

ASSEMBLY BILL NO. 601—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Provides for collective bargaining for certain state employees. (BDR 23-1147)

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; providing for bargaining units and their representatives; establishing procedures for collective bargaining; prohibiting certain labor practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, title 23 of NRS governs public employment. **Section 19** of this bill gives certain state employees the right to organize and to engage in collective bargaining. **Section 19** also obligates the Executive Department and representatives of state employees to bargain in good faith. **Sections 20 and 21** of this bill provide requirements for the contents of collective bargaining agreements. **Section 22** of this bill prohibits certain labor practices. **Sections 23 and 24** of this bill provide for the hearing of complaints by the Government Employee-Management Relations Board, which was formerly the Local Government Employee-Management Relations Board.

Section 25 of this bill requires the Board to establish bargaining units on a statewide basis in certain occupational groups. **Sections 26-30** of this bill provide for the designation or election of employee organizations as exclusive representatives of bargaining units. **Section 31** of this bill provides the duties of exclusive representatives in relation to the bargaining units they represent. **Section 32** of this bill prohibits withholdings from the salary or wages of a state employee to pay dues or fees to an employee organization other than the organization that is the exclusive representative of the bargaining unit of the employee.

Sections 33-36 of this bill establish procedures for negotiation, mediation and arbitration between the Executive Department and an exclusive representative of a bargaining unit relating to a collective bargaining agreement. **Section 37** of this bill authorizes judicial review of the final decision of an arbitrator made relating to a collective bargaining unit. **Section 38** of this bill requires the Governor to prepare certain legislation and request certain appropriations to implement the terms of a



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collective bargaining agreement. **Section 39** of this bill authorizes supplemental bargaining regarding terms and conditions of employment that do not apply to all the employees in a bargaining unit.

Section 40 of this bill provides the dates between which a collective bargaining unit will be in effect. **Section 41** of this bill authorizes employee organizations and the Executive Department to sue and to be sued pursuant to the provisions of this bill. **Section 42** of this bill excepts some proceedings relating to collective bargaining from provisions of law requiring a meeting to be open or public.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(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 32 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.



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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 they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to the wages, hours and other terms and 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 5 to 42, inclusive, of this act.

6. As used in this section, "collective bargaining" and "supplemental bargaining" have the meaning ascribed to them in section 8 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 **288.020 to 288.280, inclusive**, 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



1 under Section 501(c)(9) of the Internal Revenue Code of 1986, 26
2 U.S.C. § 501(c)(9), as amended; and

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

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

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

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

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

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

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

25 6. As used in this section:

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

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

30 **Sec. 4.** Chapter 288 of NRS is hereby amended by adding
31 thereto the provisions set forth as sections 5 to 42, inclusive, of this
32 act.

33 **Sec. 5.** *As used in sections 5 to 42, inclusive, of this act,*
34 *unless the context otherwise requires, the words and terms defined*
35 *in sections 6 to 17, inclusive, of this act have the meanings*
36 *ascribed to them in those sections.*

37 **Sec. 6.** *"Bargaining unit" means a collection of employees*
38 *that the Board has established as a bargaining unit pursuant to*
39 *section 25 of this act.*

40 **Sec. 7.** *"Board" has the meaning ascribed to it in*
41 *NRS 288.030.*

42 **Sec. 8.** *"Collective bargaining" and "supplemental*
43 *bargaining" mean the performance of the mutual obligation*
44 *described in section 19 of this act.*



1 **Sec. 9.** *“Confidential employee” means an employee who*
2 *provides administrative support to an employee who assists in the*
3 *formulation, determination and effectuation of personnel policies*
4 *or managerial policies concerning collective bargaining or*
5 *supplemental bargaining.*

6 **Sec. 10. 1.** *“Employee” means a person who:*

7 *(a) Is employed in the classified service of the State pursuant*
8 *to chapter 284 of NRS;*

9 *(b) Is employed by the Public Employees’ Retirement System*
10 *and who is required to be paid in accordance with the pay plan for*
11 *employees in the classified service of the State; or*

12 *(c) Is employed by any other employer that receives money*
13 *from the State if the National Labor Relations Board has refused*
14 *to assert jurisdiction over the employer because the employer lacks*
15 *the ultimate authority to determine the primary terms and*
16 *conditions of employment and who is in a position similar to a*
17 *position in the classified services of the State.*

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

19 *(a) A managerial employee whose primary function, as*
20 *determined by the Board, is to administer and control the business*
21 *of any agency, board, bureau, commission, department, division,*
22 *elected officer or any other unit of the Executive Department and*
23 *who is vested with discretion and independent judgment with*
24 *regard to the general conduct and control of that agency, board,*
25 *bureau, commission, department, division, elected officer or unit;*

26 *(b) An elected official and any person appointed to fill a*
27 *vacancy in an elected office;*

28 *(c) A confidential employee;*

29 *(d) A temporary employee who is employed for a fixed period*
30 *of not more than 4 months;*

31 *(e) A commissioned officer and an enlisted member of the*
32 *Nevada National Guard;*

33 *(f) A justice of the Supreme Court and a judge of a district*
34 *court;*

35 *(g) An employee of the Nevada System of Higher Education*
36 *whose employment is governed by the provisions of NRS 288.020*
37 *to 288.280, inclusive;*

38 *(h) An inmate of a correctional or penal institution; or*

39 *(i) A person employed by the Legislative Department.*

40 **Sec. 11.** *“Employee organization” means an organization*
41 *that is created, maintained and operated to represent employees*
42 *concerning the wages, hours and other terms and conditions of*
43 *employment for those employees.*

44 **Sec. 12.** *“Exclusive representative” means an employee*
45 *organization that, as a result of designation by the Board pursuant*



1 *to section 26 or 29 of this act, has the exclusive right to represent*
2 *all employees within a bargaining unit and to engage in collective*
3 *bargaining with the Executive Department pursuant to sections 5*
4 *to 42, inclusive, of this act.*

5 **Sec. 13.** *“Executive Department” means an agency, board,*
6 *bureau, commission, department, division, elected officer or any*
7 *other unit of the Executive Department of State Government.*

8 **Sec. 14.** *“Fair share agreement” means an agreement*
9 *between an employer and an exclusive representative under which*
10 *all or any of the employees in a bargaining unit are required to*
11 *pay a proportionate share of the costs of a collective bargaining*
12 *process, the administration of a collective bargaining agreement,*
13 *and the negotiation of other matters affecting wages, hours and*
14 *other terms and conditions of employment.*

15 **Sec. 15.** *“Mediation” means assistance by an impartial third*
16 *party to reconcile differences between the Executive Department*
17 *and an exclusive representative through interpretation, suggestion*
18 *and advice.*

19 **Sec. 16.** *“Professional employee” means an employee*
20 *engaged in work that:*

21 *1. Is predominantly intellectual and varied in character as*
22 *opposed to routine mental, manual, mechanical or physical work;*

23 *2. Involves the consistent exercise of discretion and judgment*
24 *in its performance;*

