by or adopted pursuant to  
11 chapters 616A to 616D, inclusive, or chapter 617 of NRS.

12 5. The benefits provided for in this section are supplemental to other  
13 benefits an employee is entitled to receive on account of the same  
14 disability. In no event may the benefits provided for in this section, when  
15 added to benefits provided for or purchased by the expenditure of public  
16 money, exceed the maximum amount of benefits an employee is entitled to  
17 receive if he has been a member of the department or agency for 10 years  
18 or more.

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

20 280.320 1. A department is a local government employer for the  
21 purpose of the Local Government Employee-Management Relations Act  
22 and a public employer for the purpose of the Public Employees'  
23 Retirement Act.

24 2. In negotiations arising ~~{under}~~ *pursuant to* the provisions of  
25 ~~{chapter 288 of NRS.}~~ *NRS 288.020 to 288.280, inclusive:*

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

29 3. In negotiations arising ~~{under}~~ *pursuant to* the provisions of  
30 ~~{chapter 288 of NRS.}~~ *NRS 288.020 to 288.280, inclusive,* a school police  
31 unit must be considered a separate bargaining unit.

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

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

38 *2. As used in this section, "terms and conditions of employment" has*  
39 *the meaning ascribed to it in section 17 of this act.*

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

41 344.080 1. The superintendent shall employ such composers,  
42 machine operators, pressmen and assistants as the exigency of the work  
43 from time to time requires, and he may at any time discharge those  
44 employees. He shall not, at any time, employ more composers, machine  
45 operators, pressmen and assistants than the necessities of the division may  
46 require.

47 2. ~~{The}~~ *Except as otherwise provided in NRS 284.013 and section 68*  
48 *of this act, the* compensation of the composers, machine operators,  
49 pressmen and assistants must be fixed by the department of personnel, but



1 no such employees are entitled to receive a higher rate of wages than is  
2 recognized by the employing printers of the State of Nevada or than the  
3 nature of the employment may require.

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

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

8 353.230 1. The chief shall review the estimates, altering, revising,  
9 increasing or decreasing the items of the estimates as he may deem  
10 necessary in view of the needs of the various departments, institutions and  
11 agencies in the executive department of the state government and the total  
12 anticipated income of the state government and of the various departments,  
13 institutions and agencies of the executive department during the next fiscal  
14 year. In performing the duties required by this subsection, the chief shall  
15 use the projections and estimates prepared by the economic forum pursuant  
16 to NRS 353.228.

17 2. The chief shall meet with a fiscal analyst of the legislative counsel  
18 bureau or his designated representative and personnel of the various  
19 departments, institutions and agencies of the executive department to  
20 discuss:

21 (a) The budgetary requests of each department, institution and agency;  
22 and

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

28 3. The chief shall then prepare a final version of the proposed budget,  
29 in accordance with *section 41 of this act and* NRS 353.150 to 353.246,  
30 inclusive, and shall deliver it to the governor. The final version of the  
31 proposed budget must include *any requests for appropriations that are*  
32 *required pursuant to section 41 of this act and* the adjusted base budget  
33 for each department, institution and agency of the executive department,  
34 the costs for continuing each program at the current level of service and the  
35 costs, if any, for new programs, recommended enhancements of existing  
36 programs or reductions for the departments, institutions and agencies of the  
37 executive department for the next 2 fiscal years. All projections of revenue  
38 and any other information concerning future state revenue contained in the  
39 proposed budget must be based upon the projections and estimates  
40 prepared by the economic forum pursuant to NRS 353.228.

41 4. The governor *shall include in the proposed budget any requests for*  
42 *appropriations that are required pursuant to section 41 of this act and*  
43 shall, not later than 14 calendar days before the commencement of the  
44 regular legislative session, submit the proposed budget to the director of  
45 the legislative counsel bureau for transmittal to the legislature. The  
46 governor shall simultaneously submit, as a separate document:

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



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

3 The document must specify the total cost by department, institution or  
4 agency of new programs or enhancements, but need not itemize the  
5 specific costs. All projections of revenue and any other information  
6 concerning future state revenue contained in the document must be based  
7 upon the projections and estimates prepared by the economic forum  
8 pursuant to NRS 353.228.

