
EMERGENCY REQUEST OF ASSEMBLY MINORITY LEADER

ASSEMBLY BILL NO. 568—ASSEMBLYMAN HETTRICK

MAY 27, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to representation of bargaining unit by employee organization. (BDR 23-1476)

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

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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 local government employee organizations; providing that the National Labor Relations Board Standards govern questions related to representational disputes unless inconsistent with the standards set forth in chapter 288 of NRS; revising the provisions relating to elections conducted to determine which, if any, employee organization represents a majority of the local government employees in a particular bargaining unit; 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.** Chapter 288 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *The showing of interest and other questions related to*
4 *representational disputes must be determined in accordance with*
5 *the National Labor Relations Board Standards, unless such*
6 *standards are inconsistent with the standards set forth in this*
7 *chapter.*

8 **Sec. 3. 1.** *With respect to an election conducted pursuant to*
9 *subsection 4 of NRS 288.160:*



1 (a) The ballots for the election must be prepared so as to allow
2 the local government employees who are eligible to vote in the
3 election to:

4 (1) Choose an employee organization, or choose between or
5 among employee organizations, as applicable, to represent the
6 employees as a recognized employee organization; or

7 (2) Choose not to be represented by an employee
8 organization.

9 (b) After the employees have voted, the Board shall canvass
10 the votes. Upon completion of the canvass, the Board:

11 (1) If an employee organization receives a majority of the
12 total number of valid votes cast, shall certify that employee
13 organization as being supported by a majority of the local
14 government employees in the applicable bargaining unit.

15 (2) If the option not to be represented by an employee
16 organization receives a majority of the total number of valid votes
17 cast, shall not certify an employee organization as being supported
18 by a majority of the local government employees in the applicable
19 bargaining unit.

20 (3) If the ballot set forth three or more choices and none of
21 those choices received a majority of the total number of valid votes
22 cast, shall conduct a second election in accordance with
23 subsection 2.

24 2. With respect to a second election conducted pursuant to
25 subparagraph (3) of paragraph (b) of subsection 1:

26 (a) The ballots for the election must be prepared so as to allow
27 the local government employees who are eligible to vote in the
28 election to:

29 (1) If, at the election conducted pursuant to subsection 4 of
30 NRS 288.160, the choices on the ballot receiving the highest and
31 next highest number of valid votes cast were both employee
32 organizations, choose between those employee organizations to
33 represent the employees as a recognized employee organization; or

34 (2) If, at the election conducted pursuant to subsection 4 of
35 NRS 288.160, the choices on the ballot receiving the highest and
36 next highest number of valid votes cast were an employee
37 organization and the option not to be represented by an employee
38 organization, choose between the employee organization to
39 represent the employees as a recognized employee organization
40 and the option not to be represented by an employee organization.

41 (b) After the employees have voted, the Board shall canvass
42 the votes. Upon completion of the canvass, the Board:

43 (1) If an employee organization receives the higher number
44 of valid votes cast, shall certify that employee organization as



1 *being supported by a majority of the local government employees*
2 *in the applicable bargaining unit.*

3 *(2) If the option not to be represented by an employee*
4 *organization receives the higher number of valid votes cast, shall*
5 *not certify an employee organization as being supported by a*
6 *majority of the local government employees in the applicable*
7 *bargaining unit.*

8 *3. For the purpose of any election held pursuant to*
9 *subsection 4 of NRS 288.160 or subparagraph (3) of paragraph*
10 *(b) of subsection 1 of this section, the Board shall determine and*
11 *certify the results of the election on the basis of the total number*
12 *of votes cast and not on the basis of the total number of local*
13 *government employees in the applicable bargaining unit.*

14 **Sec. 4.** NRS 288.160 is hereby amended to read as follows:

15 288.160 1. An employee organization may apply to a local
16 government employer for recognition by presenting:

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

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

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

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

25 2. If an employee organization, at or after the time of its
26 application for recognition, presents a verified membership list
27 showing that it represents a majority of the employees in a
28 bargaining unit, and if the employee organization is recognized by
29 the local government employer, it shall be the exclusive bargaining
30 agent of the local government employees in that bargaining unit.

31 3. A local government employer may withdraw recognition
32 from an employee organization which:

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

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

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

40 (d) Fails to negotiate in good faith with the local government
41 employer,

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

43 4. If the Board in good faith doubts whether any employee
44 organization is supported by a majority of the local government
45 employees in a particular bargaining unit, it may conduct an election



1 *in accordance with section 3 of this act* by secret ballot upon the
2 question. Subject to judicial review, the decision of the Board is
3 binding upon the local government employer and all employee
4 organizations involved.

5 5. The parties may agree in writing, without appealing to the
6 Board, to hold a representative election to determine whether an
7 employee organization represents the majority of the local
8 government employees in a bargaining unit. Participation by the
9 Board and its staff in an agreed election is subject to the approval of
10 the Board.

11 **Sec. 5.** NRS 288.195 is hereby amended to read as follows:

12 288.195 Whenever an employee organization enters into
13 negotiations with a local government employer, pursuant to NRS
14 288.140 to 288.220, inclusive, *and section 3 of this act*, such
15 employee organization may be represented by an attorney licensed
16 to practice law in the State of Nevada.

17 **Sec. 6.** The amendatory provisions of this act apply
18 retroactively to any matter relating to an election conducted
19 pursuant to subsection 4 of NRS 288.160 that was pending before
20 the Local Government Employee-Management Relations Board on
21 January 31, 2003.

22 **Sec. 7.** This act becomes effective upon passage and approval.