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

27 *4. Requires advanced knowledge in a field of science or*
28 *learning customarily acquired through a prolonged course of*
29 *specialized intellectual instruction and study in an institution of*
30 *higher learning, as distinguished from general academic*
31 *education, an apprenticeship or training in the performance of*
32 *routine mental or physical processes.*

33 **Sec. 17.** *“Supervisory employee” means an employee:*

34 *1. Who has authority to:*

35 *(a) Hire, transfer, suspend, lay off, recall, promote, discharge,*
36 *assign, reward or discipline other employees, or who has the*
37 *responsibility to direct such employees; or*

38 *(b) Adjust the grievances of other employees or effectively*
39 *recommend such action, if the exercise of that authority requires*
40 *the use of independent judgment and is not of a routine or clerical*
41 *nature; and*

42 *2. For whom the exercise of the authority described in*
43 *subsection 1 occupies a significant portion of the workday of the*
44 *employee.*



1 **Sec. 18. 1. The Legislature hereby finds and declares that**
2 *there is a great need:*

3 (a) *To promote orderly and constructive relations between the*
4 *State and its employees; and*

5 (b) *To increase the efficiency of State Government.*

6 **2. It is therefore in the public interest that the Legislature**
7 *enact provisions:*

8 (a) *Granting certain state employees the right to associate with*
9 *others in organizing and choosing representatives for the purpose*
10 *of engaging in collective bargaining;*

11 (b) *Requiring the State to recognize and negotiate wages,*
12 *hours and other terms and conditions of employment with*
13 *employee organizations that are exclusive representatives of state*
14 *employees and to enter into written agreements evidencing the*
15 *result of such negotiations; and*

16 (c) *Establishing standards and procedures that protect the*
17 *rights of state employees, the Executive Department and the*
18 *residents of this State.*

19 **Sec. 19. 1. For the purposes of collective bargaining,**
20 *supplemental bargaining and other mutual aid or protection, each*
21 *employee has the right:*

22 (a) *To organize, form, join and assist employee organizations,*
23 *to engage in collective bargaining and supplemental bargaining*
24 *through exclusive representatives and to engage in other*
25 *concerted activities; and*

26 (b) *To refrain from engaging in such activity.*

27 **2. Collective bargaining and supplemental bargaining entail**
28 *a mutual obligation of the Executive Department and an exclusive*
29 *representative to meet at reasonable times and to bargain in good*
30 *faith with respect to:*

31 (a) *The wages, hours and other terms and conditions of*
32 *employment;*

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

34 (c) *The resolution of any question arising under an*
35 *agreement; and*

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

38 **Sec. 20. 1. Each collective bargaining agreement must be**
39 *in writing and must include, without limitation:*

40 (a) *A procedure to resolve grievances which applies to all*
41 *employees in the bargaining unit and which culminates in final*
42 *and binding arbitration of disputes concerning the administration*
43 *and interpretation of the agreement and other matters relating to*
44 *the employment of an employee, including, without limitation,*
45 *matters relating to the application of any law, rule or regulation*



1 *pertaining to the employment of an employee, questions of*
2 *arbitrability, and appeal of disciplinary and adverse personnel*
3 *actions.*

4 *(b) A provision which provides that an officer of the Executive*
5 *Department may, upon written authorization by an employee*
6 *within the bargaining unit, withhold a sufficient amount of money*
7 *from the salary or wages of the employee pursuant to NRS*
8 *281.129 to pay dues or similar fees to the exclusive representative*
9 *of the bargaining unit.*

10 *(c) At the election of the exclusive representative, and*
11 *notwithstanding any other provision of law, a fair share*
12 *agreement.*

13 *2. Except as otherwise provided in subsection 3,*
14 *notwithstanding the provisions of NRS 284.073, the procedure*
15 *described in paragraph (a) of subsection 1 shall be the exclusive*
16 *procedure for resolving grievances within its scope of coverage.*

17 *3. Matters covered under the appeal procedures established*
18 *pursuant to NRS 284.390 which also fall within the coverage of*
19 *the negotiated grievance procedure may be raised under the*
20 *statutory appeal procedures or the negotiated grievance*
21 *procedures, but not both. An employee shall be deemed to have*
22 *exercised his option under this subsection to raise a matter either*
23 *under the statutory appeal procedures or the negotiated grievance*
24 *procedures at the time that the employee files a timely written*
25 *request for a hearing under the statutory appeal procedure or files*
26 *a timely written grievance in accordance with the parties'*
27 *negotiated grievance procedure, whichever event occurs first.*

28 *4. In the event of a conflict between the terms of the collective*
29 *bargaining agreement reached between the Executive Department*
30 *and the exclusive representative and any rule or regulation*
31 *adopted by the Executive Department, the terms of the agreement*
32 *shall prevail unless the terms of the agreement are otherwise*
33 *outside the scope of negotiations.*

34 **Sec. 21.** *1. A fair share agreement included in a collective*
35 *bargaining agreement pursuant to section 20 of this act must not*
36 *be for an amount exceeding the amount of dues uniformly*
37 *required of members.*

38 *2. An amount agreed to be paid pursuant to a fair share*
39 *agreement must not include any fees for contributions relating to*
40 *the election or support of any candidate for political office.*

41 *3. Nothing in this section prohibits an employee from making*
42 *voluntary political contributions in conjunction with his payment*
43 *pursuant to a fair share agreement.*

44 **Sec. 22.** *1. It is a prohibited practice for the Executive*
45 *Department or its designated representative willfully to:*



(a) Refuse to bargain collectively in good faith with the exclusive representative. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in sections 5 to 42, inclusive, of this act.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed under sections 5 to 42, inclusive, of this act.

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

(d) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in an employee organization.

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

(1) Signed or filed an affidavit, petition or complaint or given any information or testimony under sections 5 to 42, inclusive, of this act; or

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

(f) Deny rights accompanying a designation as an exclusive 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 bargain collectively in good faith with the Executive Department. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in sections 5 to 42, inclusive, of this act.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed under sections 5 to 42, inclusive, of this act.

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

Sec. 23. 1. To establish that a party engaged in a prohibited practice in violation of section 22 of this act, the party aggrieved by the alleged prohibited practice must:

(a) File a complaint with the Board not later than 180 days 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 copy of a complaint sent pursuant to paragraph (b) of subsection 1, a party shall file a response to the complaint with the Board.



1 3. The Board shall conduct a preliminary investigation of
2 each complaint.

3 4. If, after a preliminary investigation:

4 (a) The Board determines that the complaint has no basis in
5 law or fact, the Board shall dismiss the complaint.

6 (b) The Board determines that the complaint may have a basis
7 in law or fact, the Board shall conduct a hearing in compliance
8 with:

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

11 (2) Any regulations adopted by the Board.

12 5. If the Board finds at the hearing that the party accused in
13 the complaint has engaged in a prohibited practice, the Board:

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

16 (b) May order any other affirmative relief that is necessary to
17 prevent or remedy the prohibited practice.

