
ASSEMBLY BILL NO. 484—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes collective bargaining for certain state employees. (BDR 23-1300)

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; changing the name of the Local Government Employee-Management Relations Board to the Public Employment Relations Board; expanding the duties of the Board to include collective bargaining for certain state employees; providing for bargaining units of state employees and for their representatives; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; 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 1. Any officer of the State, except the Legislative
3 Fiscal Officer, who disburses money in payment of salaries and
4 wages of officers and employees of the State:
5 (a) May, upon written requests of the officer or employee
6 specifying amounts, withhold those amounts and pay them to:
7 (1) Charitable organizations;
8 (2) Employee credit unions;
9 (3) Except as otherwise provided in paragraph (b), insurers;



(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~Employee~~ *Except as otherwise provided in section 38 of this act, employee* organizations and labor organizations.

(b) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the executive department.

Sec. 2. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

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

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

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

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

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

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms or



conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 14 to 48, inclusive, of this act. As used in this subsection, "terms and conditions of employment" has the meaning ascribed to it in section 25 of this act.

Sec. 3. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to ~~chapter 288 of~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act* may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.



1 5. The provisions of paragraphs (b) and (c) of subsection 2 of
2 NRS 287.029 apply to a trust fund established pursuant to this
3 section by the governing body of a school district.

4 6. As used in this section:

5 (a) "Employee organization" has the meaning ascribed to it in
6 NRS 288.040.

7 (b) "Local government employer" has the meaning ascribed to it
8 in NRS 288.060.

9 **Sec. 4.** Chapter 288 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 5 to 48, inclusive, of this
11 act.

12 **Sec. 5. 1. The Legislature finds as facts:**

13 (a) *That the services provided by the State and local*
14 *government employers are of such nature that they are not and*
15 *cannot be duplicated from other sources and are essential to the*
16 *health, safety and welfare of the people of the State of Nevada;*

17 (b) *That the continuity of such services is likewise essential,*
18 *and their disruption incompatible with the responsibility of the*
19 *State to its people; and*

20 (c) *That every person who enters or remains in the*
21 *employment of the State or a local government employer accepts*
22 *the facts stated in paragraphs (a) and (b) as an essential condition*
23 *of his employment.*

24 2. *The Legislature therefore declares it to be the public policy*
25 *of the State of Nevada that strikes against the State or any local*
26 *government employer are illegal.*

27 **Sec. 6. 1.** *If a strike occurs against the State or a local*
28 *government employer, the State or local government employer*
29 *shall, and if a strike is threatened against the State or a local*
30 *government employer, the State or local government employer*
31 *may, apply to a court of competent jurisdiction to enjoin the strike.*
32 *The application must set forth the facts constituting the strike or*
33 *threat to strike.*

34 2. *If the court finds that an illegal strike has occurred or*
35 *unless enjoined will occur, it shall enjoin the continuance or*
36 *commencement of the strike. The provisions of N.R.C.P. 65 and*
37 *the other Nevada Rules of Civil Procedure apply generally to*
38 *proceedings under this section, but the court shall not require*
39 *security of the State or of any local government employer.*

40 **Sec. 7. 1.** *If a strike or violation is commenced or*
41 *continued in violation of an order issued pursuant to section 6 of*
42 *this act, the State or the local government employer may:*

43 (a) *Dismiss, suspend or demote all or any of the employees*
44 *who participate in the strike or violation.*



1 (b) *Cancel the contracts of employment of all or any of the*
2 *employees who participate in the strike or violation.*

3 (c) *Withhold all or any part of the salaries or wages which*
4 *would otherwise accrue to all or any of the employees who*
5 *participate in the strike or violation.*

6 2. *Any of the powers conferred by subsection 1 may be*
7 *exercised alternatively or cumulatively.*

8 **Sec. 8.** *As used in NRS 288.140 to 288.280, inclusive, and*
9 *sections 8 to 13, inclusive, of this act, unless the context otherwise*
10 *requires, the words and terms defined in sections 9 to 12,*
11 *inclusive, of this act have the meanings ascribed to them in those*
12 *sections.*

13 **Sec. 9.** *“Bargaining unit” means a group of local*
14 *government employees recognized by the local government*
15 *employer as having sufficient community of interest appropriate*
16 *for representation by an employee organization for the purpose of*
17 *collective bargaining.*

18 **Sec. 10.** *“Collective bargaining” means a method of*
19 *determining conditions of employment by negotiation between*
20 *representatives of the local government employer and employee*
21 *organizations, entailing a mutual obligation of the local*
22 *government employer and the representative of the local*
23 *government employees to meet at reasonable times and bargain in*
24 *good faith with respect to:*

25 1. *Wages, hours and other terms and conditions of*
26 *employment;*

27 2. *The negotiation of an agreement;*

28 3. *The resolution of any question arising under a negotiated*
29 *agreement; or*

30 4. *The execution of a written contract incorporating any*
31 *agreement reached if requested by either party,*
32 *but this obligation does not compel either party to agree to a*
33 *proposal or require the making of a concession.*

34 **Sec. 11.** *“Mediation” means assistance by an impartial third*
35 *party to reconcile differences between a local government*
36 *employer and a bargaining unit through interpretation, suggestion*
37 *and advice.*

38 **Sec. 12.** *“Recognition” means the formal acknowledgment*
39 *by the local government employer that a particular employee*
40 *organization has the right to represent the local government*
41 *employees within a particular bargaining unit.*

42 **Sec. 13.** *The Board shall adopt regulations governing:*

43 1. *The recognition of employee organizations; and*

44 2. *The determination of bargaining units.*



1 **Sec. 14.** *As used in sections 14 to 48, inclusive, of this act,*
2 *unless the context otherwise requires, the words and terms defined*
3 *in sections 15 to 25, inclusive, of this act have the meanings*
4 *ascribed to them in those sections.*

5 **Sec. 15.** *"Arbitration" means a process of dispute resolution*
6 *where the parties involved in an impasse or grievance dispute*
7 *submit their dispute to a third party for a final and binding*
8 *decision.*

9 **Sec. 16.** *"Bargaining unit" means a collection of employees*
10 *that the Board has established as a bargaining unit pursuant to*
11 *section 32 of this act.*

12 **Sec. 17.** *"Confidential employee" means an employee who*
13 *provides administrative support to an employee who assists in the*
14 *formulation, determination and effectuation of personnel policies*
15 *or managerial policies concerning collective bargaining or*
16 *supplemental bargaining.*

17 **Sec. 18.** *"Collective bargaining" means a method to*
18 *determine the terms and conditions of employment for all*
19 *employees within a bargaining unit through negotiation,*
20 *mediation or arbitration between the Executive Department and*
21 *the exclusive representative of the bargaining unit pursuant to*
22 *sections 14 to 48, inclusive, of this act.*

23 **Sec. 19. 1.** *"Employee" means a person who:*

24 *(a) Is employed in the classified service of the State pursuant*
25 *to chapter 284 of NRS, including, without limitation, persons*
26 *employed in the classified service by the University and*
27 *Community College System of Nevada;*

28 *(b) Is employed by the Public Employees' Retirement System*
29 *and who is required to be paid in accordance with the pay plan for*
30 *the classified service of the State; or*

31 *(c) Is employed by any other employer that receives money*
32 *from the State of Nevada if the National Labor Relations Board*
33 *has refused to assert jurisdiction over the employer because the*
34 *employer lacks the ultimate authority to determine the primary*
35 *terms and conditions of employment and who is in a position*
36 *similar to a position in the classified service of the State.*

37 **2.** *The term does not include:*

38 *(a) A managerial employee whose primary function, as*
39 *determined by the Board, is to administer and control the business*
40 *of any agency, board, bureau, commission, department, division,*
41 *elected officer or any other unit of the Executive Department and*
42 *who is vested with discretion and independent judgment with*
43 *regard to the general conduct and control of that agency, board,*
44 *bureau, commission, department, division, elected officer or unit;*



1 (b) An elected official and any person appointed to fill a
2 vacancy in an elected office;

3 (c) A confidential employee;

4 (d) A temporary employee who is employed for a fixed period
5 of 4 months or less;

6 (e) A commissioned officer and an enlisted member of the
7 Nevada National Guard;

8 (f) A justice of the Supreme Court and a judge of a district
9 court;

10 (g) Inmates of state institutions even though they may be
11 receiving compensation for services performed for the institution;
12 and

13 (h) Any person employed by the Legislature.

14 **Sec. 20.** "Exclusive representative" means an employee
15 organization that, as a result of designation by the Board, has
16 exclusive right to represent all employees within a bargaining unit
17 and to negotiate with the Executive Department pursuant to
18 sections 14 to 48, inclusive, of this act concerning the terms and
19 conditions of employment for those employees.

20 **Sec. 21.** "Executive Department" means an agency, board,
21 bureau, commission, department, division, elected officer or any
22 other unit of the Executive Department of State Government.

23 **Sec. 22.** "Mediation" means assistance by an impartial third
24 party to reconcile differences between the Executive Department
25 and an exclusive representative through interpretation, suggestion
26 and advice.

27 **Sec. 23.** "Professional employee" means an employee
28 engaged in work that:

29 1. Is predominately intellectual and varied in character as
30 opposed to routine mental, manual, mechanical or physical work;

31 2. Involves the consistent exercise of discretion and judgment
32 in its performance;

33 3. Is of such a character that the result accomplished or
34 produced cannot be standardized in relation to a given period; and

35 4. Requires advanced knowledge in a field of science or
36 learning customarily acquired through a prolonged course of
37 specialized intellectual instruction and study in an institution of
38 higher learning, as distinguished from general academic
39 education, an apprenticeship or training in the performance of
40 routine mental or physical processes.

