

SENATE BILL NO. 154—SENATORS BREEDEN,
WOODHOUSE; AND WIENER

FEBRUARY 23, 2009

JOINT SPONSORS: ASSEMBLYMEN SEGERBLOM,
MANENDO, ANDERSON; AND AIZLEY

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing mandatory bargaining
with employees of local government employers.
(BDR 23-779)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental employment; revising
requirements for the transfer of certain state employees;
revising provisions governing the subjects that are within
the scope of mandatory bargaining; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a state government employer to meet with a permanent classified employee or the representative of the employee, if any, before transferring the employee from one position to another position to determine the reason for the transfer and whether the transfer is in the best interest of the employee and the employer.

Under existing law, certain subjects are within the scope of mandatory bargaining between a local government employer and a recognized employee organization, whereas other subjects are reserved to the local government employer without negotiation. This bill requires that a representative of a local government employer meet with a representative of the recognized employee organization before an employee, other than a teacher, is transferred to determine the reason for the transfer and whether the transfer is in the best interest of the employee and the employer. This bill also expands the scope of mandatory bargaining to include the methods for the payment and receipt of salaries, wages or other direct monetary compensation. (NRS 288.150)



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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

Before a permanent classified employee may be transferred from one position to another position, a representative of the employer must meet with the employee or a representative of the employee, if any, to determine the reason for the transfer and whether the transfer is in the best interest of the employee and the employer.

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

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

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation ~~and~~ *and the methods for the payment and receipt of salaries, wages or other direct monetary compensation.*

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

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

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

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

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

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

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

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



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

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

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

(v) Procedures for reduction in workforce.

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

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline. *Before an employee may be transferred pursuant to this paragraph, a representative of the local government employer must meet with a representative of the recognized employee organization to determine the reason for the transfer and whether the transfer is in the best interest of the employee and the local government employer.*

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

(c) The right to determine:

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

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

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

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

(d) Safety of the public.

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

5. The provisions of this chapter, including , without limitation , the provisions of this section, recognize and declare the ultimate



1 right and responsibility of the local government employer to manage
2 its operation in the most efficient manner consistent with the best
3 interests of all its citizens, its taxpayers and its employees.

4 6. This section does not preclude ~~H~~ *the local government*
5 *employer from negotiating*, but this chapter does not require the
6 local government employer to negotiate , subject matters
7 enumerated in subsection 3 which are outside the scope of
8 mandatory bargaining. The local government employer shall discuss
9 subject matters outside the scope of mandatory bargaining , but it is
10 not required to negotiate those matters.

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

13 **Sec. 3.** (Deleted by amendment.)

14 **Sec. 4.** This act becomes effective on July 1, 2009.