18 6. The Board may petition the district court for enforcement
19 of orders issued pursuant to this section.

20 7. Subject to the provisions of subsection 8, any order or
21 decision issued pursuant to this section is a final decision and is
22 subject to judicial review in the manner provided in chapter 233B
23 of NRS for the final decision in a contested case.

24 8. A party aggrieved by an order or decision issued pursuant
25 to this section must file a petition for judicial review not later than
26 10 days after being served with the order or decision.

27 **Sec. 24.** 1. The Board may appoint a hearing officer to
28 conduct a hearing required pursuant to section 23 of this act.

29 2. A party aggrieved by an order or decision issued by a
30 hearing officer may appeal the order or decision to the Board.

31 3. If an order or decision is appealed to the Board, the Board
32 may:

33 (a) Confine the review to the record; or

34 (b) Conduct a hearing de novo.

35 4. A hearing de novo conducted pursuant to this section must
36 be conducted in compliance with:

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

39 (b) Any regulations adopted by the Board.

40 5. If the Board finds in the review or at the hearing that the
41 party accused in the complaint has engaged in a prohibited
42 practice, the Board:

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



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

6. The Board may petition the district court for enforcement of orders issued pursuant to this section.

7. Subject to the provisions of subsection 8, any order or decision issued pursuant to this section is a final decision and is subject to judicial review pursuant to the provisions of chapter 233B of NRS that apply to a contested case.

8. A party aggrieved by an order or decision issued pursuant to this section must file a petition for judicial review not later than 10 days after being served with the order or decision.

Sec. 25. 1. The Board shall, by regulation, establish bargaining units on a statewide basis, including, without limitation, the bargaining units described in subsection 2.

2. The Board shall establish one bargaining unit for each of the following occupational groups:

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

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

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

(d) Professional employees, including, without limitation, physical therapists and other employees in medical and other professions relating to health.

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

(f) Category I peace officers.

(g) Category II peace officers.

(h) Category III peace officers.

(i) Supervisory employees not otherwise included in other bargaining units.

(j) Firefighters, including, without limitation, firefighters in the positions of Firefighter I, Firefighter II or Firefighter Captain.

3. Each bargaining unit established pursuant to this section must include all supervisory employees at the working level of the occupational group.

4. The Board shall determine the exact classifications of employees within each bargaining unit.



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1 5. The Board may assign a new classification to a bargaining
2 unit based on the similarity of the new classification to other
3 classifications within the bargaining unit.

4 6. The Board shall not change the classification of a
5 bargaining unit arbitrarily.

6 7. The Board shall determine whether the employment
7 functions of any group of employees performing managerial
8 functions preclude the inclusion of those employees in a
9 bargaining unit.

10 8. The Board shall not classify, for the purposes of this
11 section, as a supervisory employee an employee who has been
12 given administrative duties that are incidental to the duties that
13 occupy a significant portion of the workday of the employee.

14 9. As used in this section:

15 (a) "Category I peace officer" has the meaning ascribed to it
16 in NRS 289.460.

17 (b) "Category II peace officer" has the meaning ascribed to it
18 in NRS 289.470.

19 (c) "Category III peace officer" has the meaning ascribed to it
20 in NRS 289.480.

21 **Sec. 26.** If an employee organization files with the Board a
22 list of its membership or other administratively acceptable
23 evidence showing that the employee organization represents more
24 than 50 percent of the employees within the bargaining unit, the
25 Board shall designate the employee organization as the exclusive
26 representative of the bargaining unit without ordering an election.

27 **Sec. 27.** Except as otherwise provided in section 28 of this
28 act, the Board shall order an election for an exclusive
29 representative to be conducted within a bargaining unit if:

30 1. No employee organization has been designated as the
31 exclusive representative of the bargaining unit;

32 2. An employee organization files with the Board a written
33 request for an election which includes a list of its membership or
34 other administratively acceptable evidence showing that it
35 represents at least 30 percent but not more than 50 percent of the
36 employees within the bargaining unit; and

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

40 **Sec. 28.** The Board shall order an election for an exclusive
41 representative to be conducted within a bargaining unit if:

42 1. The Board has designated an employee organization as the
43 exclusive representative of the bargaining unit pursuant to section
44 26 or 29 of this act;



2. Another employee organization files with the Board a written request for an election which includes a list of its membership or other administratively acceptable evidence showing that the employee organization represents more than 50 percent of the employees within the bargaining unit, or 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;

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

4. If there is then in effect a lawful written collective bargaining agreement covering the employees in the bargaining unit, the written request for an election is filed not more than 270 days and not less than 225 days before the expiration date of the agreement.

Sec. 29. 1. If the Board orders an election within a bargaining unit pursuant to section 27 or 28 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:

(a) The employee organization that requested the election pursuant to section 27 or 28 of this act;

(b) If applicable, the employee organization that is presently designated as the exclusive representative of the bargaining unit pursuant to sections 5 to 42, inclusive, of this act;

(c) Any other employee organization that, on or before a date prescribed in regulations adopted by the Board, files with the Board a written request to be placed on the ballot for the election and includes with the written request a list of its membership or other administratively acceptable evidence showing that the employee organization represents at least 30 percent of the employees within the bargaining unit; and

(d) A choice for "no representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

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



1 4. *If an employee organization receives a majority of the*
2 *votes cast at the initial election or at a runoff election, the Board*
3 *shall designate the employee organization as the exclusive*
4 *representative of the bargaining unit.*

5 **Sec. 30. 1. The Board:**

6 (a) *Shall preside over all elections that are conducted pursuant*
7 *to section 27 or 28 of this act; and*

8 (b) *Shall determine the eligibility requirements for employees*
9 *to vote in any such election.*

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

16 3. *In response to a written objection filed pursuant to*
17 *subsection 2 or on its own motion, the Board may invalidate the*
18 *results of an election and order a new election if the Board finds*
19 *that any conduct or circumstances raise substantial doubt that the*
20 *results of the election are reliable.*

21 **Sec. 31. 1. Except as otherwise provided in subsection 2, an**
22 **exclusive representative shall:**

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

25 (b) *In good faith and on behalf of each bargaining unit that it*
26 *represents, individually or collectively, negotiate with the*
27 *Executive Department concerning the wages, hours and other*
28 *terms and conditions of employment for the employees within each*
29 *bargaining unit that it represents, including, without limitation,*
30 *any terms and conditions of employment that are within the scope*
31 *of supplemental bargaining pursuant to section 39 of this act.*

32 2. *If an employee is within a bargaining unit that has an*
33 *exclusive representative, the employee has the right to present*
34 *grievances to the Executive Department at any time and to have*
35 *those grievances adjusted without the intervention of the exclusive*
36 *representative if:*

37 (a) *The exclusive representative is given an opportunity to be*
38 *present at any meetings or hearings relating to the adjustment of*
39 *the grievance; and*

40 (b) *The exclusive representative is served with a copy of the*
41 *adjustment of the grievances and such adjustment is not*
42 *inconsistent with the provisions of the collective bargaining*
43 *agreement or any supplemental bargaining agreement then in*
44 *effect.*