41 **Sec. 24.** "Supervisory employee" means an employee who
42 has authority to:

43 1. Hire, transfer, suspend, lay off, recall, promote, discharge,
44 assign, reward or discipline other employees, or who has the
45 responsibility to direct such employees; or



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

↪ *The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. Nothing in this section may be construed to mean that an employee who has been given incidental administrative duties is classified as a supervisory employee.*

Sec. 25. *"Terms and conditions of employment" includes, without limitation:*

1. *Hours and working conditions;*
2. *Grievances;*
3. *Discipline and discharge; and*
4. *Any other term or condition of employment that does not require an appropriation from the Legislature to be given effect.*

Sec. 26. 1. *The Legislature hereby finds and declares that there is a great need to:*

(a) *Promote orderly and constructive relations between the State and its employees; and* (b) *Increase the efficiency of State Government.*

2. *It is therefore within the public interest that the Legislature enact provisions:*

(a) *Granting certain state employees the right to associate with others in organizing and choosing representatives for the purpose of discussing workplace relations;*

(b) *Requiring the State to recognize, negotiate and discuss workplace relations with employee organizations that represent state employees and to enter into written agreements evidencing the result of discussions of workplace relations; and*

(c) *Establishing standards and procedures that protect the rights of state employees, the Executive Department and the people of the State.*

Sec. 27. 1. *For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:*

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

(b) *Refrain from engaging in such activity.*

2. *Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive*



1 *representative to meet at reasonable times and to bargain in good*
2 *faith with respect to:*

3 (a) *The terms and conditions of employment;*

4 (b) *The negotiation of an agreement;*

5 (c) *The resolution of any question arising under an agreement;*
6 *and*

7 (d) *The execution of a written contract incorporating the*
8 *provisions of an agreement, if requested by either party.*

9 **Sec. 28.** *Each collective bargaining agreement must be in*
10 *writing and must include, without limitation:*

11 1. *A procedure to resolve grievances which applies to all*
12 *employees in the bargaining unit and which culminates in final*
13 *and binding arbitration; and*

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

20 **Sec. 29.** 1. *It is a prohibited practice for the Executive*
21 *Department or its designated representative willfully to:*

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

26 (b) *Interfere with, restrain or coerce an employee in the*
27 *exercise of any right guaranteed pursuant to sections 14 to 48,*
28 *inclusive, of this act.*

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

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

34 (e) *Discharge or otherwise discriminate against an employee*
35 *because the employee has:*

36 (1) *Signed or filed an affidavit, petition or complaint or has*
37 *provided any information or given any testimony pursuant to*
38 *sections 14 to 48, inclusive, of this act; or*

39 (2) *Formed, joined or chosen to be represented by an*
40 *employee organization.*

41 (f) *Discriminate because of race, color, religion, sex, sexual*
42 *orientation, age, disability, national origin, or political or personal*
43 *reasons or affiliations.*

44 (g) *Deny rights accompanying a designation as an exclusive*
45 *representative.*



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

(a) *When acting as an exclusive representative, refuse to engage in collective bargaining or otherwise fail to bargain in good faith with the Executive Department, including, without limitation, refusing to engage in mediation or arbitration.*

(b) *Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 14 to 48, inclusive, of this act.*

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

Sec. 30. 1. *To establish that a party committed a prohibited practice in violation of section 29 of this act, the party aggrieved by the practice must:*

(a) *File a complaint with the Board not later than 6 months after the alleged prohibited practice occurred; and*

(b) *Send a copy of the complaint to the other party by certified mail, return receipt requested, or by any other method authorized by the Board.*

2. *Not later than 10 days after receiving a complaint pursuant to paragraph (b) of subsection 1, a party shall file a response to the complaint with the Board.*

3. *The Board shall conduct a preliminary investigation of the complaint. Based on its investigation:*

(a) *If the Board determines that the complaint has no basis in law or fact, the Board must dismiss the complaint.*

(b) *If the Board determines that the complaint may have a basis in law or fact, the Board must order a hearing to be conducted in accordance with:*

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

(2) *The regulations adopted by the Board.*

4. *If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:*

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

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

5. *The Board may petition the district court for enforcement of its orders.*

6. *Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that*



1 *a party aggrieved by the order or decision of the Board must file a*
2 *petition for judicial review not later than 10 days after being*
3 *served with the order or decision of the Board.*

4 **Sec. 31.** 1. *The Board may appoint a hearing officer to*
5 *conduct a hearing which may be conducted by the Board pursuant*
6 *to this section 30 of this act.*

7 2. *A decision of the hearing officer may be appealed to the*
8 *Board.*

9 3. *On appeal to the Board, the Board may consider the record*
10 *of the hearing or conduct a hearing de novo. A hearing de novo*
11 *conducted by the Board must be conducted in accordance with:*

12 (a) *The provisions of chapter 233B of NRS that apply to a*
13 *contested case; and*

14 (b) *The regulations adopted by the Board.*

15 4. *If the Board finds at the hearing that the party accused in*
16 *the complaint has committed a prohibited practice, the Board:*

17 (a) *Shall order the party to cease and desist from engaging in*
18 *the prohibited practice; and*

19 (b) *May order any other affirmative relief that is necessary to*
20 *remedy the prohibited practice.*

21 5. *The Board may petition the district court for enforcement*
22 *of its orders.*

23 6. *Any order or decision issued by the Board pursuant to this*
24 *section concerning the merits of a complaint is a final decision in*
25 *a contested case and may be appealed pursuant to the provisions*
26 *of chapter 233B of NRS that apply to a contested case, except that*
27 *a party aggrieved by the order or decision of the Board must file a*
28 *petition for judicial review not later than 10 days after being*
29 *served with the order or decision of the Board.*

30 **Sec. 32.** 1. *The Board shall, by regulation, establish*
31 *bargaining units on a statewide basis, including, without*
32 *limitation, the bargaining units described in subsection 2.*

33 2. *The Board shall establish one bargaining unit for each of*
34 *the following occupational groups, and each such bargaining unit*
35 *must include all supervisory employees at the working level of the*
36 *occupational group:*

37 (a) *Labor, maintenance, custodial and institutional employees,*
38 *including, without limitation, employees of penal and correctional*
39 *institutions who are not responsible for security at those*
40 *institutions.*

41 (b) *Administrative and clerical employees, including, without*
42 *limitation, paralegals and employees whose work involves general*
43 *office work, or keeping or examining records and accounts.*



1 (c) *Technical aides to professional employees, including,*
2 *without limitation, computer programmers, tax examiners,*
3 *conservation employees and crew supervisors.*

4 (d) *Professional employees, including, without limitation,*
5 *physical therapists and other employees in medical and other*
6 *professions related to health.*

7 (e) *Employees, other than professional employees, who provide*
8 *health care and personal care, including, without limitation,*
9 *employees who care for children.*

10 (f) *Category I peace officers.*

11 (g) *Category II peace officers.*

12 (h) *Category III peace officers.*

13 (i) *Adult and youth correctional employees, including, without*
14 *limitation, classification caseworkers, group supervisors in*
15 *correctional institutions and forensic specialists.*

16 (j) *Supervisory employees not otherwise included in other*
17 *bargaining units.*

18 (k) *Employees of the University and Community College*
19 *System of Nevada, except such employees who are category I*
20 *peace officers.*

21 3. *The Board shall, by regulation, establish the exact*
22 *classifications of employees within each bargaining unit. The*
23 *Board may assign a new classification to a bargaining unit based*
24 *upon the similarity of the new classification to other*
25 *classifications within the bargaining unit.*

26 4. *The Board shall not change an established bargaining unit*
27 *arbitrarily.*

28 5. *The Board shall determine whether the employment*
29 *functions of any group of employees performing managerial*
30 *functions preclude the inclusion of those employees in a*
31 *bargaining unit.*

32 6. *As used in this section:*

33 (a) *“Category I peace officer” has the meaning ascribed to it*
34 *in NRS 289.460.*

35 (b) *“Category II peace officer” has the meaning ascribed to it*
36 *in NRS 289.470.*

37 (c) *“Category III peace officer” has the meaning ascribed to it*
38 *in NRS 289.480.*

39 **Sec. 33. 1.** *If no employee organization is designated as the*
40 *exclusive representative of a bargaining unit and an employee*
41 *organization files with the Board a list of its membership showing*
42 *that the employee organization represents more than 50 percent of*
43 *the employees within the bargaining unit, the Board shall*
44 *designate the employee organization as the exclusive*
45 *representative of the bargaining unit without ordering an election.*



2. If the Board designates an employee organization as the exclusive representative of a bargaining unit without ordering an election pursuant to subsection 1 or paragraph (a) of subsection 2 of section 34 of this act, the Board shall:

(a) Without ordering an election, remove the employee organization as the exclusive representative of the bargaining unit and designate another employee organization as the exclusive representative of the bargaining unit if:

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

(2) The Board has not ordered an election pursuant to paragraph (b); or

(b) Order an election to be conducted pursuant to section 34 of this act if:

(1) A group of employees within the bargaining unit files with the Board a written request for an election which includes a list showing that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation;

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

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

Sec. 34. 1. If no employee organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit pursuant to section 33 of this act if:

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

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

2. If the Board designates an employee organization as the exclusive representative of a bargaining unit based upon the results of an election ordered pursuant to subsection 1 or paragraph (b) of subsection 2 of section 33 of this act, the Board shall:

(a) Without ordering an election, remove the employee organization as the exclusive representative of the bargaining unit



1 *and designate another employee organization as the exclusive*
2 *representative of the bargaining unit if:*

3 *(1) Another employee organization files with the Board a*
4 *list of its membership showing that it represents more than 50*
5 *percent of the employees within the bargaining unit; and*

6 *(2) The Board has not ordered an election pursuant to*
7 *paragraph (b) during that period; or*

8 *(b) Order an election to be conducted pursuant to section 33 of*
9 *this act if:*

10 *(1) After June 30 and on or before December 31 of an odd-*
11 *numbered year:*