9 5. On or before the 19th calendar day of the regular legislative session,  
10 the governor shall submit to the legislative counsel recommendations for  
11 each legislative measure which will be necessary to carry out the final  
12 version of the proposed budget or to carry out the governor's legislative  
13 agenda. These recommendations must contain sufficient detailed  
14 information to enable the legislative counsel to prepare the necessary  
15 legislative measures.

16 6. During the consideration of the general appropriation bill and any  
17 special appropriation bills and bills authorizing budgeted expenditures by  
18 the departments, institutions and agencies operating on money designated  
19 for specific purposes by the constitution or otherwise, drafted at the request  
20 of the legislature upon the recommendations submitted by the governor  
21 with the proposed budget, the governor or his representative have the right  
22 to appear before and be heard by the appropriation committees of the  
23 legislature in connection with the appropriation bill or bills, and to render  
24 any testimony, explanation or assistance required of him.

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

26 354.6241 1. The statement required by paragraph (c) of subsection 4  
27 of NRS 354.624 must indicate for each fund set forth in that paragraph:

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

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

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

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

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

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

38 2. To the extent that the reserve in any fund set forth in paragraph (c)  
39 of subsection 4 of NRS 354.624 exceeds the amount that is reasonable and  
40 necessary to carry out the purposes for which the fund was created, the  
41 reserve may be expended by the local government pursuant to the  
42 provisions of ~~chapter 288 of NRS~~ **NRS 288.020 to 288.280, inclusive.**

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

44 391.180 1. As used in this section, "employee" means any employee  
45 of a school district or charter school in this state.

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



1 3. Nothing contained in this section prohibits the payment of  
2 employees' compensation in 12 equal monthly payments for 9 or more  
3 months' work.

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

9 5. Boards of trustees shall either prescribe by regulation or negotiate  
10 pursuant to ~~chapter 288 of NRS,~~ *NRS 288.020 to 288.280, inclusive,*  
11 with respect to sick leave, accumulation of sick leave, payment for unused  
12 sick leave, sabbatical leave, personal leave, professional leave, military  
13 leave and such other leave as they determine to be necessary or desirable  
14 for employees. In addition, boards of trustees may either prescribe by  
15 regulation or negotiate pursuant to ~~chapter 288 of~~ *NRS 288.020 to*  
16 *288.280, inclusive,* with respect to the payment of unused sick leave to  
17 licensed teachers in the form of purchase of service pursuant to subsection  
18 3 of NRS 286.300. The amount of service so purchased must not exceed  
19 the number of hours of unused sick leave or 1 year, whichever is less.

20 6. The salary of any employee unavoidably absent because of personal  
21 illness or accident, or because of serious illness, accident or death in the  
22 family, may be paid up to the number of days of sick leave accumulated by  
23 the employee. An employee may not be credited with more than 15 days of  
24 sick leave in any 1 school year. Except as otherwise provided in this  
25 subsection, if an employee takes a position with another school district or  
26 charter school, all sick leave that he has accumulated must be transferred  
27 from his former school district or charter school to his new school district  
28 or charter school. The amount of sick leave so transferred may not exceed  
29 the maximum amount of sick leave which may be carried forward from one  
30 year to the next according to the applicable negotiated agreement or the  
31 policy of the district or charter school into which the employee transferred.  
32 Unless the applicable negotiated agreement or policy of the employing  
33 district or charter school provides otherwise, such an employee:

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

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

39 7. Subject to the provisions of subsection 8:

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

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

48 8. If the board of trustees of a school district or the governing body of  
49 a charter school orders an extension of the number of days of school to



1 compensate for the days lost as the result of an intermission because of  
2 those reasons contained in paragraph (b) of subsection 7, an employee  
3 may be required to render his services to the school district or charter  
4 school during that extended period. If the salary of the employee was  
5 continued during the period of intermission as provided in subsection 7, the  
6 employee is not entitled to additional compensation for services rendered  
7 during the extended period.

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

10 (a) The board of trustees of a school district pursuant to ~~chapter 288 of~~  
11 ~~NRS;~~ *NRS 288.020 to 288.280, inclusive;* or

12 (b) The governing body of a charter school pursuant to  
13 NRS 386.595,  
14 the provisions of the agreement or contract regarding that subject supersede  
15 any conflicting provisions of this section or of a regulation of the board of  
16 trustees.