1 **Sec. 32.** *If the Board designates an employee organization as*
2 *the exclusive representative of a bargaining unit pursuant to*
3 *sections 5 to 42, inclusive, of this act, an officer of the Executive*
4 *Department may not withhold, pursuant to NRS 281.129, any*
5 *amount of money from the salary or wages of an employee within*
6 *the bargaining unit to pay dues or similar fees to an employee*
7 *organization other than the employee organization that is the*
8 *exclusive representative of the bargaining unit.*

9 **Sec. 33.** *Pursuant to the obligation of each party to engage in*
10 *collective bargaining, the Executive Department and an exclusive*
11 *representative shall begin negotiations concerning a new*
12 *collective bargaining agreement on or before the earlier of the*
13 *following:*

14 1. *The date 60 days after a request for bargaining by either*
15 *party; or*

16 2. *The November 1 before the expiration of a current*
17 *collective bargaining agreement between the parties.*

18 **Sec. 34.** 1. *Either party may request mediation from the*
19 *Federal Mediation and Conciliation Service if the parties do not*
20 *reach a collective bargaining agreement through negotiation on or*
21 *before:*

22 (a) *The earlier of the following:*

23 (1) *The date 120 days after the date the parties first meet*
24 *for bargaining; or*

25 (2) *The January 1 before the expiration of a current*
26 *collective bargaining agreement between the parties; or*

27 (b) *Any later date that is set by agreement of the parties;*

28 2. *The mediator:*

29 (a) *Shall bring the parties together as soon as possible after his*
30 *appointment; and*

31 (b) *Shall attempt to settle each issue in dispute within 21 days*
32 *of his appointment or any later date that is set by agreement of the*
33 *parties.*

34 **Sec. 35.** 1. *If the mediator determines that his services are*
35 *no longer helpful or if the parties do not reach a collective*
36 *bargaining agreement through mediation within 21 days after the*
37 *date of his appointment, or on or before any later date that is set*
38 *by agreement of the parties, the mediator shall discontinue*
39 *mediation and the parties shall attempt to agree on an impartial*
40 *arbitrator.*

41 2. *If the parties do not agree on an impartial arbitrator within*
42 *5 days after the date on which mediation is discontinued pursuant*
43 *to subsection 1, or on or before any later date that is set by*
44 *agreement of the parties, the parties shall request from the*
45 *Federal Mediation and Conciliation Service or the American*



1 *Arbitration Association a list of seven potential arbitrators. The*
2 *parties shall select an arbitrator from this list by alternately*
3 *striking one name until the name of only one arbitrator remains,*
4 *and that arbitrator must hear the dispute in question. The party*
5 *that strikes first shall be determined by coin toss.*

6 3. *The arbitrator shall begin arbitration proceedings on or*
7 *before:*

8 (a) *The March 1 before the expiration date of a current*
9 *collective bargaining agreement; or*

10 (b) *Any later date that is set by agreement of the parties.*

11 4. *The arbitrator and the parties shall apply and follow any*
12 *procedures for arbitration that are prescribed by regulations*
13 *adopted by the Board. During arbitration, the parties retain their*
14 *respective duties to negotiate in good faith.*

15 5. *The arbitrator may administer oaths or affirmations, take*
16 *testimony and issue and seek enforcement of subpoenas in the*
17 *same manner as the Board pursuant to NRS 288.120. The*
18 *provisions of NRS 288.120 apply to subpoenas issued by the*
19 *arbitrator.*

20 6. *Pursuant to section 36 of this act, the arbitrator shall*
21 *render a decision on or before:*

22 (a) *The March 15 before the expiration date of a current*
23 *collective bargaining agreement; or*

24 (b) *Any later date that is set by agreement of the parties.*

25 7. *The Executive Department and the exclusive representative*
26 *shall each pay one-half the cost of arbitration.*

27 8. *The Executive Department and the exclusive representative*
28 *may agree on an alternative process for impasse resolution, and*
29 *negotiation of such alternative process shall be considered a*
30 *permissive subject of bargaining.*

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

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

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

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

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

44 (a) *Shall compare the wages, hours and other terms and*
45 *conditions of employment for the employees within the bargaining*



* A B 6 0 1 *

1 unit with the wages, hours and other terms and conditions of
2 employment for other employees performing similar services and
3 for other employees generally:

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

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

6 (b) Shall consider, without limitation:

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

8 and

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

14 4. Except as otherwise provided in sections 5 to 42, inclusive,
15 of this act, each provision that is included in a decision of an
16 arbitrator is final and binding on the Executive Department and
17 the exclusive representative.

18 **Sec. 37. 1.** A party may seek judicial review in the district
19 court of the decision of an arbitrator made pursuant to section 36
20 of this act based on jurisdictional grounds or on the grounds that
21 the decision:

22 (a) Was procured by fraud, collusion or other similar unlawful
23 means; or

24 (b) Was not supported by competent, material and substantive
25 evidence on the whole record and based on the factors set forth in
26 section 36 of this act.

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

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

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

39 **Sec. 38. 1.** If a provision of a collective bargaining
40 agreement does not require an amendment to existing law or an
41 appropriation of funds by the Legislature to be given effect, the
42 provision shall become effective in accordance with the terms of
43 the agreement.

44 2. If a provision of a collective bargaining agreement
45 requires an amendment to existing law by the Legislature or an



1 *appropriation of funds to be given effect, the provision shall*
2 *become effective contingent on, and in accordance with, the*
3 *necessary change in law and appropriation of funds. The*
4 *Governor shall prepare necessary legislation and shall request*
5 *specific and sufficient appropriations to implement the terms of an*
6 *agreement, including the terms of an agreement determined by an*
7 *arbitrator.*

8 **Sec. 39.** 1. *Except as otherwise provided in this section, the*
9 *Executive Department and the exclusive representative may*
10 *engage in supplemental bargaining concerning any terms and*
11 *conditions of employment which are peculiar to or uniquely affect*
12 *fewer than all the employees of the bargaining unit. Such*
13 *supplemental bargaining shall be subject to the provisions of*
14 *sections 5 to 42, inclusive, of this act.*

15 2. *The Executive Department and the exclusive representative*
16 *may engage in supplemental bargaining pursuant to subsection 1*
17 *for fewer than all of the employees within two or more bargaining*
18 *units that the exclusive representative represents if the*
19 *requirements of subsection 1 are met for each bargaining unit.*
20 *Such supplemental bargaining shall be subject to the provisions of*
21 *sections 5 to 42, inclusive, of this act.*

22 3. *The provisions of a supplemental bargaining agreement*
23 *expire at the same time as the other provisions of the collective*
24 *bargaining agreement into which they are incorporated.*

25 4. *The Executive Department and the exclusive representative*
26 *may, during collective bargaining conducted pursuant to sections*
27 *5 to 42, inclusive, of this act, negotiate and include in a collective*
28 *bargaining agreement any terms and conditions of employment*
29 *that would otherwise be within the scope of supplemental*
30 *bargaining conducted pursuant to this section.*