12 *(I) Another employee organization files with the Board a*
13 *written request for an election which includes a list of its*
14 *membership showing that the employee organization represents at*
15 *least 30 percent but not more than 50 percent of the employees*
16 *within the bargaining unit; or*

17 *(II) A group of employees within the bargaining unit*
18 *files with the Board a written request for an election which*
19 *includes a list showing that more than 50 percent of the employees*
20 *within the bargaining unit have requested that an election be*
21 *conducted to change or discontinue representation;*

22 *(2) The Board has not, during that period, designated*
23 *another employee organization as the exclusive representative of*
24 *the bargaining unit pursuant to paragraph (a); and*

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

28 **Sec. 35. 1.** *If the Board orders an election within a*
29 *bargaining unit pursuant to section 33 or 34 of this act, the Board*
30 *shall order that each of the following be placed as a choice on the*
31 *ballot for the election:*

32 *(a) If applicable, the employee organization that requested the*
33 *election pursuant to section 34 of this act and the employee*
34 *organization that is presently designated as the exclusive*
35 *representative of the bargaining unit pursuant to section 33 or 34*
36 *of this act;*

37 *(b) Any other employee organization that, on or before the*
38 *date that is prescribed by the regulations adopted by the Board,*
39 *files with the Board a written request to be placed on the ballot for*
40 *the election and includes with the written request a list of its*
41 *membership showing that the employee organization represents at*
42 *least 30 percent of the employees within the bargaining unit; and*

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

44 **2.** *If a ballot for an election contains more than two choices*
45 *and none of the choices on the ballot receives a majority of the*



1 *votes cast at the initial election, the Board shall order a runoff*
2 *election between the two choices on the ballot that received the*
3 *highest number of votes at the initial election.*

4 *3. If the choice for "no representation" receives a majority of*
5 *the votes cast at the initial election or at any runoff election, the*
6 *Board shall designate the bargaining unit as being without*
7 *representation.*

8 *4. If an employee organization receives a majority of the*
9 *votes cast at the initial election or at any runoff election, the*
10 *Board shall designate the employee organization as the exclusive*
11 *representative of the bargaining unit.*

12 **Sec. 36.** *1. The Board shall preside over all elections that*
13 *are conducted pursuant to sections 14 to 48, inclusive, of this act*
14 *and shall determine the eligibility requirements for employees to*
15 *vote in any such election.*

16 *2. An employee organization that is placed as a choice on the*
17 *ballot for an election or any employee who is eligible to vote at an*
18 *election may file with the Board a written objection to the results*
19 *of the election. The objection must be filed not later than 10 days*
20 *after the date on which the notice of the results of the election is*
21 *given by the Board.*

22 *3. In response to a written objection filed pursuant to*
23 *subsection 2 or upon its own motion, the Board may invalidate the*
24 *results of an election and order a new election if the Board finds*
25 *that any conduct or circumstances raise substantial doubt that the*
26 *results of the election are reliable.*

27 **Sec. 37.** *1. Except as otherwise provided in subsection 2, an*
28 *exclusive representative shall:*

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

31 *(b) Meet with the Executive Department at reasonable times,*
32 *including, without limitation, meeting with the Executive*
33 *Department reasonably in advance of its budget-making process;*
34 *and*

35 *(c) In good faith and on behalf of each bargaining unit that it*
36 *represents, individually or collectively, negotiate with the*
37 *Executive Department concerning the terms and conditions of*
38 *employment for the employees within each bargaining unit that it*
39 *represents, including, without limitation, any terms and conditions*
40 *of employment that are within the scope of supplemental*
41 *bargaining pursuant to section 46 of this act.*

42 *2. If an employee is within a bargaining unit that has an*
43 *exclusive representative, the employee has the right to present*
44 *grievances to the Executive Department at any time and to have*



1 *those grievances adjusted without the intervention of the exclusive*
2 *representative if:*

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

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

9 **Sec. 38.** *If the Board designates an employee organization as*
10 *the exclusive representative of a bargaining unit pursuant to*
11 *sections 14 to 48, inclusive, of this act, an officer of the Executive*
12 *Department may not, pursuant to NRS 281.129, withhold any*
13 *amount of money from the salary or wages of an employee within*
14 *the bargaining unit to pay dues or similar fees to an employee*
15 *organization other than the employee organization that is the*
16 *exclusive representative of the bargaining unit.*

17 **Sec. 39.** *In each even-numbered year, the Executive*
18 *Department and an exclusive representative shall begin*
19 *negotiations concerning a collective bargaining agreement not*
20 *sooner than January 1 of the even-numbered year and not later*
21 *than:*

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

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

32 **Sec. 40.** 1. *If the parties do not reach a collective*
33 *bargaining agreement through negotiation on or before July 31 of*
34 *the following year, or any later date which is set by agreement of*
35 *the parties, either party may apply to the Federal Mediation and*
36 *Conciliation Service for a list of seven potential mediators. The*
37 *parties shall select their mediator from this list by alternately*
38 *striking one name until the name of only one mediator remains,*
39 *who will be the mediator to hear the dispute in question. The party*
40 *who submits the request to the Federal Mediation and*
41 *Conciliation Service shall strike the first name.*

42 2. *The mediator shall bring the parties together as soon as*
43 *possible after his appointment and shall attempt to settle each*
44 *issue in dispute on or before August 15 or any later date which is*
45 *set by agreement of the parties.*



1 3. *The Executive Department and the exclusive representative*
2 *shall each pay one-half of the cost of mediation.*

3 **Sec. 41.** 1. *If the mediator determines that his services are*
4 *no longer helpful or if the parties do not reach a collective*
5 *bargaining agreement through mediation on or before August 15,*
6 *or any later date which is set by agreement of the parties, the*
7 *mediator shall discontinue meditation and the parties shall attempt*
8 *to agree upon an impartial arbitrator.*

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

18 3. *The arbitrator shall begin arbitration proceedings on or*
19 *before September 15 or any later date which is set by agreement of*
20 *the parties.*

21 4. *The arbitrator and the parties shall apply and follow the*
22 *procedures for arbitration that are prescribed by the regulations*
23 *adopted by the Board. During arbitration, the parties retain their*
24 *respective duties to negotiate in good faith.*

25 5. *The arbitrator may administer oaths or affirmations, take*
26 *testimony and issue and seek enforcement of subpoenas in the*
27 *same manner as the Board pursuant to NRS 288.120, and except*
28 *as otherwise provided in subsection 6, the provisions of NRS*
29 *288.120 apply to subpoenas issued by the arbitrator.*

30 6. *The Executive Department and the exclusive representative*
31 *shall each pay one-half of the cost of arbitration.*

32 **Sec. 42.** 1. *For each separate issue that is in dispute after*
33 *arbitration proceedings are held pursuant to section 41 of this act,*
34 *the arbitrator shall incorporate either the final offer of the*
35 *Executive Department or the final offer of the exclusive*
36 *representative into his decision. The arbitrator shall not revise or*
37 *amend the final offer of either party on any issue.*

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

40 (a) *The position of each party as to each issue in dispute; and*

41 (b) *The contractual terms and provisions contained in each*
42 *final offer.*

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



1 (a) Compare the terms and conditions of employment for the
2 employees within the bargaining unit with the terms and
3 conditions of employment for other employees performing similar
4 services and for other employees generally:

5 (1) In public employment in comparable communities; and

6 (2) In private employment in comparable communities; and

7 (b) Consider, without limitation:

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

10 (2) Such other factors as are normally or traditionally used
11 as part of collective bargaining, mediation, arbitration or other
12 methods of dispute resolution to determine the terms and
13 conditions of employment for employees in public or private
14 employment.

15 4. The arbitrator shall render a written decision on or before
16 April 15 or before any later date which is set by agreement of the
17 parties.

18 5. Except as otherwise provided in sections 43 of this act,
19 each provision that is included in a decision of the arbitrator is
20 final and binding upon the parties.

21 **Sec. 43.** 1. Except as otherwise provided in this section, a
22 party may seek judicial review in the district court of the decision
23 of an arbitrator made pursuant to section 42 of this act based upon
24 jurisdictional grounds or upon the grounds that the decision:

25 (a) Was procured by fraud, collusion or other similar unlawful
26 means; or

27 (b) Was not supported by competent, material and substantial
28 evidence on the whole record and based upon the factors set forth
29 in section 42 of this act.

30 2. If a party seeks judicial review pursuant to this section, the
31 district court may stay the contested portion of the decision of the
32 arbitrator until the court rules on the matter.

33 3. The district court may affirm or reverse the contested
34 portion of the decision of the arbitrator, in whole or in part, but
35 the court may not remand the matter to the arbitrator or require
36 any additional fact-finding or decision making by the arbitrator.

37 4. If the district court reverses any part of the contested
38 portion of the decision of the arbitrator, the court shall enter an
39 order invalidating that part of the decision of the arbitrator, and
40 that part of the decision of the arbitrator is void and must not be
41 given effect.