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

18 391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, do  
19 not apply to a teacher, administrator, or other licensed employee who has  
20 entered into a contract with the board negotiated pursuant to ~~chapter 288~~  
21 ~~of~~ *NRS 288.020 to 288.280, inclusive,* if the contract contains separate  
22 provisions relating to the board's right to dismiss or refuse to reemploy the  
23 employee or demote an administrator.

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

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

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

32 (a) Establish, construct, purchase, lease, enter into a lease purchase  
33 agreement respecting, acquire by gift, grant, bequest, devise or  
34 otherwise, reconstruct, improve, extend, better, alter, repair, equip,  
35 furnish, regulate, maintain, operate and manage convention, exhibit  
36 and auditorium facilities, including personal property and real  
37 property, appurtenant thereto or used in connection therewith, and  
38 every estate, interest and right, legal or equitable, therein.

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

43 (c) Arrange or contract for the furnishing by any person or agency,  
44 public or private, of services, privileges, works, food, beverages,  
45 alcoholic beverages or facilities for or in connection with a facility,  
46 hire and retain officers, agents and employees, including a fiscal  
47 adviser, engineers, attorneys or other professional or specialized  
48 personnel.



1 (d) Direct the board of county commissioners or the board of  
2 supervisors of the City of Elko, and the governing body of any other  
3 political subdivision within the boundaries of the Authority, with the  
4 concurrence of that board or body, to acquire by the exercise of the  
5 power of eminent domain any real property which the Board deems  
6 necessary for its purposes, after the adoption by the Board of a  
7 resolution declaring such acquisition necessary for its purposes. This  
8 power must be exercised in the manner provided by any applicable  
9 statutory provisions and laws of the State of Nevada. Title to property  
10 so acquired must be taken in the name of the Authority.

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

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

20 (g) Receive, control, invest and order the expenditure of money  
21 pertaining to any facility or related properties, including , but not  
22 limited to , annual grants from the Federal Government, the state, the  
23 county and incorporated cities in the county for capital improvements  
24 for facilities.

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

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

29 (j) Sue and be sued.

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

32 (l) Engage in the sale and dispensing of alcoholic beverages in  
33 connection with activities conducted in connection with the facility,  
34 operate a bar in connection therewith and obtain all necessary licenses  
35 and permits and provide any bonds or security necessary or advisable.

36 (m) Engage in the preparation, sale, serving and dispensing of food  
37 and beverages in connection with the facilities and activities  
38 conducted in connection therewith.

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

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

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

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



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

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

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

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

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

32 (f) Appoint an executive director, the Authority treasurer, the  
33 auditor for the Authority, assistants to officers and establish such  
34 other offices and appoint such other officers as it deems necessary.  
35 All appointive officers serve at the pleasure of the Board and shall  
36 perform such duties as may be designated by the Board and are  
37 entitled to receive a salary set by the Board. The Board shall, by  
38 agreement pursuant to ~~chapter 288 of NRS,~~ *NRS 288.020 to*  
39 *288.280, inclusive*, or by resolution, set the annual, sick and disability  
40 leave, salary or wages, pensions, insurance and other benefits for  
41 appointed and hired Authority officers and employees.

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

46 5. When any member of the Board or officer or employee of the  
47 Authority travels for the transaction of business of the Authority, the  
48 Board may pay him the actual expenses necessary for such travel,  
49 including travel expenses, room, board, gratuities, car rental,





1 telephone, taxi fares and any other expense reasonably incurred in  
2 connection with such travel. Travel fares must be the amount charged  
3 by public conveyance unless the Board determines that travel by  
4 private conveyance is more economical, or travel by public  
5 conveyance is impractical or unavoidable over any of the routes to be  
6 traveled. The Board may allow for traveling by private conveyance an  
7 amount not to exceed the maximum allowance per mile for travel by  
8 private conveyance by state officers and employees specified in NRS  
9 281.160.

