

CHAPTER.....

AN ACT relating to local governments; revising provisions governing the timing of certain events for collective bargaining between local governmental employers and employee organizations; and providing other matters properly relating thereto.

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

Section 1. NRS 288.190 is hereby amended to read as follows:
288.190 Except in cases to which NRS 288.205 and 288.215 apply:

1. Anytime before ~~July~~ *March* 1, the dispute may be submitted to a mediator, if both parties agree. ~~{On or after July 1 but before July 5,}~~ *Anytime after March 1,* either party involved in negotiations may request a mediator. If the parties do not agree upon a mediator, the Commissioner shall submit to the parties a list of seven potential mediators. The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is agreed to or requested pursuant to subsection 1, the mediator must be selected ~~{on or before July 15.}~~ *at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators from the Commissioner.*

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute ~~{no later than July 31.}~~ *within 30 days after being notified of his selection as mediator.* He may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. The local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. If the dispute is submitted to a mediator and then submitted to a fact finder, the mediator shall, ~~{before August 15,}~~ *within 15 days after the last meeting between the parties,* give to the Commissioner of the Board a report of the efforts made to settle the dispute.

Sec. 2. NRS 288.200 is hereby amended to read as follows:
288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:

1. If:

(a) The parties have participated in mediation and by ~~{August}~~ **April 1**, have not reached agreement; or

(b) The bargaining unit represented by the employee organization contains fewer than 30 persons,

↳ either party to the dispute, at any time ~~{up to September 20,}~~ **after April 1**, may submit the dispute to an impartial fact finder for his findings and recommendations. His findings and recommendations are not binding on the parties except as provided in subsections 5, 6 and 9. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. ~~{The}~~ **Within 5 days after receiving a list from the applicable arbitration service, the** parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established ~~{before October 20}~~ **within 10 days after the selection of the fact finder pursuant to subsection 2**, and the fact finder shall report his findings and recommendations to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 9 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than ~~{October 20}~~ **the date which is 30 days after the date on which the matter is submitted to the panel**, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have

bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.

7. Except as otherwise provided in subsection 8, any fact finder, whether his recommendations are to be binding or not, shall base his recommendations or award on the following criteria:

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

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, he shall use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and he shall consider whether the Board found that either party had bargained in bad faith.

➔ The fact finder's report must contain the facts upon which he based his determination of financial ability to grant monetary benefits and his recommendations or award.

8. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➔ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

9. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➔ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

Sec. 3. NRS 288.201 is hereby amended to read as follows:

288.201 Any request for the formation of a panel to determine whether the findings and recommendations of a fact finder must be final and binding must be filed ~~no later than October 1~~ with the Commissioner. The request must include:

1. A list of the issues which remain unresolved and the position of each party regarding those issues;
2. The requester's assessment of the fiscal effect on the local government of the requester's positions;
3. An outline of any previous fact-finding between the parties, which includes any recommendations and awards of a fact finder and the actions of each party in response thereto;
4. A statement of whether the parties engaged in mediation regarding the current dispute;
5. A schedule of the dates and times set by the fact finder for the hearing; and
6. Any other information deemed necessary by the Commissioner.

➔ Any person filing such a request shall give written notice of the request to the Nevada State Board of Accountancy and the State Bar of Nevada.

Sec. 4. NRS 288.202 is hereby amended to read as follows:

288.202 1. Within 5 days after receiving notice of such a request, the Nevada State Board of Accountancy and the State Bar of Nevada shall each submit to the Commissioner and each party to the dispute a list of names of five of their members who would serve on a panel and are not closely allied with any employee association or local government employer.

2. Within 8 days after receiving the lists, the parties shall choose one name from each list by alternately striking one name until the names of only one attorney and one accountant remain, who will each be a member of the panel. The parties shall choose the member from the list of accountants separately from their choice from the list of attorneys. The parties shall notify the Commissioner of their selections and he shall notify the attorney and accountant selected.

3. Within 5 days after receiving notice of their selection, the attorney and accountant shall:

(a) Choose the third member of the panel, who must:

- (1) Be willing to serve on the panel;
- (2) Be a resident of this State; and
- (3) Not be closely allied with any employee organization or

local government employer.

(b) Notify the Commissioner of their choice, and the three members shall , *within 5 days after selecting the third member of*

the panel, notify the Commissioner of the dates ~~before August 10~~ when they will all be available to attend hearings.

4. The Commissioner shall serve as a nonvoting member and also as the chairman of the panel.

5. If the accountant or attorney selected to serve on the panel is unable to do so, the Nevada State Board of Accountancy or State Bar of Nevada shall designate a person to replace its nominee. If the person selected by the accountant and attorney is unable to serve, they shall designate a person to replace him. If the Commissioner is unable to serve, the Governor shall designate a person to serve in his capacity.

Sec. 5. This act becomes effective on July 1, 2006.