42 **Sec. 44.** 1. If a provision of a collective bargaining
43 agreement does not require an amendment to existing law by the
44 Legislature to be given effect, the provision:



1 (a) *Becomes effective on July 1 of the odd-numbered year*
2 *following the even-numbered year in which negotiations began,*
3 *whether or not the Legislature amends the existing law in a*
4 *regular or special session to give effect to any other provision of*
5 *the collective bargaining agreement; and*

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

7 2. *Except as otherwise provided in sections 45 and 46 of this*
8 *act, if a provision of the collective bargaining agreement requires*
9 *an amendment to existing law by the Legislature to be given effect,*
10 *the provision:*

11 (a) *Becomes effective on July 1 of the odd-numbered year*
12 *following the even-numbered year in which negotiations began*
13 *only if the Legislature, at a regular session or any special session*
14 *that commences before that date, amends existing law in a way*
15 *sufficient to give effect to the provision; and*

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

17 **Sec. 45. 1.** *During the regular session or any special*
18 *session of the Legislature that commences before July 1 of the*
19 *odd-numbered year following the even-numbered year in which*
20 *negotiations began, the parties may agree, in writing, to revise or*
21 *amend any provision of the collective bargaining agreement that*
22 *requires an amendment to existing law by the Legislature to be*
23 *given effect.*

24 2. *If the parties agree to revise or amend such a provision, the*
25 *parties shall submit the revised or amended provision to the*
26 *Legislative Counsel with sufficiently detailed information to*
27 *enable the Legislative Counsel to prepare any necessary legislative*
28 *measures.*

29 3. *If the Legislature, in a bill passed at the regular or special*
30 *session, expressly approves the provision as revised or amended*
31 *and amends existing law in a way that is sufficient to give effect to*
32 *the provision as revised or amended, the provision as revised or*
33 *amended becomes effective and expires at the same time as other*
34 *provisions in the collective bargaining agreement.*

35 **Sec. 46. 1.** *Except as otherwise provided in this section, if*
36 *any provision of a collective bargaining agreement is in effect*
37 *between the Executive Department and a bargaining unit*
38 *pursuant to sections 44 and 45 of this act, the Executive*
39 *Department and the exclusive representative of the bargaining*
40 *unit may engage in supplemental bargaining concerning any*
41 *terms and conditions of employment which are peculiar to or*
42 *which uniquely affect fewer than all the employees within the*
43 *bargaining unit if such supplemental terms and conditions of*
44 *employment:*



1 (a) Are not included in any provision of the collective
2 bargaining agreement then in effect between the Executive
3 Department and the bargaining unit; and

4 (b) Do not require that the Legislature amend existing law in
5 order to be given effect.

6 2. The Executive Department and an exclusive representative
7 may engage in supplemental bargaining pursuant to subsection 1
8 for fewer than all the employees within two or more bargaining
9 units that the exclusive representative represents if the
10 requirements of subsection 1 are met for each such bargaining
11 unit.

12 3. If the parties reach a supplemental bargaining agreement
13 pursuant to this section, the provisions of the supplemental
14 bargaining agreement:

15 (a) Must be in writing; and

16 (b) Shall be deemed to be incorporated into the provisions of
17 each collective bargaining agreement then in effect between the
18 Executive Department and the employees who are subject to
19 the supplemental bargaining agreement if the provisions of the
20 supplemental bargaining agreement do not conflict with the
21 provisions of the collective bargaining agreement.

22 4. If any provision of the supplemental bargaining agreement
23 conflicts with any provision of the collective bargaining
24 agreement, the provision of the supplemental bargaining
25 agreement is void and the provision of the collective
26 bargaining agreement must be given effect.

27 5. The provisions of the supplemental bargaining agreement
28 expire at the same time as the other provisions of the collective
29 bargaining agreement into which they are incorporated.

30 6. The Executive Department and an exclusive representative
31 may, during collective bargaining conducted pursuant to sections
32 14 to 48, inclusive, of this act, negotiate and include in a collective
33 bargaining agreement any terms and conditions of employment
34 that would otherwise be within the scope of supplemental
35 bargaining conducted pursuant to this section.

36 Sec. 47. 1. Except as otherwise provided by specific statute,
37 an employee organization and the Executive Department may sue
38 or be sued as an entity pursuant to sections 14 to 48, inclusive, of
39 this act.

40 2. If any action or proceeding is brought by or against an
41 employee organization pursuant to sections 14 to 48, inclusive, of
42 this act, the district court for the county in which the employee
43 organization maintains its principal office or the county in which
44 the claim arose has jurisdiction over the claim.



1 3. *A natural person and his assets are not subject to liability*
2 *for any judgment awarded pursuant to sections 14 to 48, inclusive,*
3 *of this act against the Executive Department or an employee*
4 *organization.*

5 **Sec. 48.** *The terms of any collective bargaining agreement*
6 *remain in effect until a new collective bargaining agreement takes*
7 *effect.*

8 **Sec. 49.** NRS 288.020 is hereby amended to read as follows:

9 288.020 As used in this chapter, unless the context otherwise
10 requires, the words and terms defined in NRS ~~[288.025 to 288.075,]~~
11 *288.030 to 288.070*, inclusive, have the meanings ascribed to them
12 in those sections.

13 **Sec. 50.** NRS 288.030 is hereby amended to read as follows:

14 288.030 “Board” means the ~~[Local Government Employee-~~
15 ~~Management]~~ *Public Employment* Relations Board.

16 **Sec. 51.** NRS 288.040 is hereby amended to read as follows:

17 288.040 “Employee organization” means an organization ~~[of~~
18 ~~any kind having as one of its purposes improvement of]~~ *that is*
19 *created, maintained and operated to represent employees*
20 *concerning* the terms and conditions of employment ~~[of local~~
21 ~~government]~~ *for those* employees.

22 **Sec. 52.** NRS 288.080 is hereby amended to read as follows:

23 288.080 1. The ~~[Local Government Employee Management]~~
24 *Public Employment* Relations Board is hereby created, consisting of
25 three members, broadly representative of the public and not closely
26 allied with any employee organization, *the State* or *any* local
27 government employer, not more than two of whom may be members
28 of the same political party. The term of office of each member is 4
29 years.

30 2. The Governor shall appoint the members of the Board.

31 **Sec. 53.** NRS 288.110 is hereby amended to read as follows:

32 288.110 1. The Board may ~~[make rules governing:~~
33 ~~—(a) Proceedings before it;~~
34 ~~—(b) Procedures for fact finding;~~
35 ~~—(c) The recognition of employee organizations; and~~
36 ~~—(d) The determination of bargaining units.] adopt:~~
37 *(a) Regulations governing proceedings before the Board;*
38 *(b) Regulations establishing procedures for fact-finding; and*
39 *(c) Such other regulations as are necessary for the Board to*
40 *carry out its duties pursuant to this chapter.*

41 2. The Board may hear and determine any complaint arising
42 out of the interpretation of, or performance under, the provisions of
43 this chapter by any ~~[local government employer, local government~~
44 ~~employee or employee organization.]~~ *aggrieved person or*
45 *governmental entity.* The Board shall conduct a hearing within 90



1 days after it decides to hear a complaint. The Board, after a hearing,
2 if it finds that the complaint is well taken, may order any person to
3 refrain from the action complained of or to restore to the party
4 aggrieved any benefit of which he has been deprived by that action.
5 The Board shall issue its decision within 120 days after the hearing
6 on the complaint is completed.

7 3. Any party aggrieved by the failure of any person to obey an
8 order of the Board issued pursuant to subsection 2, or the Board at
9 the request of such a party, may apply to a court of competent
10 jurisdiction for a prohibitory or mandatory injunction to enforce the
11 order.

12 4. The Board may not consider any complaint or appeal filed
13 more than 6 months after the occurrence which is the subject of the
14 complaint or appeal.

15 5. The Board may decide without a hearing a contested matter:

16 (a) In which all of the legal issues have been previously decided
17 by the Board, if it adopts its previous decision or decisions as
18 precedent; or

19 (b) Upon agreement of all the parties.

20 6. The Board may award reasonable costs, which may include
21 attorneys' fees, to the prevailing party.

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

23 288.140 1. It is the right of every local government
24 employee, subject to the limitation provided in subsection 3, to join
25 any employee organization of his choice or to refrain from joining
26 any employee organization. A local government employer shall not
27 discriminate in any way among its employees on account of
28 membership or nonmembership in an employee organization.

29 2. The recognition of an employee organization for negotiation,
30 pursuant to ~~{this chapter,}~~ *NRS 288.140 to 288.280, inclusive, and*
31 *sections 8 to 13, inclusive, of this act*, does not preclude any local
32 government employee who is not a member of that employee
33 organization from acting for himself with respect to any condition of
34 his employment, but any action taken on a request or in adjustment
35 of a grievance ~~{shall}~~ *must* be consistent with the terms of an
36 applicable negotiated agreement, if any.

37 3. A police officer, sheriff, deputy sheriff or other law
38 enforcement officer may be a member of an employee organization
39 only if ~~{such}~~ *the* employee organization is composed exclusively of
40 law enforcement officers.

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

42 288.150 1. Except as *otherwise* provided in subsection 4,
43 every local government employer shall negotiate in good faith
44 through one or more representatives of its own choosing concerning
45 the mandatory subjects of bargaining set forth in subsection 2 with



1 the designated representatives of the recognized employee
2 organization, if any, for each appropriate bargaining unit among its
3 employees. If either party so requests, agreements reached must be
4 reduced to writing.

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

6 (a) Salary or wage rates or other forms of direct monetary
7 compensation.

8 (b) Sick leave.

9 (c) Vacation leave.

10 (d) Holidays.

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

12 (f) Insurance benefits.

13 (g) Total hours of work required of an employee on each
14 workday or workweek.

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

17 (i) Discharge and disciplinary procedures.

18 (j) Recognition clause.

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

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

22 (m) Protection of employees in the bargaining unit from
23 discrimination because of participation in recognized employee
24 organizations consistent with the provisions of ~~[this chapter.]~~ *NRS*
25 *288.140 to 288.280, inclusive, and sections 4 to 13, inclusive, of*
26 *this act.*

27 (n) No-strike provisions consistent with the provisions of ~~[this~~
28 ~~chapter.]~~ *sections 5, 6 and 7 of this act.*

29 (o) Grievance and arbitration procedures for resolution of
30 disputes relating to interpretation or application of collective
31 bargaining agreements.

32 (p) General savings clauses.

33 (q) Duration of collective bargaining agreements.

34 (r) Safety of the employee.

35 (s) Teacher preparation time.

36 (t) Materials and supplies for classrooms.

37 (u) The policies for the transfer and reassignment of teachers.

38 (v) Procedures for reduction in workforce.

39 3. Those subject matters which are not within the scope of
40 mandatory bargaining and which are reserved to the local
41 government employer without negotiation include:

42 (a) Except as otherwise provided in paragraph (u) of subsection
43 2, the right to hire, direct, assign or transfer an employee, but
44 excluding the right to assign or transfer an employee as a form of
45 discipline.



