

SENATE BILL NO. 168—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 19, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining agreements of local government employers. (BDR 23-727)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to local governments; establishing additional conditions for the effectiveness of a collective bargaining agreement, or a modification or extension of such an agreement, between a local government employer and a recognized employee organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county, city, school district or other local government employer to enter into a collective bargaining agreement with the recognized employee organization for each bargaining unit among its employees. (NRS 288.150) Such an agreement must be approved at a public hearing by the governing body of the local government employer, but must be reduced to writing only if either party so requests. (NRS 288.033, 288.150, 288.153) Existing law further provides that a refusal by a local government employer or an employee organization to bargain collectively in good faith is a prohibited practice. (NRS 288.270)

Sections 1 and 2 of this bill eliminate the provisions that a collective bargaining agreement must be reduced to writing only if either party so requests. **Section 3** of this bill establishes three conditions for the effectiveness of a new collective bargaining agreement, or any modification or extension of an existing agreement. A new agreement, modification or extension must be: (1) reduced to writing; (2) approved by the governing body of the local government employer and the members of the employee organization; and (3) signed by representatives of both parties. In the case of a new agreement or modification of an existing agreement, until the agreement or modification becomes effective through this process, **section 3** further provides that any action taken by either party pursuant to a provision of the pending agreement or modification shall be deemed to be a refusal by that party to bargain collectively in good faith.



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

Section 1. NRS 288.033 is hereby amended to read as follows:
288.033 “Collective bargaining” means a method of determining conditions of employment by negotiation between representatives of the local government employer and employee organizations, entailing a mutual obligation of the local government employer and the representative of the local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached, ~~if requested by either party;~~

➔ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

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

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

2. The scope of mandatory bargaining is limited to:

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

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

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

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

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

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

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



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

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

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

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

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

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

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.

(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



1 carry out its responsibilities in situations of emergency such as a
2 riot, military action, natural disaster or civil disorder. Those actions
3 may include the suspension of any collective bargaining agreement
4 for the duration of the emergency. Any action taken under the
5 provisions of this subsection must not be construed as a failure to
6 negotiate in good faith.

7 5. The provisions of this chapter, including without limitation
8 the provisions of this section, recognize and declare the ultimate
9 right and responsibility of the local government employer to manage
10 its operation in the most efficient manner consistent with the best
11 interests of all its citizens, its taxpayers and its employees.

12 6. This section does not preclude, but this chapter does not
13 require, the local government employer to negotiate subject matters
14 enumerated in subsection 3 which are outside the scope of
15 mandatory bargaining. The local government employer shall discuss
16 subject matters outside the scope of mandatory bargaining but it is
17 not required to negotiate those matters.

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

20 **Sec. 3.** NRS 288.153 is hereby amended to read as follows:

21 288.153 *1. Any new ~~[- extended or modified]~~ collective*
22 *bargaining agreement or similar agreement between a local*
23 *government employer and an employee organization , or any*
24 *modification or extension of an existing collective bargaining*
25 *agreement, must be approved by the governing body of the local*
26 *government employer at a public hearing. The chief executive*
27 *officer of the local government shall report to the ~~local~~*
28 *~~government]~~ governing body concerning the fiscal impact of the*
29 *agreement ~~[- , modification or extension.~~*

30 *2. Any new collective bargaining agreement, or any*
31 *modification or extension of an existing collective bargaining*
32 *agreement, is not effective until the agreement, modification or*
33 *extension is:*

34 *(a) Reduced to writing;*

35 *(b) Approved by the governing body of the local government*
36 *employer pursuant to subsection 1 and, as provided in the bylaws*
37 *of the recognized employee organization, the members of that*
38 *employee organization; and*

39 *(c) Signed by representatives of the local government employer*
40 *and the recognized employee organization.*

41 *3. In the case of a new collective bargaining agreement or a*
42 *modification of an existing agreement, until the agreement or*
43 *modification becomes effective as provided in this section, any*
44 *action taken by the local government employer or the recognized*
45 *employee organization pursuant to any provision of the pending*



1 *agreement or modification shall be deemed to be a refusal by that*
2 *party to bargain collectively in good faith.*

3 **Sec. 4.** The provisions of this act do not apply to any new
4 collective bargaining agreement, or any modification or extension of
5 an existing agreement, reached pursuant to NRS 288.150 before
6 July 1, 2013, but do apply:

7 1. To any modification or extension of such an agreement; and

8 2. To any new collective bargaining agreement,
9 ➔ reached on or after July 1, 2013.

10 **Sec. 5.** This act becomes effective on July 1, 2013.