31 **Sec. 40.** 1. *Subject to the provisions of subsection 2, the*
32 *terms of any collective bargaining agreement reached pursuant to*
33 *sections 5 to 42, inclusive, of this act shall be for 2 years*
34 *beginning on July 1 of odd-numbered years and expiring on*
35 *June 30 of the next odd-numbered year.*

36 2. *The terms of any collective bargaining agreement reached*
37 *pursuant to sections 5 to 42, inclusive, of this act remain in effect*
38 *until a new collective bargaining agreement takes effect subject to*
39 *any necessary appropriations.*

40 **Sec. 41.** 1. *Except as otherwise provided by specific statute,*
41 *the Executive Department and the exclusive representative may*
42 *sue or be sued as an entity pursuant to sections 5 to 42, inclusive,*
43 *of this act.*

44 2. *If any action or proceeding is brought by or against the*
45 *Executive Department and the exclusive representative pursuant*



1 *to sections 5 to 42, inclusive, of this act, the district court of the*
2 *county in which the employee organization maintains its principal*
3 *office or the county in which the claim arose has jurisdiction over*
4 *the claim.*

5 3. *A natural person and his assets are not subject to liability*
6 *for any judgment awarded pursuant to sections 5 to 42, inclusive,*
7 *of this act against the Executive Department or an employee*
8 *organization.*

9 **Sec. 42.** *The following proceedings, required by or pursuant*
10 *to sections 5 to 42, inclusive, of this act, are not subject to any*
11 *provision of NRS which requires a meeting to be open or public:*

12 1. *Any negotiation or informal discussions between the*
13 *Executive Department and the exclusive representative or*
14 *employees as individuals.*

15 2. *Any meeting of a mediator with either party or both parties*
16 *to a negotiation.*

17 3. *Any meeting or hearing conducted by an arbitrator.*

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

20 **Sec. 43.** NRS 288.020 is hereby amended to read as follows:

21 288.020 As used in ~~[this chapter.]~~ *NRS 288.020 to 288.280,*
22 *inclusive,* unless the context otherwise requires, the words and terms
23 defined in NRS 288.025 to 288.075, inclusive, have the meanings
24 ascribed to them in those sections.

25 **Sec. 44.** NRS 288.030 is hereby amended to read as follows:

26 288.030 "Board" means the ~~[Local]~~ Government Employee-
27 Management Relations Board.

28 **Sec. 45.** NRS 288.080 is hereby amended to read as follows:

29 288.080 1. The ~~[Local]~~ Government Employee-Management
30 Relations Board is hereby created, consisting of three members,
31 broadly representative of the public and not closely allied with any
32 employee organization or ~~[local]~~ government employer, not more
33 than two of whom may be members of the same political party. The
34 term of office of each member is 4 years.

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

36 **Sec. 46.** NRS 288.110 is hereby amended to read as follows:

37 288.110 1. The Board may make rules governing:

38 (a) Proceedings before it;

39 (b) Procedures for fact-finding;

40 (c) The recognition of employee organizations; and

41 (d) The determination of bargaining units.

42 2. The Board may hear and determine any complaint arising
43 out of the interpretation of, or performance under, the provisions of
44 ~~[this chapter.]~~ *NRS 288.020 to 288.280, inclusive,* by any local
45 government employer, local government employee or employee



1 organization. The Board shall conduct a hearing within 90 days after
2 it decides to hear a complaint. The Board, after a hearing, if it finds
3 that the complaint is well taken, may order any person to refrain
4 from the action complained of or to restore to the party aggrieved
5 any benefit of which he has been deprived by that action. The Board
6 shall issue its decision within 120 days after the hearing on the
7 complaint is completed.

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

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

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

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

20 (b) Upon agreement of all the parties.

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

23 **Sec. 47.** NRS 288.120 is hereby amended to read as follows:

24 288.120 1. For the purpose of hearing and deciding appeals
25 or complaints, the Board may issue subpoenas requiring the
26 attendance of witnesses before it, together with all books,
27 memoranda, papers and other documents relative to the matters
28 under investigation, administer oaths and take testimony thereunder.

29 2. The district court in and for the county in which any hearing
30 is being conducted by the Board may compel the attendance of
31 witnesses, the giving of testimony and the production of books and
32 papers as required by any subpoena issued by the Board.

33 3. In case of the refusal of any witness to attend or testify or
34 produce any papers required by such subpoena, the Board may
35 report to the district court in and for the county in which the hearing
36 is pending by petition, setting forth:

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

39 (b) That the witness has been subpoenaed in the manner
40 prescribed in ~~[this chapter.]~~ **NRS 288.020 to 288.280, inclusive;** and

41 (c) That the witness has failed and refused to attend or produce
42 the papers required by subpoena before the Board in the hearing
43 named in the subpoena, or has refused to answer questions
44 propounded to him in the course of such hearing,



1 ➡ and asking an order of the court compelling the witness to attend
2 and testify or produce the books or papers before the Board.

3 4. The court, upon petition of the Board, shall enter an order
4 directing the witness to appear before the court at a time and place
5 to be fixed by the court in such order, the time to be not more than
6 10 days from the date of the order, and then and there show cause
7 why he has not attended or testified or produced the books or papers
8 before the Board. A certified copy of the order shall be served upon
9 the witness. If it appears to the court that the subpoena was regularly
10 issued by the Board, the court shall thereupon enter an order that the
11 witness appear before the Board at the time and place fixed in the
12 order and testify or produce the required books or papers, and upon
13 failure to obey the order the witness shall be dealt with as for
14 contempt of court.

15 **Sec. 48.** NRS 288.140 is hereby amended to read as follows:

16 288.140 1. It is the right of every local government
17 employee, subject to the limitation provided in subsection 3, to join
18 any employee organization of his choice or to refrain from joining
19 any employee organization. A local government employer shall not
20 discriminate in any way among its employees on account of
21 membership or nonmembership in an employee organization.

22 2. The recognition of an employee organization for negotiation,
23 pursuant to ~~[this chapter.]~~ *NRS 288.020 to 288.280, inclusive*, does
24 not preclude any local government employee who is not a member
25 of that employee organization from acting for himself with respect
26 to any condition of his employment, but any action taken on a
27 request or in adjustment of a grievance shall be consistent with the
28 terms of an applicable negotiated agreement, if any.

29 3. A police officer, sheriff, deputy sheriff or other law
30 enforcement officer may be a member of an employee organization
31 only if such employee organization is composed exclusively of law
32 enforcement officers.

33 **Sec. 49.** NRS 288.150 is hereby amended to read as follows:

34 288.150 1. Except as *otherwise* provided in subsection 4,
35 every local government employer shall negotiate in good faith
36 through one or more representatives of its own choosing concerning
37 the mandatory subjects of bargaining set forth in subsection 2 with
38 the designated representatives of the recognized employee
39 organization, if any, for each appropriate bargaining unit among its
40 employees. If either party so requests, agreements reached must be
41 reduced to writing.