(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act*, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act*, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but ~~[this chapter does]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act do* not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 56. NRS 288.155 is hereby amended to read as follows:

288.155 Agreements entered into between local government employers and employee organizations pursuant to ~~[this chapter]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act* may extend beyond the term of office of any member or officer of the local government employer.



1 **Sec. 57.** NRS 288.160 is hereby amended to read as follows:

2 288.160 1. An employee organization may apply to a local
3 government employer for recognition by presenting:

4 (a) A copy of its constitution and bylaws, if any;

5 (b) A roster of its officers, if any, and representatives; and

6 (c) A pledge in writing not to strike against the local
7 government employer under any circumstances.

8 ➔ A local government employer shall not recognize as
9 representative of its employees any employee organization which
10 has not adopted, in a manner valid under its own rules, the pledge
11 required by paragraph (c).

12 2. If an employee organization, at or after the time of its
13 application for recognition, presents a verified membership list
14 showing that it represents a majority of the employees in a
15 bargaining unit, and if the employee organization is recognized by
16 the local government employer, it shall be the exclusive bargaining
17 agent of the local government employees in that bargaining unit.

18 3. A local government employer may withdraw recognition
19 from an employee organization which:

20 (a) Fails to present a copy of each change in its constitution or
21 bylaws, if any, or to give notice of any change in the roster of its
22 officers, if any, and representatives;

23 (b) Disavows its pledge not to strike against the local
24 government employer under any circumstances;

25 (c) Ceases to be supported by a majority of the local government
26 employees in the bargaining unit for which it is recognized; or

27 (d) Fails to negotiate in good faith with the local government
28 employer,

29 ➔ if it first receives the written permission of the Board.

30 4. If the Board in good faith doubts whether any employee
31 organization is supported by a majority of the local government
32 employees in a particular bargaining unit, it may conduct an election
33 by secret ballot upon the question. Subject to judicial review, the
34 decision of the Board is binding upon the local government
35 employer and all employee organizations involved.

36 5. The parties may agree in writing, without appealing to the
37 Board, to hold a representative election to determine whether an
38 employee organization represents the majority of the local
39 government employees in a bargaining unit. Participation by the
40 Board and its staff in an agreed election is subject to the approval of
41 the Board.

42 6. *As used in this section, "bargaining agent" means an*
43 *employee organization recognized by the local government*
44 *employer as the exclusive representative of all local government*



employees in the bargaining unit for purposes of collective bargaining.

Sec. 58. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

3. A head of a department of a local government, an administrative employee or a supervisory employee shall not be a member of the same bargaining unit as the employees under his direction. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board. An employee organization which is negotiating on behalf of two or more bargaining units consisting of firemen or police officers, as defined in NRS 288.215, may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

6. As used in this section ~~[, "confidential"]~~:

(a) "Administrative employee" means any employee whose primary duties consist of work directly related to management policies, who customarily exercises discretion and independent judgment and regularly assists an executive. The term includes the chief administrative officer, his deputy and immediate assistants, department heads, their deputies and immediate assistants,



1 *attorneys, appointed officials and others who are primarily*
2 *responsible for formulating and administering management policy*
3 *and programs*

4 (b) *“Confidential employee” means an employee who is*
5 *involved in the decisions of management affecting collective*
6 *bargaining.*

7 (c) *“Supervisory employee” means any person having*
8 *authority in the interest of the employer to hire, transfer, suspend,*
9 *lay off, recall, promote, discharge, assign, reward or discipline*
10 *other employees or responsibility to direct them, to adjust their*
11 *grievances or effectively to recommend such action if, in*
12 *connection with the foregoing, the exercise of such authority is*
13 *not of a merely routine or clerical nature, but requires the use of*
14 *independent judgment. The exercise of such authority shall not be*
15 *deemed to place the employee in supervisory employee status*
16 *unless the exercise of such authority occupies a significant portion*
17 *of the employee’s workday. Nothing in this paragraph may be*
18 *construed to mean that an employee who has been given*
19 *incidental administrative duties is classified as a supervisory*
20 *employee.*

21 **Sec. 59.** NRS 288.180 is hereby amended to read as follows:

22 288.180 1. Whenever an employee organization desires to
23 negotiate concerning any matter which is subject to negotiation
24 pursuant to ~~{this chapter,}~~ *NRS 288.140 to 288.280, inclusive, and*
25 *sections 8 to 13, inclusive, of this act,* it shall give written notice of
26 that desire to the local government employer. If the subject of
27 negotiation requires the budgeting of money by the local
28 government employer, the employee organization shall give notice
29 on or before February 1.

30 2. Following the notification provided for in subsection 1, the
31 employee organization or the local government employer may
32 request reasonable information concerning any subject matter
33 included in the scope of mandatory bargaining which it deems
34 necessary for and relevant to the negotiations. The information
35 requested must be furnished without unnecessary delay. The
36 information must be accurate, and must be presented in a form
37 responsive to the request and in the format in which the records
38 containing it are ordinarily kept. If the employee organization
39 requests financial information concerning a metropolitan police
40 department, the local government employers which form that
41 department shall furnish the information to the employee
42 organization.

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



4. This section does not preclude, but ~~[this chapter does]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act, do* not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under ~~[this chapter:]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act.* Any such informal discussion is exempt from all requirements of notice or time schedule.

Sec. 60. NRS 288.210 is hereby amended to read as follows:

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

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

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

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

(b) That the witness has been subpoenaed in the manner prescribed in ~~[this chapter:]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act;*

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the fact finder in the investigation named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ *the* investigation,

➔ and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the fact finder.

4. The court, upon petition of the fact finder, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~[such]~~ *the* order, the time to be not more than 10 days ~~[from]~~ *after* the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the fact finder. A certified copy of the order ~~[shall]~~ *must* be served upon the witness. If it appears to the court that the subpoena was regularly issued by the fact finder, the court shall thereupon enter an order that the witness appear before the fact finder at the time and place fixed in the order and



1 testify or produce the required books or papers, and upon failure to
2 obey the order , the witness ~~[shall]~~ *must* be dealt with as for
3 contempt of court.

4 **Sec. 61.** NRS 288.220 is hereby amended to read as follows:

5 288.220 The following proceedings, required by or pursuant to
6 ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to*
7 *13, inclusive, of this act,* are not subject to any provision of NRS
8 which requires a meeting to be open or public:

9 1. Any negotiation or informal discussion between a local
10 government employer and an employee organization or employees
11 as ~~[individuals,]~~ *natural persons,* whether conducted by the
12 governing body or through a representative or representatives.

13 2. Any meeting of a mediator with either party or both parties
14 to a negotiation.

15 3. Any meeting or investigation conducted by a fact finder.

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

18 5. Deliberations of the Board toward a decision on a complaint,
19 appeal or petition for declaratory relief.

20 **Sec. 62.** NRS 288.270 is hereby amended to read as follows:

21 288.270 1. It is a prohibited practice for a local government
22 employer or its designated representative willfully to:

23 (a) Interfere, restrain or coerce any employee in the exercise of
24 any right guaranteed under ~~[this chapter.]~~ *NRS 288.140 to 288.280,*
25 *inclusive, and sections 8 to 13, inclusive, of this act.*

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

28 (c) Discriminate in regard to hiring, tenure or any term or
29 condition of employment to encourage or discourage membership in
30 any employee organization.

31 (d) Discharge or otherwise discriminate against any employee
32 because he has signed or filed an affidavit, petition or complaint or
33 given any information or testimony ~~[under this chapter.]~~ *pursuant to*
34 *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive,*
35 *of this act,* or because he has formed, joined or chosen to be
36 represented by any employee organization.

37 (e) Refuse to bargain collectively in good faith with the
38 exclusive representative as required in NRS 288.150. Bargaining
39 collectively includes the entire bargaining process, including
40 mediation and fact-finding, provided for in ~~[this chapter.]~~ *NRS*
41 *288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of*
42 *this act.*

43 (f) Discriminate because of race, color, religion, sex, age,
44 physical or visual handicap, national origin or because of political or
45 personal reasons or affiliations.



(g) Fail to provide the information required by NRS 288.180.

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

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act.*

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act.*

(c) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

Sec. 63. NRS 62G.220 is hereby amended to read as follows:

62G.220 1. The board of county commissioners may provide for the appointment of:

(a) One or more probation officers;

(b) One or more assistant probation officers; and

(c) Other employees as may be necessary to carry out the duties of the department of juvenile justice services.

2. Probation officers, assistant probation officers and other employees authorized pursuant to this section are:

(a) Employees of the county who are subject to the provisions of the merit personnel system unless exempt pursuant to NRS 245.216; and

(b) Local government employees for the purposes of ~~[chapter 288 of NRS.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act.*

3. Probation officers, assistant probation officers and other employees hired before the effective date of the ordinance establishing the department of juvenile justice services may be dismissed only for cause.

4. All information obtained in the discharge of an official duty by a probation officer, assistant probation officer or other employee of the department of juvenile justice services is privileged and must not be disclosed other than to the juvenile court, the director of the department of juvenile justice services or any person who is authorized to receive that information pursuant to the provisions of this title, unless otherwise ordered by the juvenile court or permitted by the director.



Sec. 64. NRS 245.210 is hereby amended to read as follows:

245.210 1. The board of county commissioners of each of the several counties shall, by ordinance or agreement pursuant to ~~[chapter 288 of NRS,]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act*, provide for annual, sick and disability leave for elected and appointed county officers and county employees. The provisions of such an ordinance or agreement may be more restrictive but not more extensive than the provisions set forth in this section.

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

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

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

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

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

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

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

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

(h) A provision that the board of county commissioners may by order provide for additional sick and disability leave for long-term



1 employees and for prorated sick and disability leave for part-time
2 employees.

