

SENATE BILL NO. 439—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 25, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining agreements of local government employers. (BDR 23-1092)

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

~

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

AN ACT relating to local governments; authorizing a local government employer to suspend a collective bargaining agreement during a severe financial emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, notwithstanding the terms of a collective bargaining
2 agreement, a local government employer may suspend the agreement during a
3 situation of emergency such as a riot, military action, natural disaster or civil
4 disorder. (NRS 288.150) **Section 1** of this bill authorizes such action during a
5 severe financial emergency. **Section 1** defines such an emergency to mean the
6 circumstances that exist if the management of a local government employer is taken
7 over by the Department of Taxation pursuant to other provisions of existing law
8 which authorize or require such action where the local government is insolvent or
9 otherwise unable to continue its regular operations. (NRS 354.685, 354.686)

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

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



* S B 4 3 9 *

- 1 2. The scope of mandatory bargaining is limited to:
- 2 (a) Salary or wage rates or other forms of direct monetary
- 3 compensation.
- 4 (b) Sick leave.
- 5 (c) Vacation leave.
- 6 (d) Holidays.
- 7 (e) Other paid or nonpaid leaves of absence.
- 8 (f) Insurance benefits.
- 9 (g) Total hours of work required of an employee on each
- 10 workday or workweek.
- 11 (h) Total number of days' work required of an employee in a
- 12 work year.
- 13 (i) Discharge and disciplinary procedures.
- 14 (j) Recognition clause.
- 15 (k) The method used to classify employees in the bargaining
- 16 unit.
- 17 (l) Deduction of dues for the recognized employee organization.
- 18 (m) Protection of employees in the bargaining unit from
- 19 discrimination because of participation in recognized employee
- 20 organizations consistent with the provisions of this chapter.
- 21 (n) No-strike provisions consistent with the provisions of this
- 22 chapter.
- 23 (o) Grievance and arbitration procedures for resolution of
- 24 disputes relating to interpretation or application of collective
- 25 bargaining agreements.
- 26 (p) General savings clauses.
- 27 (q) Duration of collective bargaining agreements.
- 28 (r) Safety of the employee.
- 29 (s) Teacher preparation time.
- 30 (t) Materials and supplies for classrooms.
- 31 (u) The policies for the transfer and reassignment of teachers.
- 32 (v) Procedures for reduction in workforce consistent with the
- 33 provisions of this chapter.
- 34 (w) Procedures and requirements for the reopening of collective
- 35 bargaining agreements that exceed 1 year in duration for additional,
- 36 further, new or supplementary negotiations during periods of fiscal
- 37 emergency. The requirements for the reopening of a collective
- 38 bargaining agreement must include, without limitation, measures of
- 39 revenue shortfalls or reductions relative to economic indicators such
- 40 as the Consumer Price Index, as agreed upon by both parties.
- 41 3. Those subject matters which are not within the scope of
- 42 mandatory bargaining and which are reserved to the local
- 43 government employer without negotiation include:
- 44 (a) Except as otherwise provided in paragraph (u) of subsection
- 45 2, the right to hire, direct, assign or transfer an employee, but



1 excluding the right to assign or transfer an employee as a form of
2 discipline.

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

6 (c) The right to determine:

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

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

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

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

14 (d) Safety of the public.

15 4. Notwithstanding the provisions of any collective bargaining
16 agreement negotiated pursuant to this chapter, a local government
17 employer is entitled to take whatever actions may be necessary to
18 carry out its responsibilities in situations of emergency such as a
19 riot, military action, natural disaster, ~~for~~ civil disorder ~~or~~ *or severe*
20 *financial emergency*. Those actions may include the suspension of
21 any collective bargaining agreement for the duration of the
22 emergency. Any action taken under the provisions of this subsection
23 must not be construed as a failure to negotiate in good faith. *As used*
24 *in this subsection, "severe financial emergency" means the*
25 *circumstances that exist if the management of the local*
26 *government employer is taken over by the Department of Taxation*
27 *pursuant to NRS 354.685 or 354.686.*

28 5. The provisions of this chapter, including without limitation
29 the provisions of this section, recognize and declare the ultimate
30 right and responsibility of the local government employer to manage
31 its operation in the most efficient manner consistent with the best
32 interests of all its citizens, its taxpayers and its employees.

33 6. This section does not preclude, but this chapter does not
34 require, the local government employer to negotiate subject matters
35 enumerated in subsection 3 which are outside the scope of
36 mandatory bargaining. The local government employer shall discuss
37 subject matters outside the scope of mandatory bargaining but it is
38 not required to negotiate those matters.

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

41 **Sec. 2.** This act becomes effective on July 1, 2013.