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

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

45 (b) Sick leave.



- 1 (c) Vacation leave.
- 2 (d) Holidays.
- 3 (e) Other paid or nonpaid leaves of absence.
- 4 (f) Insurance benefits.
- 5 (g) Total hours of work required of an employee on each
- 6 workday or workweek.
- 7 (h) Total number of days' work required of an employee in a
- 8 work year.
- 9 (i) Discharge and disciplinary procedures.
- 10 (j) Recognition clause.
- 11 (k) The method used to classify employees in the bargaining
- 12 unit.
- 13 (l) Deduction of dues for the recognized employee organization.
- 14 (m) Protection of employees in the bargaining unit from
- 15 discrimination because of participation in recognized employee
- 16 organizations consistent with the provisions of ~~[this chapter.]~~ **NRS**
- 17 **288.020 to 288.280, inclusive.**
- 18 (n) No-strike provisions consistent with the provisions of ~~[this~~
- 19 ~~chapter.]~~ **NRS 288.020 to 288.280, inclusive.**
- 20 (o) Grievance and arbitration procedures for resolution of
- 21 disputes relating to interpretation or application of collective
- 22 bargaining agreements.
- 23 (p) General savings clauses.
- 24 (q) Duration of collective bargaining agreements.
- 25 (r) Safety of the employee.
- 26 (s) Teacher preparation time.
- 27 (t) Materials and supplies for classrooms.
- 28 (u) The policies for the transfer and reassignment of teachers.
- 29 (v) Procedures for reduction in workforce.
- 30 3. Those subject matters which are not within the scope of
- 31 mandatory bargaining and which are reserved to the local
- 32 government employer without negotiation include:
- 33 (a) Except as otherwise provided in paragraph (u) of subsection
- 34 2, the right to hire, direct, assign or transfer an employee, but
- 35 excluding the right to assign or transfer an employee as a form of
- 36 discipline.
- 37 (b) The right to reduce in force or lay off any employee because
- 38 of lack of work or lack of money, subject to paragraph (v) of
- 39 subsection 2.
- 40 (c) The right to determine:
- 41 (1) Appropriate staffing levels and work performance
- 42 standards, except for safety considerations;
- 43 (2) The content of the workday, including without limitation
- 44 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 288.020 to 288.280, inclusive*, 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 288.020 to 288.280, inclusive*, 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 288.020 to 288.280, inclusive, 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. 50. 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 288.020 to 288.280, inclusive*, may extend beyond the term of office of any member or officer of the local government employer.

Sec. 51. NRS 288.180 is hereby amended to read as follows:

288.180 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to ~~[this chapter,]~~ *NRS 288.020 to 288.280, inclusive*, it shall give written notice of that desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give notice on or before February 1.

2. Following the notification provided for in subsection 1, the employee organization or the local government employer may request reasonable information concerning any subject matter included in the scope of mandatory bargaining which it deems



1 necessary for and relevant to the negotiations. The information
2 requested must be furnished without unnecessary delay. The
3 information must be accurate, and must be presented in a form
4 responsive to the request and in the format in which the records
5 containing it are ordinarily kept. If the employee organization
6 requests financial information concerning a metropolitan police
7 department, the local government employers which form that
8 department shall furnish the information to the employee
9 organization.

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

13 4. This section does not preclude, but ~~[this chapter does]~~ *NRS*
14 *288.020 to 288.280, inclusive, do* not require, informal discussion
15 between an employee organization and a local government
16 employer of any matter which is not subject to negotiation or
17 contract under ~~[this chapter.]~~ *NRS 288.020 to 288.280, inclusive.*
18 Any such informal discussion is exempt from all requirements of
19 notice or time schedule.

20 **Sec. 52.** NRS 288.210 is hereby amended to read as follows:

21 288.210 1. For the purpose of investigating disputes, the fact
22 finder may issue subpoenas requiring the attendance of witnesses
23 before him, together with all books, memoranda, papers and other
24 documents relative to the matters under investigation, administer
25 oaths and take testimony thereunder.

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

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

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

37 (b) That the witness has been subpoenaed in the manner
38 prescribed in ~~[this chapter;]~~ *NRS 288.020 to 288.280, inclusive;*
39 *and*

40 (c) That the witness has failed and refused to attend or produce
41 the papers required by subpoena before the fact finder in the
42 investigation named in the subpoena, or has refused to answer
43 questions propounded to him in the course of such investigation,
44 ➔ and asking an order of the court compelling the witness to attend
45 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 order, the time to be not more than 10 days from 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 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 testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 53. NRS 288.220 is hereby amended to read as follows:

288.220 The following proceedings, required by or pursuant to ~~[this chapter.]~~ **NRS 288.020 to 288.280, inclusive**, are not subject to any provision of NRS which requires a meeting to be open or public:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.

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

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

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

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

Sec. 54. NRS 288.270 is hereby amended to read as follows:

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

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under ~~[this chapter.]~~ **NRS 288.020 to 288.280, inclusive.**

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

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

(d) Discharge or otherwise discriminate against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under ~~[this chapter.]~~ **NRS 288.020 to 288.280, inclusive**, or because he has formed, joined or chosen to be represented by any employee organization.



(e) Refuse to bargain collectively in good faith with the 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 288.020 to 288.280, inclusive.*

(f) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or 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 288.020 to 288.280, inclusive.*

(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 288.020 to 288.280, inclusive.*

(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. 55. NRS 289.120 is hereby amended to read as follows:

289.120 Any peace officer aggrieved by an action of his employer in violation of this chapter may, after exhausting any applicable internal grievance procedures, grievance procedures negotiated pursuant to ~~[chapter 288 of]~~ *NRS 288.020 to 288.280, inclusive*, and other administrative remedies, apply to the district court for judicial relief. If the court determines that the employer has violated a provision of this chapter, the court shall order appropriate injunctive or other extraordinary relief to prevent the further occurrence of the violation and the taking of any reprisal or retaliatory action by the employer against the peace officer.

Sec. 56. 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 288.020 to 288.280, inclusive.**

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. 57. 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 288.020 to 288.280, inclusive**, 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 employees and for prorated sick and disability leave for part-time employees.

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

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

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

Sec. 58. NRS 245.211 is hereby amended to read as follows:

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

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

3. If a county 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



1 the county concerning the nature and extent of such plan, program
2 or change. ~~[Chapter 288 of NRS applies]~~ *NRS 288.020 to 288.280,*
3 *inclusive, apply* to negotiations for this purpose.

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

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

16 **Sec. 59.** NRS 245.215 is hereby amended to read as follows:

17 245.215 1. The board of county commissioners shall adopt
18 regulations for any merit personnel system established pursuant to
19 the provisions of NRS 245.213 to 245.216, inclusive. The
20 regulations must provide:

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

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

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

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

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

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

37 (g) Policies concerning employee training and development.

38 (h) Grievance procedures.

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

41 2. Regulations adopted pursuant to this section for a merit
42 personnel system established by a board of county commissioners
43 pursuant to subsection 2 of NRS 245.213 must not exempt any
44 employees other than those who are specifically exempted from
45 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 288.020 to 288.280, inclusive*, the provisions of the agreement prevail.