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

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

10 4. Such an ordinance or agreement may include a provision
11 that elected and appointed county officers and employees may
12 donate portions of their accumulated annual and sick leave to other
13 elected and appointed county officers and employees. If such a
14 provision is adopted, donated time must be converted into money at
15 the hourly rate of salary of the donor and the money must be
16 converted into sick leave at the hourly rate of salary of the recipient.

17 **Sec. 65.** NRS 245.211 is hereby amended to read as follows:

18 245.211 1. The board of county commissioners of any county
19 may establish, by contract or otherwise, and administer a disability
20 pension plan or disability insurance program for the benefit of the
21 county sheriff, any sheriff's deputy or fireman who is disabled, to
22 any degree, by an injury arising out of and in the course of his
23 employment.

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

27 3. If a county elects to consider implementation of a plan or
28 program specified in subsection 1, or to change the benefits
29 provided by an existing plan or program, the persons affected by the
30 proposed plan or program, or proposed change, may negotiate with
31 the county concerning the nature and extent of ~~[such]~~ *the proposed*
32 plan, program or change. ~~[Chapter 288 of NRS applies]~~ *NRS*
33 *288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of*
34 *this act apply* to negotiations for this purpose.

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

40 5. The benefits provided for in this section are supplemental to
41 other benefits an employee is entitled to receive on account of the
42 same disability. In no event ~~[shall]~~ *may* the benefits provided for in
43 this section, when added to benefits provided for or purchased by
44 the expenditure of public money, exceed the maximum amount of



benefits an employee is entitled to receive if he has been a member of the department or agency for 10 years or more.

Sec. 66. NRS 245.215 is hereby amended to read as follows:

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

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

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

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

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

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

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

(g) Policies concerning employee training and development.

(h) Grievance procedures.

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

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

3. In the event of a conflict between the policies and procedures adopted pursuant to this section and the provisions of a collective bargaining agreement entered into pursuant to ~~chapter 288 of NRS,~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act,* the provisions of the agreement prevail.

Sec. 67. NRS 268.406 is hereby amended to read as follows:

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



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

3. If an incorporated city elects to consider implementation of a plan or program specified in subsection 1 or to change the benefits provided by an existing plan or program, the persons affected by the proposed plan or program, or proposed change, may negotiate with the city concerning the nature and extent of ~~[such]~~ *the proposed* plan, program or change. ~~[Chapter 288]~~ *The provisions of NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act* applies to negotiations for this purpose.

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

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

Sec. 68. NRS 280.305 is hereby amended to read as follows:

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

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

3. If the committee elects to consider implementation of a plan or program specified in subsection 1, or to change the benefits provided by an existing plan or program, the persons affected by the proposed plan or program, or proposed change, may negotiate with:

(a) The committee or two or more persons designated by it; and

(b) The sheriff or a person designated by him,

➔ concerning the nature and extent of the plan, program or change. ~~[Chapter 288 of NRS applies]~~ *The provisions of NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act* apply to negotiations for this purpose.



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

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

Sec. 69. NRS 280.320 is hereby amended to read as follows:

280.320 1. A department is a local government employer for the purpose of ~~[the Local Government Employee Management Relations Act]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act* and a public employer for the purpose of the Public Employees' Retirement Act.

2. In negotiations arising under the provisions of ~~[chapter 288 of NRS.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act:*

(a) The committee or two or more persons designated by it; and

(b) The sheriff or a person designated by him,

↪ shall represent the department.

3. In negotiations arising under the provisions of ~~[chapter 288 of NRS.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act*, a school police unit must be considered a separate bargaining unit.

Sec. 70. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its financial statements. A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 6 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the Department of Taxation to any local government that submits an application for an extension to the Department. If the local government fails to provide for an audit in accordance with the provisions of this section, the Department of Taxation shall cause the audit to be made at the expense of the local government. All audits must be conducted by a certified public accountant or by a partnership or professional corporation that is registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must:



1 (a) Be concluded and the report submitted to the board of
2 trustees as provided in subsection 6 not later than 4 months after the
3 close of the fiscal year for which the audit is conducted.

4 (b) If the school district has more than 150,000 pupils enrolled,
5 include an audit of the expenditure by the school district of public
6 money used:

7 (1) To design, construct or purchase new buildings for
8 schools or related facilities;

9 (2) To enlarge, remodel or renovate existing buildings for
10 schools or related facilities; and

11 (3) To acquire sites for building schools or related facilities,
12 or other real property for purposes related to schools.

13 3. The governing body may, without requiring competitive
14 bids, designate the auditor or firm annually. The auditor or firm
15 must be designated, and notification of the auditor or firm
16 designated must be sent to the Department of Taxation not later than
17 3 months before the close of the fiscal year for which the audit is to
18 be made.

19 4. Each annual audit must cover the business of the local
20 government during the full fiscal year. It must be a financial audit
21 conducted in accordance with generally accepted auditing standards
22 in the United States, including findings on compliance with statutes
23 and regulations and an expression of opinion on the financial
24 statements. The Department of Taxation shall prescribe the form of
25 the financial statements, and the chart of accounts must be as nearly
26 as possible the same as the chart that is used in the preparation and
27 publication of the annual budget. The report of the audit must
28 include:

29 (a) A schedule of all fees imposed by the local government
30 which were subject to the provisions of NRS 354.5989;

31 (b) A comparison of the operations of the local government with
32 the approved budget, including a statement from the auditor that
33 indicates whether the governing body has taken action on the audit
34 report for the prior year; and

35 (c) If the local government is subject to the provisions of NRS
36 244.186, a report showing that the local government is in
37 compliance with the provisions of paragraphs (a) and (b) of
38 subsection 1 of NRS 244.186.

39 5. Each local government shall provide to its auditor:

40 (a) A statement indicating whether each of the following funds
41 established by the local government is being used expressly for the
42 purposes for which it was created, in the form required by
43 NRS 354.6241:

44 (1) An enterprise fund.

45 (2) An internal service fund.



(3) A fiduciary fund.

(4) A self-insurance fund.

(5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in ~~NRS 288.028;~~ *section 9 of this act*; or

(II) Carried forward to the succeeding fiscal year in any designated amount.

(b) A list and description of any property conveyed to a nonprofit organization pursuant to NRS 244.287 or 268.058.

(c) If the local government is subject to the provisions of NRS 244.186, a declaration indicating that the local government is in compliance with the provisions of paragraph (c) of subsection 1 of NRS 244.186.

6. The opinion and findings of the auditor contained in the report of the audit must be presented at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

(a) The clerk or secretary of the governing body;

(b) The county clerk;

(c) The Department of Taxation; and

(d) In the case of a school district, the Department of Education.

7. If an auditor finds evidence of fraud or dishonesty in the financial statements of a local government, the auditor shall report such evidence to the appropriate level of management in the local government.

8. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.

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

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

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

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

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



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

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

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

2. Except as otherwise provided in NRS 354.59891, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of ~~[chapter 288 of NRS.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act.*

Sec. 72. NRS 354.695 is hereby amended to read as follows:

354.695 1. As soon as practicable after taking over the management of a local government, the Department shall, with the approval of the Committee:

(a) Establish and implement a management policy and a financing plan for the local government;

(b) Provide for the appointment of a financial manager for the local government who is qualified to manage the fiscal affairs of the local government;

(c) Provide for the appointment of any other persons necessary to enable the local government to provide the basic services for which it was created in the most economical and efficient manner possible;

(d) Establish an accounting system and separate accounts in a bank or credit union, if necessary, to receive and expend all money and assets of the local government;

(e) Impose such hiring restrictions as deemed necessary after considering the recommendations of the financial manager;

(f) Negotiate and approve all contracts entered into by or on behalf of the local government before execution and enter into such contracts on behalf of the local government as the Department deems necessary;

(g) Negotiate and approve all collective bargaining contracts to be entered into by the local government, except issues submitted to a fact finder whose findings and recommendations are final and binding pursuant to the provisions of ~~[the Local Government Employee-Management Relations Act.]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act;*

(h) Approve all expenditures of money from any fund or account and all transfers of money from one fund to another;

(i) Employ such technicians as are necessary for the improvement of the financial condition of the local government;



(j) Meet with the creditors of the local government and formulate a debt liquidation program;

(k) Approve the issuance of bonds or other forms of indebtedness by the local government;

(l) Discharge any of the outstanding debts and obligations of the local government; and

(m) Take any other actions necessary to ensure that the local government provides the basic services for which it was created in the most economical and efficient manner possible.

2. The Department may provide for reimbursement from the local government for the expenses the Department incurs in managing the local government. If such reimbursement is not possible, the Department may request an allocation by the Interim Finance Committee from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269.

3. The governing body of a local government which is being managed by the Department pursuant to this section may make recommendations to the Department or the financial manager concerning the management of the local government.

4. Each state agency, board, department, commission, committee or other entity of the State shall provide such technical assistance concerning the management of the local government as is requested by the Department.

5. The Department may delegate any of the powers and duties imposed by this section to the financial manager appointed pursuant to paragraph (b) of subsection 1.

6. Except as otherwise provided in NRS 354.723 and 450.760, once the Department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to NRS 354.725.

Sec. 73. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.391, inclusive, do not supersede, negate or otherwise limit the effect or application of the provisions of ~~chapters 288 and~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive of this act, or chapter* 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 74. NRS 386.365 is hereby amended to read as follows:

386.365 1. Except as *otherwise* provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give 15 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:



(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

(1) The principal;

(2) The president of the parent-teacher association or similar body; and

(3) The president of the classroom teachers' organization or other collective bargaining agent.

➡ A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, must be made available for inspection by the public in the office of the superintendent of schools of the school district at least 15 days before its adoption.

2. All persons interested in a proposed policy or regulation or change in a policy or regulation must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.

