

ASSEMBLY BILL NO. 354—ASSEMBLYMAN SEGERBLOM

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the State Personnel System. (BDR 23-1014)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 the State Personnel System; providing for the final adjustment of certain grievances by an arbitrator; abolishing the Employee-Management Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Employee-Management Committee performs several
2 duties relating to the administration of the State Personnel System, including
3 holding hearings and making final decisions for the adjustment of certain
4 grievances. (NRS 284.073, 284.384) **Section 1** of this bill provides for an arbitrator,
5 rather than the Committee, to make final decisions for the adjustment of certain
6 grievances. **Section 2** of this bill abolishes the Committee.

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

- 1 **Section 1.** NRS 284.384 is hereby amended to read as follows:
2 284.384 1. The Commission shall adopt regulations which
3 provide for the adjustment of grievances for which a hearing is not
4 provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390.
5 Any grievance for which a hearing is not provided by NRS 284.165,
6 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment
7 pursuant to this section.
8 2. The regulations must provide procedures for:
9 (a) Consideration and adjustment of the grievance within the
10 ageency in which it arose.



(b) Submission to ~~{the Employee Management Committee}~~ **an arbitrator** for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) *Selection of an arbitrator for the purposes of this section by the parties to the grievance;*

(b) *Except as otherwise provided in this section, payment to an arbitrator for the purposes of this section;*

(c) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

~~{(b)}~~ (d) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to ~~{the Employee Management Committee}~~ **an arbitrator** for a final decision. Except as otherwise provided in subsection 3, a final decision of the ~~{Employee Management Committee}~~ **arbitrator** is binding. The ~~{Committee}~~ **arbitrator** or an employee may petition a court of competent jurisdiction for enforcement of the ~~{Committee's}~~ **arbitrator's** binding decisions.

5. The employee may represent himself or herself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. *If an arbitrator issues a final decision pursuant to this section and the regulations adopted pursuant thereto, the parties to the grievance shall each pay one-half of the costs incurred by the arbitrator.*

7. *Except as otherwise provided in this section and the regulations adopted pursuant thereto, the provisions of NRS 38.206 to 38.248, inclusive, apply to an arbitration governed by this section and the regulations adopted pursuant thereto.*

8. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 2. NRS 284.068, 284.071, 284.073, 284.074 and 284.0745 are hereby repealed.

Sec. 3. The Personnel Commission in the Department of Personnel shall, before October 1, 2011, adopt the regulations required by NRS 284.384, as amended by section 1 of this act.



LEADLINES OF REPEALED SECTIONS

284.068 Employee-Management Committee: Creation; appointment and terms of members.

284.071 Employee-Management Committee: Chair; rules; meetings; secretarial services.

284.073 Employee-Management Committee: Duties.

284.074 Employee-Management Committee: Issuance and enforcement of subpoenas.

284.0745 Employee-Management Committee: Subpoenas extend to all parts of state; service of subpoenas; fees, mileage and expenses of witnesses.

