
ASSEMBLY BILL NO. 9—ASSEMBLYWOMAN PARNELL

PREFILED JANUARY 11, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes use of arbitration for adjustment of certain grievances of state employees. (BDR 23-439)

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 the use of arbitration for the adjustment of certain grievances; providing a procedure for the selection of an arbitration panel; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 284.384 is hereby amended to read as follows:
2 284.384 1. The director shall propose, and the commission shall
3 adopt, regulations which provide for the adjustment of grievances for
4 which a hearing is not provided by NRS 284.165, 284.376 or 284.390. Any
5 grievance for which a hearing is not provided by NRS 284.165, 284.376 or
6 284.390 is subject to adjustment pursuant to this section.
7 2. The regulations must provide procedures for:
8 (a) Consideration and adjustment of the grievance within the agency in
9 which it arose.
10 (b) Submission *of the grievance by an employee* to the employee-
11 management committee *or an arbitrator* for a final decision if the
12 employee is still dissatisfied with the resolution of the dispute.
13 3. The regulations must include provisions for:
14 (a) Submitting each proposed resolution of a dispute which has a fiscal
15 effect to the budget division of the department of administration for a
16 determination by that division whether the resolution is feasible on the
17 basis of its fiscal effects; and
18 (b) Making the resolution binding.
19 4. ~~[Any]~~ *An employee may submit any* grievance which is subject to
20 adjustment pursuant to this section ~~[may be appealed]~~ to the employee-

1 management committee *or an arbitrator* for a final decision. *If the*
2 *employee submits the grievance to an arbitrator:*

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

6 *(b) Each party shall pay its costs for the preparation and presentation*
7 *of its case.*

8 5. The employee may represent himself at any hearing regarding a
9 grievance which is subject to adjustment pursuant to this section or be
10 represented by an attorney or *any* other person of the employee's ~~own~~
11 choosing.

12 6. *The commission shall appoint an arbitration panel whose*
13 *members are authorized to make final decisions concerning grievances*
14 *that are submitted to an arbitrator pursuant to this section. To appoint*
15 *such a panel, the commission shall request from the American*
16 *Arbitration Association or the Federal Mediation and Conciliation*
17 *Service a list of seven arbitrators. If the commission and the*
18 *organizations that represent state employees in this state are unable to*
19 *agree upon which arbitration service to use, the Federal Mediation and*
20 *Conciliation Service must be used. The commission shall hold a hearing*
21 *at which the commission will hear objections to any of the arbitrators*
22 *included on the list. At the conclusion of the hearing, the commission*
23 *shall appoint three arbitrators to serve as members of an arbitration*
24 *panel for terms of 1 year, and one alternate arbitrator to serve on the*
25 *panel if a vacancy occurs. Each year the members of the arbitration*
26 *panel must be appointed in the manner prescribed in this subsection.*

27 7. *If a grievance is submitted to the arbitration panel, the employee*
28 *who submitted the grievance and the appointing authority of the*
29 *employee shall each strike one name from the panel. The remaining*
30 *arbitrator shall hear the grievance. The hearing must be held in the*
31 *county where the employee resides, unless the employee agrees to*
32 *another location.*

33 8. As used in this section, "grievance" means an act, omission or
34 occurrence which an employee who has attained permanent status feels
35 constitutes an injustice relating to any condition arising out of the
36 relationship between an employer and an employee, including, but not
37 limited to, compensation, working hours, working conditions, membership
38 in an organization of employees or the interpretation of any law, regulation
39 or disagreement.

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