Sec. 60. 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 firefighter 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 plan, program or change. ~~[Chapter 288 of NRS applies]~~ *NRS 288.020 to 288.280, inclusive, 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. 61. 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]~~ *NRS 288.020 to 288.280, inclusive, 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. 62. 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 288.020 to 288.280, inclusive*, 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 288.020 to 288.280, inclusive:*

(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 288.020 to 288.280, inclusive*, a school police unit must be considered a separate bargaining unit.

Sec. 63. 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.



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(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 288.020 to 288.280, inclusive.*

Sec. 64. 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 288.020 to 288.280, inclusive;*

(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) If the Department has taken over the management of a local government because the local government is involved in litigation or threatened litigation, carry out the duties set forth in NRS 354.701, if the provisions of that section are applicable;

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

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

(n) 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. 65. 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~~ **NRS 288.020 to 288.280, inclusive**, and **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. 66. 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.]~~ pursuant to **NRS 288.020 to 288.280, inclusive**, as provided in NRS 391.3116.

Sec. 67. 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. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with



1 the charter school. In addition, the governing body may make all
2 employment decisions with regard to its employees pursuant to NRS
3 391.311 to 391.3197, inclusive, unless a collective bargaining
4 agreement entered into by the governing body pursuant to ~~chapter~~
5 ~~288 of~~ NRS **288.020 to 288.280, inclusive**, contains separate
6 provisions relating to the discipline of licensed employees of a
7 school.

8 3. Except as otherwise provided in this subsection, if the
9 written charter of a charter school is revoked or if a charter school
10 ceases to operate as a charter school, the employees of the charter
11 school must be reassigned to employment within the school district
12 in accordance with the applicable collective bargaining agreement.
13 A school district is not required to reassign an employee of a charter
14 school pursuant to this subsection if the employee:

15 (a) Was not granted a leave of absence by the school district to
16 teach at the charter school pursuant to subsection 4; or

17 (b) Was granted a leave of absence by the school district and did
18 not submit a written request to return to employment with the school
19 district in accordance with subsection 4.

20 4. The board of trustees of a school district that is a sponsor of
21 a charter school shall grant a leave of absence, not to exceed 3 years,
22 to any employee who is employed by the board of trustees who
23 requests such a leave of absence to accept employment with the
24 charter school. After the first school year in which an employee is
25 on a leave of absence, he may return to his former teaching position
26 with the board of trustees. After the third school year, an employee
27 shall either submit a written request to return to a comparable
28 teaching position or resign from the position for which his leave was
29 granted. The board of trustees shall grant a written request to return
30 to a comparable position pursuant to this subsection even if the
31 return of the employee requires the board of trustees to reduce the
32 existing workforce of the school district. The board of trustees may
33 require that a request to return to a teaching position submitted
34 pursuant to this subsection be submitted at least 90 days before the
35 employee would otherwise be required to report to duty.

36 5. An employee who is on a leave of absence from a school
37 district pursuant to this section:

38 (a) Shall contribute to and be eligible for all benefits for which
39 he would otherwise be entitled, including, without limitation,
40 participation in the Public Employees' Retirement System and
41 accrual of time for the purposes of leave and retirement.

42 (b) Continues, while he is on leave, to be covered by the
43 collective bargaining agreement of the school district only with
44 respect to any matter relating to his status or employment with the
45 district.



1 ↳ The time during which such an employee is on a leave of absence
2 and employed in a charter school does not count toward the
3 acquisition of permanent status with the school district.

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

8 7. An employee of a charter school who is not on a leave of
9 absence from a school district is eligible for all benefits for which he
10 would be eligible for employment in a public school, including,
11 without limitation, participation in the Public Employees'
12 Retirement System.

13 8. For all employees of a charter school:

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

19 (b) The compensation that is paid to a teacher or other school
20 employee that exceeds the compensation that he would have
21 received if he were employed by the school district must not be
22 included for the purposes of calculating future retirement benefits of
23 the employee.

24 9. If the board of trustees of a school district in which a charter
25 school is located manages a plan of group insurance for its
26 employees, the governing body of the charter school may negotiate
27 with the board of trustees to participate in the same plan of group
28 insurance that the board of trustees offers to its employees. If the
29 employees of the charter school participate in the plan of group
30 insurance managed by the board of trustees, the governing body of
31 the charter school shall:

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

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

37 **Sec. 68.** NRS 388.090 is hereby amended to read as follows:

38 388.090 1. Except as otherwise provided in this section,
39 boards of trustees of school districts shall schedule and provide a
40 minimum of 180 days of free school in the districts under their
41 charge.

42 2. Except for an alternative schedule described in subsection 3,
43 the Superintendent of Public Instruction may, upon application by
44 the board of trustees of a school district, authorize the school district
45 to provide a program of instruction based on an alternative schedule



1 if the number of minutes of instruction to be provided is equal to or
2 greater than the number of minutes of instruction that would be
3 provided in a program of instruction consisting of 180 school days.
4 The Superintendent of Public Instruction shall notify the board of
5 trustees of the school district of the approval or denial of the
6 application not later than 30 days after the Superintendent of Public
7 Instruction receives the application. An alternative schedule
8 proposed pursuant to this subsection must be developed in
9 accordance with ~~[chapter 288 of NRS.]~~ *NRS 288.020 to 288.280,*
10 *inclusive.* If a school district is located in a county whose population
11 is 100,000 or more, the school district may not submit an
12 application pursuant to this subsection unless the proposed
13 alternative schedule of the school district will apply only to a rural
14 portion or a remote portion of the county in which the school district
15 is located, as defined by the State Board pursuant to subsection 9.

16 3. The Superintendent of Public Instruction may, upon
17 application by the board of trustees of a school district, authorize a
18 reduction of not more than 15 school days in that particular district
19 to establish or maintain an alternative schedule consisting of a
20 12-month school program if the board of trustees demonstrates that
21 the proposed alternative schedule for the program provides for a
22 number of minutes of instruction that is equal to or greater than that
23 which would be provided under a program consisting of 180 school
24 days. Before authorizing a reduction in the number of required
25 school days pursuant to this subsection, the Superintendent of Public
26 Instruction must find that the proposed alternative schedule will be
27 used to alleviate problems associated with a growth in enrollment or
28 overcrowding.

29 4. The Superintendent of Public Instruction may, upon
30 application by a board of trustees, authorize the addition of minutes
31 of instruction to any scheduled day of free school if days of free
32 school are lost because of any interscholastic activity. Not more than
33 5 days of free school so lost may be rescheduled in this manner. The
34 provisions of this subsection do not apply to an alternative schedule
35 approved pursuant to subsection 2.

36 5. The number of minutes of instruction required for a
37 particular group of pupils in a program of instruction based on an
38 alternative schedule approved pursuant to this section must be
39 determined by multiplying the appropriate minimum daily period of
40 instruction established by the State Board by regulation for that
41 particular group of pupils by 180.