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

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

- 16 1. Entry into the service on the basis of open competition.
- 17 2. Service, promotions and remuneration on the basis of merit,  
18 efficiency and fitness.
- 19 3. Classifications of the positions in the service.
- 20 4. The rating of candidates on the basis of publicly announced  
21 competitive examinations and the maintenance of lists of eligible  
22 candidates.
- 23 5. Employment of candidates from the eligible lists in the highest  
24 qualified rating.
- 25 6. Probationary periods not to exceed 12 months.
- 26 7. Disciplinary action, suspension or discharge of employees for  
27 cause only with the right of notice and review.
- 28 8. Schedules of compensation and increases in pay prepared by  
29 the board.
- 30 9. Promotion on the basis of ascertained merit, seniority in service  
31 and competitive examinations.
- 32 10. Provision for keeping service records on all employees.
- 33 11. Regulations for hours of work, attendance, holidays, leaves of  
34 absence and transfers.
- 35 12. Procedures for layoffs, discharge, suspension, discipline and  
36 reinstatement.
- 37 13. The exemption from civil service of managers, supervisors,  
38 except those supervisors covered by an agreement negotiated pursuant  
39 to ~~chapter 288 of NRS,~~ **NRS 288.020 to 288.280, inclusive**, deputy  
40 directors, the executive director, persons employed to render  
41 professional, scientific, technical or expert service, persons providing  
42 services of a temporary or exceptional character, persons employed on  
43 projects paid from the proceeds of bonds issued by the authority and  
44 persons employed for a period of less than 3 months in any 12-month  
45 period.
- 46 14. Review by the board, at the request of the employee in  
47 question and after notice and hearing, of any disciplinary action,  
48 suspension or discharge of any employee, which action, suspension or  
49 discharge may be affirmed, modified or reversed by the board. The



\* A B 8 9 \*

1 decision of the board is a final decision in a contested case for the  
2 purpose of judicial review. An employee may appeal the decision of  
3 the board to a district court within the time limits and in the manner  
4 provided by law for the appeal of administrative decisions of state  
5 agencies.

6 **Sec. 76.** Section 2.330 of the charter of Carson City, being chapter  
7 690, Statutes of Nevada 1979, at page 1857, is hereby amended to read as  
8 follows:

9 Sec. 2.330 Employees: Merit personnel system.

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

13 2. The board of supervisors shall administer this section through  
14 the adoption of appropriate regulations which shall provide for:

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

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

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

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

25 (e) Policies and procedures governing persons holding temporary  
26 or provisional appointments.

27 (f) Policies and procedures governing relationships with employees  
28 and employee organizations.

29 (g) Policies concerning employee training and development.

30 (h) Grievance procedures.

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

33 3. In the event of a conflict between the policies and procedures  
34 adopted pursuant to this section and the provisions of a collective  
35 bargaining agreement entered into pursuant to ~~chapter 288 of NRS,~~  
36 ***NRS 288.020 to 288.280, inclusive***, the provisions of the agreement  
37 prevail.

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

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

40 (b) All deputy district attorneys;

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

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

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



- 1           Sec. 9.030 Collective bargaining.  
2           1. The city council shall recognize employee organizations for the  
3           purpose of collective bargaining pursuant to ~~chapter 288 of NRS.~~  
4           *NRS 288.020 to 288.280, inclusive.*  
5           2. The city manager is responsible for and shall direct all  
6           collective bargaining with recognized employee organizations. The  
7           city manager may designate any administrative officer subject to his  
8           direction and supervision as his representative for the purpose of those  
9           negotiations.  
10          3. Any agreement resulting from those negotiations must be  
11          ratified by the city council before it is effective.  
12          **Sec. 78.** NRS 288.010 is hereby repealed.  
13          **Sec. 79.** As soon as practicable on or before July 1, 2001, the  
14          members of the board for labor relations for state employees must be  
15          appointed as follows:  
16          1. One member appointed by the governor to an initial term that begins  
17          on July 1, 2001, and ends on June 30, 2003.  
18          2. One member appointed by the speaker of the assembly to an initial  
19          term that begins on July 1, 2001, and ends on June 30, 2004.  
20          3. One member appointed by the majority leader of the senate to an  
21          initial term that begins on July 1, 2001, and ends on June 30, 2005.  
22          **Sec. 80.** Notwithstanding any other provision of this act, an employee  
23          organization may not be designated as the exclusive representative of a  
24          bargaining unit pursuant to section 28 or 29 of this act before October 1,  
25          2001.  
26          **Sec. 81.** This act becomes effective on July 1, 2001.

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**TEXT OF REPEALED SECTION**

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