3. Emergency policies or regulations may be adopted by the board upon its own finding that an emergency exists.

4. This section applies to policies and regulations concerning:

(a) Attendance rules;

(b) Zoning;

(c) Grading;

(d) District staffing patterns;

(e) Curriculum and program;

(f) Pupil discipline; and

(g) Personnel, except with respect to dismissals and refusals to reemploy covered by contracts entered into as a result of ~~the Local Government-Employee-Management Relations Act,~~ **NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act,** as provided in NRS 391.3116.

Sec. 75. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of



1 the school district in a grievance proceeding or other dispute arising
2 out of the agreement. The provisions of the collective bargaining
3 agreement apply to each employee for the first 3 years that he is on
4 a leave of absence from the school district. After the first 3 years
5 that the employee is on a leave of absence:

6 (a) If he is subsequently reassigned by the school district
7 pursuant to subsection 5, he is covered by the collective bargaining
8 agreement of the school district.

9 (b) If he continues his employment with the charter school, he is
10 covered by the collective bargaining agreement of the charter
11 school, if applicable.

12 3. Except as otherwise provided in subsection 2, the governing
13 body of a charter school may make all employment decisions with
14 regard to its employees pursuant to NRS 391.311 to 391.3197,
15 inclusive, unless a collective bargaining agreement entered into by
16 the governing body pursuant to ~~chapter 288 of~~ NRS **288.140 to**
17 **288.280, inclusive, and sections 8 to 13, inclusive, of this act**
18 contains separate provisions relating to the discipline of licensed
19 employees of a school.

20 4. Except as otherwise provided in this subsection, if the
21 written charter of a charter school is revoked or if a charter school
22 ceases to operate as a charter school, the employees of the charter
23 school must be reassigned to employment within the school district
24 in accordance with the applicable collective bargaining agreement.
25 A school district is not required to reassign an employee of a charter
26 school pursuant to this subsection if the employee:

27 (a) Was not granted a leave of absence by the school district to
28 teach at the charter school pursuant to subsection 5; or

29 (b) Was granted a leave of absence by the school district and did
30 not submit a written request to return to employment with the school
31 district in accordance with subsection 5.

32 5. The board of trustees of a school district that is a sponsor of
33 a charter school shall grant a leave of absence, not to exceed 6 years,
34 to any employee who is employed by the board of trustees who
35 requests such a leave of absence to accept employment with the
36 charter school. After the first school year in which an employee is
37 on a leave of absence, he may return to his former teaching position
38 with the board of trustees. After the third school year, an employee
39 who is on a leave of absence may submit a written request to the
40 board of trustees to return to a comparable teaching position with
41 the board of trustees. After the sixth school year, an employee shall
42 either submit a written request to return to a comparable teaching
43 position or resign from the position for which his leave was granted.
44 The board of trustees shall grant a written request to return to a
45 comparable position pursuant to this subsection even if the return of



1 the employee requires the board of trustees to reduce the existing
2 workforce of the school district. The board of trustees may require
3 that a request to return to a teaching position submitted pursuant to
4 this subsection be submitted at least 90 days before the employee
5 would otherwise be required to report to duty.

6 6. An employee who is on a leave of absence from a school
7 district pursuant to this section shall contribute to and be eligible for
8 all benefits for which he would otherwise be entitled, including,
9 without limitation, participation in the Public Employees'
10 Retirement System and accrual of time for the purposes of leave and
11 retirement. The time during which such an employee is on leave of
12 absence and employed in a charter school does not count toward the
13 acquisition of permanent status with the school district.

14 7. Upon the return of a teacher to employment in the school
15 district, he is entitled to the same level of retirement, salary and any
16 other benefits to which he would otherwise be entitled if he had not
17 taken a leave of absence to teach in a charter school.

18 8. An employee of a charter school who is not on a leave of
19 absence from a school district is eligible for all benefits for which he
20 would be eligible for employment in a public school, including,
21 without limitation, participation in the Public Employees'
22 Retirement System.

23 9. For all employees of a charter school:

24 (a) The compensation that a teacher or other school employee
25 would have received if he were employed by the school district must
26 be used to determine the appropriate levels of contribution required
27 of the employee and employer for purposes of the Public
28 Employees' Retirement System.

29 (b) The compensation that is paid to a teacher or other school
30 employee that exceeds the compensation that he would have
31 received if he were employed by the school district must not be
32 included for the purposes of calculating future retirement benefits of
33 the employee.

34 10. If the board of trustees of a school district in which a
35 charter school is located manages a plan of group insurance for its
36 employees, the governing body of the charter school may negotiate
37 with the board of trustees to participate in the same plan of group
38 insurance that the board of trustees offers to its employees. If the
39 employees of the charter school participate in the plan of group
40 insurance managed by the board of trustees, the governing body of
41 the charter school shall:

42 (a) Ensure that the premiums for that insurance are paid to the
43 board of trustees; and



(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 76. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with ~~[chapter 288 of NRS.]~~ *NRS 288.140 to NRS 288.280, inclusive, and sections 8 to 13, inclusive, of this act.* If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 8.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than



1 5 days of free school so lost may be rescheduled in this manner. The
2 provisions of this subsection do not apply to an alternative schedule
3 approved pursuant to subsection 2.

4 5. The number of minutes of instruction required for a
5 particular group of pupils in a program of instruction based on an
6 alternative schedule approved pursuant to this section must be
7 determined by multiplying the appropriate minimum daily period of
8 instruction established by the State Board by regulation for that
9 particular group of pupils by 180.

10 6. Each school district shall schedule at least 3 contingent days
11 of school, or its equivalent if the school district operates under an
12 alternative schedule authorized pursuant to this section, in addition
13 to the number of days required by this section, which must be used
14 if a natural disaster, inclement weather or an accident necessitates
15 the closing of a majority of the facilities within the district.

16 7. If more than 3 days of free school, or its equivalent if the
17 school district operates under an alternative schedule authorized
18 pursuant to this section, are lost because a natural disaster,
19 inclement weather or an accident necessitates the closing of a
20 majority of the facilities within a school district, the Superintendent
21 of Public Instruction, upon application by the school district, may
22 permit the additional days lost to be counted as school days in
23 session. The application must be submitted in the manner prescribed
24 by the Superintendent of Public Instruction.

25 8. The State Board shall adopt regulations:

26 (a) Providing procedures for changing schedules of instruction
27 to be used if a natural disaster, inclement weather or an accident
28 necessitates the closing of a particular school within a school
29 district.

30 (b) Defining a rural portion of a county and a remote portion of
31 a county for the purposes of subsection 2.

32 **Sec. 77.** NRS 391.180 is hereby amended to read as follows:

33 391.180 1. As used in this section, "employee" means any
34 employee of a school district or charter school in this State.

35 2. A school month in any public school in this State consists of
36 4 weeks of 5 days each.

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

40 4. The per diem deduction from the salary of an employee
41 because of absence from service for reasons other than those
42 specified in this section is that proportion of the yearly salary which
43 is determined by the ratio between the duration of the absence and
44 the total number of contracted workdays in the year.



1 5. Boards of trustees shall either prescribe by regulation or
2 negotiate pursuant to ~~[chapter 288 of NRS,]~~ *NRS 288.140 to*
3 *288.280, inclusive, and sections 8 to 13, inclusive, of this act* with
4 respect to sick leave, accumulation of sick leave, payment for
5 unused sick leave, sabbatical leave, personal leave, professional
6 leave, military leave and such other leave as they determine to be
7 necessary or desirable for employees. In addition, boards of trustees
8 may either prescribe by regulation or negotiate pursuant to ~~[chapter~~
9 ~~288 of]~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13,*
10 *inclusive, of this act* with respect to the payment of unused sick
11 leave to licensed teachers in the form of purchase of service
12 pursuant to subsection 3 of NRS 286.300. The amount of service so
13 purchased must not exceed the number of hours of unused sick leave
14 or 1 year, whichever is less.

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

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

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

36 7. Subject to the provisions of subsection 8:

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

41 (b) If, on account of sickness, epidemic or other emergency in
42 the community, a longer intermission is ordered by the board of
43 trustees of a school district, the governing body of a charter school
44 or a board of health and the intermission or closing does not exceed



30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

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

(a) The board of trustees of a school district pursuant to ~~chapter 288 of NRS;~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act;* or

(b) The governing body of a charter school pursuant to NRS 386.595,

the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 78. NRS 391.3116 is hereby amended to read as follows:

391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to ~~chapter 288 of~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act* if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

Sec. 79. NRS 679A.160 is hereby amended to read as follows:

679A.160 Except as otherwise provided by specific statute, no provision of this Code applies to:

1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.

2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.

3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.

4. Bail agents, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, and chapter 697 of NRS.

5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.



6. Captive insurers, as identified in chapter 694C of NRS, with respect to their activities as captive insurers, except as stated in chapter 694C of NRS.

7. Health and welfare plans arising out of collective bargaining under ~~chapter 288 of NRS,~~ *NRS 288.140 to 288.280, inclusive, and sections 8 to 13, inclusive, of this act*, except that the Commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.

Sec. 80. Section 2.330 of the Charter of Carson City, being chapter 690, Statutes of Nevada 1979, at page 1857, is hereby amended to read as follows:

Sec. 2.330 Employees: Merit personnel system.

1. The Board of Supervisors shall establish a merit personnel system for all employees of Carson City except those exempted under the provisions of subsection 4.

2. The Board of Supervisors shall administer this section through the adoption of appropriate regulations which shall provide for:

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

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

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

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

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

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

(g) Policies concerning employee training and development.

(h) Grievance procedures.

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

3. In the event of a conflict between the policies and procedures adopted pursuant to this section and the provisions of a collective bargaining agreement entered into pursuant to ~~chapter 288 of NRS,~~ *NRS 288.140 to 288.280, inclusive,*



1 *and sections 8 to 13, inclusive, of this act*, the provisions of
2 the agreement prevail.