42 6. Each school district shall schedule at least 3 contingent days
43 of school, or its equivalent if the school district operates under an
44 alternative schedule authorized pursuant to this section, in addition
45 to the number of days required by this section, which must be used



1 if a natural disaster, inclement weather or an accident necessitates
2 the closing of a majority of the facilities within the district. The 3
3 contingent days of school, or its equivalent, may be scheduled as:

4 (a) Full days of school;

5 (b) An equivalent number of minutes of instruction added to any
6 scheduled day of instruction, except that the minutes added must not
7 be less than 30 minutes per school day; or

8 (c) Any combination thereof.

9 7. If more than 3 days of free school or minutes of instruction
10 equaling 3 days of free school, or the equivalent if the school district
11 operates under an alternative schedule authorized pursuant to this
12 section, are lost because a natural disaster, inclement weather or an
13 accident necessitates the closing of a majority of the facilities within
14 a school district, the Superintendent of Public Instruction, upon
15 application by the school district, may permit the additional days or
16 equivalent minutes of instruction lost to be counted as school days
17 in session. The application must be submitted in the manner
18 prescribed by the Superintendent of Public Instruction.

19 8. The Superintendent of Public Instruction may, upon
20 application by the board of trustees of a school district, authorize
21 additional days or minutes of instruction for a program of remedial
22 education that is fully paid for through the school district, including,
23 without limitation, the provision of transportation. If the
24 Superintendent of Public Instruction authorizes such additional days
25 or minutes, the board of trustees may adopt a policy prescribing the
26 minimum number of days of attendance or the minimum number of
27 minutes of attendance for a pupil who is determined to need such
28 remedial education. If the board of trustees adopts such a policy, the
29 policy must include, without limitation, the criteria for determining
30 that a pupil be enrolled in the program of remedial education, the
31 procedure pursuant to which parents and guardians will be notified
32 of the pupil's progress throughout the school year and a process for
33 appealing a determination regarding a pupil's need for remedial
34 education.

35 9. The State Board shall adopt regulations:

36 (a) Providing procedures for changing schedules of instruction
37 to be used if a natural disaster, inclement weather or an accident
38 necessitates the closing of a particular school within a school
39 district.

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

42 **Sec. 69.** NRS 391.180 is hereby amended to read as follows:

43 391.180 1. As used in this section, "employee" means any
44 employee of a school district or charter school in this State.



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

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

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

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to ~~[chapter 288 of NRS.]~~ *NRS 288.020 to 288.280, inclusive*, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to ~~[chapter 288 of]~~ *NRS 288.020 to 288.280, inclusive*, with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

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

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

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

7. Subject to the provisions of subsection 8:



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

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school 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 288.020 to 288.280, inclusive;** 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. 70. 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 288.020 to 288.280, inclusive,** 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. 71. 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 288.020 to 288.280, inclusive,* 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. 72. 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 288.020 to 288.280, inclusive**, the provisions of the agreement prevail.

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

(a) The Manager and all department heads, elected or appointed;

(b) All deputy district attorneys;

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

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

Sec. 73. Section 9.030 of the Charter of the City of North Las Vegas, being chapter 324, Statutes of Nevada 1987, at page 744, is hereby amended to read as follows:

Sec. 9.030 Collective bargaining.

1. The City Council shall recognize employee organizations for the purpose of collective bargaining pursuant to ~~chapter 288 of NRS.~~ **NRS 288.020 to 288.280, inclusive.**

2. The City Manager is responsible for and shall direct all collective bargaining with recognized employee organizations. The City Manager may designate any administrative officer subject to his direction and supervision as his representative for the purpose of those negotiations.

3. Any agreement resulting from those negotiations must be ratified by the City Council before it is effective.

Sec. 74. Section 11 of the Elko Convention and Visitors Authority, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 564, Statutes of Nevada 1989, at page 1197, is hereby amended to read as follows:

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

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

(a) Establish, construct, purchase, lease, enter into a lease purchase agreement respecting, acquire by gift, grant, bequest, devise or otherwise, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage convention, exhibit and auditorium facilities,



1 including personal property and real property, appurtenant
2 thereto or used in connection therewith, and every estate,
3 interest and right, legal or equitable, therein.

4 (b) Insure or provide for the insurance of any facility and
5 of the Board and its officers, employees and agents against
6 such risks and hazards as the Board may deem advisable,
7 without thereby waiving any immunity granted by law.

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

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

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

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

36 (g) Receive, control, invest and order the expenditure of
37 money pertaining to any facility or related properties,
38 including but not limited to annual grants from the Federal
39 Government, the State, the county and incorporated cities in
40 the county for capital improvements for facilities.

41 (h) Enter into contracts, leases or other arrangements for
42 commercial advertising purposes with any person or
43 government.



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

(j) Sue and be sued.

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

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

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

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

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

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

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

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

(b) Solicit and promote tourism generally, individually and through annual grants to chambers of commerce, convention authorities and other convention generating entities, and further promote generally the use of its facilities, pursuant to lease agreements, by organized groups or by the general public for the holding of conventions, expositions, trade shows, entertainment, sporting events, cultural activities or similar uses reasonably calculated to produce revenue for the Authority, and to enhance the general economy. Such promotion may include advertising the facilities under control of the Board and the resources of the community or area,



1 including without restriction tourist accommodations,
2 transportation, entertainment and climate.

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

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

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

19 (f) Appoint an Executive Director, the Authority
20 Treasurer, the Auditor for the Authority, assistants to officers
21 and establish such other offices and appoint such other
22 officers as it deems necessary. All appointive officers serve at
23 the pleasure of the Board and shall perform such duties as
24 may be designated by the Board and are entitled to receive a
25 salary set by the Board. The Board shall, by agreement
26 pursuant to ~~chapter 288 of NRS,~~ *NRS 288.020 to 288.280,*
27 *inclusive*, or by resolution, set the annual, sick and disability
28 leave, salary or wages, pensions, insurance and other benefits
29 for appointed and hired Authority officers and employees.

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

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



allowance per mile for travel by private conveyance by state officers and employees specified in NRS 281.160.

Sec. 75. Section 29 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 155, Statutes of Nevada 1991, at page 293, is hereby amended to read as follows:

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

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

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

3. Classifications of the positions in the service.

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

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

6. Probationary periods not to exceed 12 months.

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

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

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

10. Provision for keeping service records on all employees.

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

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

13. The exemption from civil service of managers, supervisors, except those supervisors covered by an agreement negotiated pursuant to ~~chapter 288 of NRS,~~ **NRS 288.020 to 288.280, inclusive**, deputy directors, the executive director, persons employed to render professional, scientific, technical or expert service, persons providing services of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12-month period.

14. Review by the Board, at the request of the employee in question and after notice and hearing, of any disciplinary



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

9 **Sec. 76.** NRS 288.010 is hereby repealed.

10 **Sec. 77.** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

288.010 Short title. This chapter may be cited as the Local Government Employee-Management Relations Act.

