

Amendment No. 901

Assembly Amendment to Assembly Bill No. 354

(BDR 23-1014)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	☐	Lost	☐ _____		Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____		Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____		Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

HAC/WLK



Date: 6/4/2011

A.B. No. 354—Revises provisions relating to the State Personnel System.

(BDR 23-1014)



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~~ **clarifying the selection process of the Chair of** the Employee-Management Committee; **making various changes related to the hearing process of the Committee; requiring the Personnel Commission to adopt certain regulations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Employee-Management Committee performs several duties relating to the administration of the State Personnel System, including holding hearings and making final decisions for the adjustment of certain grievances. (NRS 284.068, 284.073, 284.384) **The Committee consists of an equal number of persons who represent management within the Executive Department of State Government and persons who represent employees within the Executive Department of State Government. Section 1 of this bill provides for an arbitrator, rather than the Committee, to make final decisions for the adjustment of certain grievances. Section 2 of this bill abolishes the Committee. It clarifies that the Chair of the Committee is chosen by a majority of all persons appointed to the Committee, including persons appointed as alternate members. Section 1.3 of this bill requires that an equal number of persons representing management within the Executive Department and persons representing employees of the Executive Department participate in hearings and the making of final decisions. Section 1.7 of this bill requires the Personnel Commission of the Department of Personnel to adopt regulations which provide procedures for the use of resolution conferences by the Committee.**

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

Section 1. NRS 284.071 is hereby amended to read as follows:

284.071 1. The Chair of the Employee-Management Committee must be
chosen by a majority vote of ~~the members,~~ **all persons appointed to serve as**

members pursuant to NRS 284.068, including, without limitation, the persons appointed to serve as alternates.

2. The Committee shall adopt such rules as it deems necessary for its own management.

3. The Committee shall meet at least once every 3 months and at such other times as the Chair may designate.

4. The Department shall provide secretarial services for the Committee.

Sec. 1.3. NRS 284.073 is hereby amended to read as follows:

284.073 1. The Employee-Management Committee shall:

~~1.1~~ (a) Serve in an advisory capacity to the Governor, the Commission and the Department with respect to all matters of personnel administration and relations between management and employees.

~~1.2~~ (b) Receive, consider and make recommendations on matters relating to personnel administration, policy and procedures.

~~1.3~~ (c) Provide a forum for the hearing of employees' suggestions, complaints or disciplinary problems.

~~1.4~~ (d) Provide a means of communication for disseminating information to employees regarding the personnel program.

~~1.5. Hold~~ (e) Except as otherwise provided in subsection 2, hold hearings, when requested, and make final decisions for the adjustment of grievances as provided by the regulations of the Commission.

2. The Committee shall not hold any hearing or make a final decision for the adjustment of a grievance unless an equal number of members appointed pursuant to paragraphs (a) and (b) of subsection 2 of NRS 284.068 attend the hearing and take part in making the final decision.

~~Section 1.7~~ **Sec. 1.7.** NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency 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.

(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance.

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~~

~~(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~~ 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.] (Deleted by amendment.)~~

Sec. 3. The Personnel Commission ~~and~~ of the Department of Personnel shall, before ~~[October 1, 2011,]~~ January 1, 2012, adopt the regulations required by NRS 284.384, as amended by section ~~1.1~~ 1.7 of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 1.3 of this act become effective on October 1, 2011.

3. Section 1.7 of this act becomes effective on January 1, 2012.

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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.~~