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

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

7 (b) All deputy district attorneys;

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

9 (d) No more than two deputies each in the offices of the
10 Clerk, the Treasurer, the Recorder, the Assessor, and any
11 other department created by this charter or by ordinance.

12 **Sec. 81.** Section 9.030 of the Charter of the City of North Las
13 Vegas, being chapter 324, Statutes of Nevada 1987, at page 744, is
14 hereby amended to read as follows:

15 Sec. 9.030 Collective bargaining.

16 1. The city council shall recognize employee
17 organizations for the purpose of collective bargaining
18 pursuant to ~~chapter 288 of NRS.~~ *NRS 288.140 to 288.280,*
19 *inclusive, and sections 8 to 13, inclusive, of this act.*

20 2. The city manager is responsible for and shall direct all
21 collective bargaining with recognized employee
22 organizations. The city manager may designate any
23 administrative officer subject to his direction and supervision
24 as his representative for the purpose of those negotiations.

25 3. Any agreement resulting from those negotiations must
26 be ratified by the city council before it is effective.

27 **Sec. 82.** Section 11 of the Elko Convention and Visitors
28 Authority, being chapter 227, Statutes of Nevada 1975, as last
29 amended by chapter 564, Statutes of Nevada 1989, at page 1197, is
30 hereby amended to read as follows:

31 Sec. 11. 1. The Board shall submit its proposed annual
32 budget for the Authority in the manner set forth in NRS
33 354.470 to 354.626, inclusive.

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

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

44 (b) Insure or provide for the insurance of any facility and
45 of the Board and its officers, employees and agents against



1 such risks and hazards as the Board may deem advisable,
2 without thereby waiving any immunity granted by law.

3 (c) Arrange or contract for the furnishing by any person
4 or agency, public or private, of services, privileges, works,
5 food, beverages, alcoholic beverages or facilities for or in
6 connection with a facility, hire and retain officers, agents and
7 employees, including a fiscal adviser, engineers, attorneys or
8 other professional or specialized personnel.

9 (d) Direct the Board of County Commissioners or the
10 Board of Supervisors of the City of Elko, and the governing
11 body of any other political subdivision within the boundaries
12 of the Authority, with the concurrence of that board or body,
13 to acquire by the exercise of the power of eminent domain
14 any real property which the Board deems necessary for its
15 purposes, after the adoption by the Board of a resolution
16 declaring such **an** acquisition necessary for its purposes. This
17 power must be exercised in the manner provided by any
18 applicable statutory provisions and laws of the State of
19 Nevada. Title to property so acquired must be taken in the
20 name of the Authority.

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

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

31 (g) Receive, control, invest and order the expenditure of
32 money pertaining to any facility or related properties,
33 including , but not limited to , annual grants from the Federal
34 Government, the State, the County and incorporated cities in
35 the County for capital improvements for facilities.

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

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

42 (j) Sue and be sued.

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



1 (l) Engage in the sale and dispensing of alcoholic
2 beverages in connection with activities conducted in
3 connection with the facility, operate a bar in connection
4 therewith and obtain all necessary licenses and permits and
5 provide any bonds or security necessary or advisable.

6 (m) Engage in the preparation, sale, serving and
7 dispensing of food and beverages in connection with the
8 facilities and activities conducted in connection therewith.

9 (n) Provide security for all authorized facilities and
10 activities by means of security guards, burglar alarm systems,
11 fire alarm systems and other modern methods of protection
12 and detection, with all materials, supplies and equipment
13 incidental thereto.

14 (o) Use or make available all facilities of the Authority or
15 any portion thereof for any event, activity, meeting,
16 convention, entertainment, promotions, party or other purpose
17 approved by the Board, with or without charge, as determined
18 by the Board.

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

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

22 (a) Set aside a fund in an amount which it considers
23 necessary, which may be expended in the discretion of the
24 Board for the purpose of promoting or attracting conventions,
25 meetings and like gatherings which will utilize the facilities
26 of the Authority. Such an expenditure shall be deemed to be
27 made for a public purpose.

28 (b) Solicit and promote tourism generally, individually
29 and through annual grants to chambers of commerce,
30 convention authorities and other convention-generating
31 entities, and further promote generally the use of its facilities,
32 pursuant to lease agreements, by organized groups or by the
33 general public for the holding of conventions, expositions,
34 trade shows, entertainment, sporting events, cultural activities
35 or similar uses reasonably calculated to produce revenue for
36 the Authority, and to enhance the general economy. Such
37 promotion may include advertising the facilities under control
38 of the Board and the resources of the community or area,
39 including , without restriction , tourist accommodations,
40 transportation, entertainment and climate.

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



1 (d) Authorize the expenditure of money subject to its
2 control and derived from any source within its jurisdiction
3 and authority, regardless of any purported limitations thereon
4 incident to any transfer or remittance to the Board of the
5 proceeds of any license tax or other money collected by any
6 political subdivision, but subject to all valid contractual or
7 statutory restrictions which may apply to any such money or
8 remittances or to the use or disposition thereof.

9 (e) Borrow money or accept contributions, grants or other
10 financial assistance from the Federal Government or any
11 agency or instrumentality thereof, for use in furtherance of
12 any of the authorized purposes of the Authority and meet and
13 comply with any conditions imposed thereon, which are
14 within the authority or discretion of the Board.

15 (f) Appoint an Executive Director, the Authority
16 Treasurer, the Auditor for the Authority, assistants to officers
17 and establish such other offices and appoint such other
18 officers as it deems necessary. All appointive officers serve at
19 the pleasure of the Board and shall perform such duties as
20 may be designated by the Board and are entitled to receive a
21 salary set by the Board. The Board shall, by agreement
22 pursuant to ~~{chapter 288 of NRS,}~~ *NRS 288.140 to 288.280,*
23 *inclusive, and sections 8 to 13, inclusive, of this act,* or by
24 resolution, set the annual, sick and disability leave, salary or
25 wages, pensions, insurance and other benefits for appointed
26 and hired Authority officers and employees.

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

31 5. When any member of the Board or officer or
32 employee of the Authority travels for the transaction of
33 business of the Authority, the Board may pay him the actual
34 expenses necessary for such travel, including travel expenses,
35 room, board, gratuities, car rental, telephone, taxi fares and
36 any other expense reasonably incurred in connection with
37 such travel. Travel fares must be the amount charged by
38 public conveyance unless the Board determines that travel by
39 private conveyance is more economical, or travel by public
40 conveyance is impractical or unavoidable over any of the
41 routes to be traveled. The Board may allow for traveling by
42 private conveyance an amount not to exceed the maximum
43 allowance per mile for travel by private conveyance by state
44 officers and employees specified in NRS 281.160.



1 **Sec. 83.** Section 29 of the Airport Authority Act for Washoe
2 County, being chapter 474, Statutes of Nevada 1977, as last
3 amended by chapter 155, Statutes of Nevada 1991, at page 293, is
4 hereby amended to read as follows:

5 Sec. 29. The Authority, by action of the Board, may
6 adopt its own plan of civil service to be administered by the
7 Board. The plan must include, but need not be limited to, the
8 following provisions:

9 1. Entry into the service on the basis of open
10 competition.

11 2. Service, promotions and remuneration on the basis of
12 merit, efficiency and fitness.

13 3. Classifications of the positions in the service.

14 4. The rating of candidates on the basis of publicly
15 announced competitive examinations and the maintenance of
16 lists of eligible candidates.

17 5. Employment of candidates from the eligible lists in
18 the highest qualified rating.

19 6. Probationary periods not to exceed 12 months.

20 7. Disciplinary action, suspension or discharge of
21 employees for cause only with the right of notice and review.

22 8. Schedules of compensation and increases in pay
23 prepared by the Board.

24 9. Promotion on the basis of ascertained merit, seniority
25 in service and competitive examinations.

26 10. Provision for keeping service records on all
27 employees.

28 11. Regulations for hours of work, attendance, holidays,
29 leaves of absence and transfers.

30 12. Procedures for layoffs, discharge, suspension,
31 discipline and reinstatement.

32 13. The exemption from civil service of managers,
33 supervisors, except those supervisors covered by an
34 agreement negotiated pursuant to ~~chapter 288 of NRS,~~ **NRS**
35 **288.140 to 288.280, inclusive, and sections 8 to 13,**
36 **inclusive, of this act,** deputy directors, the Executive
37 Director, persons employed to render professional, scientific,
38 technical or expert service, persons providing services of a
39 temporary or exceptional character, persons employed on
40 projects paid from the proceeds of bonds issued by the
41 Authority and persons employed for a period of less than 3
42 months in any 12-month period.

43 14. Review by the Board, at the request of the employee
44 in question and after notice and hearing, of any disciplinary
45 action, suspension or discharge of any employee, which



1 action, suspension or discharge may be affirmed, modified or
2 reversed by the Board. The decision of the Board is a final
3 decision in a contested case for the purpose of judicial
4 review. An employee may appeal the decision of the Board to
5 a district court within the time limits and in the manner
6 provided by law for the appeal of administrative decisions of
7 state agencies.

8 **Sec. 84.** NRS 288.010, 288.025, 288.027, 288.028, 288.033,
9 288.063, 288.067, 288.075, 288.230, 288.240, 288.250 and 288.260
10 are hereby repealed.

11 **Sec. 85.** This act becomes effective on July 1, 2005.

LEADLINES OF REPEALED SECTIONS

288.010 Short title.

288.025 "Administrative employee" defined.

288.027 "Bargaining agent" defined.

288.028 "Bargaining unit" defined.

288.033 "Collective bargaining" defined.

288.063 "Mediation" defined.

288.067 "Recognition" defined.

288.075 "Supervisory employee" defined.

288.230 Legislative declaration; illegality of strikes.

288.240 Injunctive relief against strike or threatened strike.

288.250 Punishment of employee organization, officer or
employee by court for commencement or continuation of strike
in violation of order.

288.260 Punishment of employee by employer for
commencement or continuation of strike or violation in violation
of court's order.



