

ASSEMBLY BILL NO. 337—ASSEMBLYMEN CLABORN, BUCKLEY,
CONKLIN, ANDERSON, SMITH, ARBERRY, HOGAN, HORNE,
KIHUEN, KOIVISTO, LESLIE, MANENDO, MCCLAIN,
MORTENSON AND MUNFORD

MARCH 15, 2007

JOINT SPONSORS: SENATORS CARE, HORSFORD,
SCHNEIDER, TITUS AND WOODHOUSE

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing collective bargaining
between local government employers and employee
organizations. (BDR 23-873)

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; authorizing an attorney to be
a member of the same bargaining unit as the employees
under his direction; expanding the scope of mandatory
bargaining concerning certain transfers and
reassignments; revising provisions governing recognition
of an employee organization; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, administrative employees are prohibited from being
2 members of the same bargaining unit as the employees under their direction. (NRS
3 288.025, 288.170) **Section 1** of this bill removes attorneys from the definition of
4 “administrative employee,” thus allowing attorneys to be members of the same
5 bargaining unit as the employees under their direction.
6 Under existing law, certain subject matters are within the scope of mandatory
7 bargaining between a local government employer and a recognized employee
8 organization whereas other subject matters are reserved to the local government
9 employer without negotiation. **Section 2** of this bill expands the subject matter
10 within the scope of mandatory bargaining concerning policies for transfer and
11 reassignment from teachers to all employees. (NRS 288.150)



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Under existing law, an election may be conducted to determine whether an employee organization represents the majority of the local government employees in a bargaining unit. (NRS 288.160) **Section 3** of this bill provides that if an employee organization receives a simple majority of the votes cast in such an election, it shall be deemed to have won the election.

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

Section 1. NRS 288.025 is hereby amended to read as follows:

288.025 “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. In addition, it includes the chief administrative officer, his deputy and immediate assistants, department heads, their deputies and immediate assistants, ~~attorneys,~~ appointed officials and others who are primarily responsible for formulating and administering management policy and programs.

Sec. 2. NRS 288.150 is hereby amended to read as follows:

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

2. The scope of mandatory bargaining is limited to:

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

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

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

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

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

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

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



* A B 3 3 7 *

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

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

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) ~~{The policies}~~ **Policies** for the transfer and reassignment of ~~{teachers.}~~ **employees.**

(v) Procedures for reduction in workforce.

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

(a) ~~{Except as otherwise provided in paragraph (u) of subsection 2, the}~~ **The** right to hire, direct ~~{}~~ **or** assign ~~{or transfer}~~ an employee, but excluding the right to assign ~~{or transfer}~~ an employee as a form of 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, 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, 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 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. 3. NRS 288.160 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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



1 by secret ballot upon the question. Subject to judicial review, the
2 decision of the Board is binding upon the local government
3 employer and all employee organizations involved.

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

10 6. *If an employee organization receives a simple majority of*
11 *the votes cast in an election conducted pursuant to subsection 4 or*
12 *5, the employee organization shall be deemed to have won the*
13 *election.*

