

Amendment No. 368

Assembly Amendment to Assembly Bill No. 350 (BDR 23-932)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JFD/EGO



Date: 4/19/2017

A.B. No. 350—Revises provisions governing relations between local government employers and employees. (BDR 23-932)



ASSEMBLY BILL NO. 350—ASSEMBLYMAN FUMO

MARCH 20, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions ~~governing relations between local government employers and employees~~ relating to state employment. (BDR 23-932)

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 ~~local governments~~; state employment; requiring ~~a local government employer~~ certain state agencies to provide an employee orientation to new employees, to allow certain employee organizations to participate in such an orientation or meet with a new employee under certain circumstances and to provide such an employee organization with certain information concerning new employees; requiring ~~a local government employer~~ certain state agencies to allow certain employee organizations to meet with ~~local government~~ employees at certain locations ; ~~on the employer's premises~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning ~~relations between local governments and their employees~~ employment with a department, commission, board, bureau, office or other agency of the Executive Department of the State Government, with certain exceptions. (Chapter ~~288~~ 284 of NRS ~~41~~ ; chapter 284 of NAC) Section 2 of this bill requires ~~a local government employer~~ such an employing state agency to provide an in-person orientation to a ~~local government~~ new employee ~~at the employee's work location and~~ during the employee's regular work hours within 30 days after the employee's date of hire ~~41~~ or within a reasonable time thereafter. Additionally, section 2 requires ~~a local government employer~~ an employing state agency to allow an employee organization ~~by which the local government employee is eligible to be represented and~~ which has at least ~~1,000~~ 100 members who make payments to the employee organization pursuant to payroll withholdings to give a presentation of at least 30 minutes during the orientation. The employee organization is authorized to designate a representative to attend the orientation during paid time. ~~Section 5 of this bill provides that the content of a presentation by an authorized employee organization during an orientation for a newly hired employee is a subject matter that is not within the scope of mandatory bargaining.~~ Sections 2 and 3 of this bill require ~~a local government employer~~ an employing state agency to provide such an employee organization ~~which has at least 1,000 members~~ with certain information concerning a newly hired ~~local government~~ employee and to allow such an employee organization to meet with ~~a local government~~ an employee who is unable to attend the ~~required~~ employee orientation within ~~30 days after being hired~~ the required time.

Section 4 of this bill requires ~~for a local government employer,~~ an employing state agency to allow such an employee organization ~~which has at least 1,000 members,~~ to meet with ~~for a local government,~~ an employee outside regular work hours or during breaks in designated areas on the premises of the ~~local government employer,~~ employee's work location.

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

Section 1. Chapter ~~288.1~~ 284 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and~~ 1.2 to 4, inclusive, of this act.

Sec. 1.2. As used in sections 1.2 to 4, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.

Sec. 1.4. "Employee organization" means an organization of any kind consisting of one or more units or groups that:

1. Has the improvement of the terms and conditions of employment of state employees as one of its purposes; and

2. Has at least 100 members who have amounts withheld from their salaries or wages for payment to the organization pursuant to NRS 281.129.

Sec. 1.6. "Employing state agency" means a department, commission, board, bureau, office or other agency of the Executive Department of the State Government to which this chapter applies.

Sec. 1.8. "State employee" means a person employed by an employing state agency.

Sec. 2. 1. Within 30 days after the date on which a ~~local government~~ state employee is hired ~~for~~ or within a reasonable time thereafter, the ~~local government employer,~~ employing state agency shall provide to the ~~local government,~~ state employee an orientation containing information related to employment with the ~~local government employer,~~ employing state agency, including, without limitation:

(a) The personnel policies of the ~~local government employer,~~ employing state agency;

(b) Any rules concerning ethics, conflicts of interest and civil service to which the ~~local government,~~ state employee is subject; and

(c) Any benefits programs for which the ~~local government,~~ state employee is eligible.

2. The orientation required by subsection 1 must be conducted in person and ~~at the work location and~~ during the regular work hours of the ~~local government,~~ state employee.

3. ~~If a local government employee is eligible to be represented by an employee organization which has at least 1,000 members, the local government employer,~~ The employing state agency shall allow ~~that~~ an employee organization to make a presentation of at least 30 minutes during the orientation required by subsection 1. ~~for a local government employer,~~ An employing state agency shall give the employee organization notice of the date and time of the orientation not later than 10 days before the orientation . ~~for unless earlier notice is required pursuant to an agreement with the employee organization.~~

4. An employee organization ~~which is authorized to give a presentation pursuant to subsection 3~~ may designate ~~that~~ a state employee who is a member of the employee organization as a representative to attend the orientation

1 required by subsection 1 on paid time. ~~[A local government employer]~~ An
2 employing state agency may not deny the representative the opportunity to attend
3 the orientation required by subsection 1 unless the absence of the representative
4 from work would significantly inhibit or disrupt the functioning of the ~~local~~
5 ~~government employer]~~ employing state agency. If ~~[a local government employer]~~
6 an employing state agency denies the representative's attendance, the employee
7 organization may designate another state employee who is a member of the
8 employee organization as the representative.

9 5. Within 7 days after the date on which a ~~local government]~~ state
10 employee is hired, the ~~local government employer]~~ employing state agency shall
11 provide an employee organization ~~[which is authorized to give a presentation~~
12 ~~pursuant to subsection 3]~~ with the name, job title, department, work location,
13 telephone number and home address of the ~~local government]~~ state employee.
14 The ~~local government employer]~~ employing state agency shall comply with this
15 subsection regardless of whether the ~~local government]~~ state employee who is
16 hired was previously employed by ~~the local government employer]~~.

17 ~~6. The provisions of this section do not prohibit a local government~~
18 ~~employer and a bargaining agent from negotiating an agreement regarding an~~
19 ~~orientation for employees who are newly hired that is more expansive than the~~
20 ~~requirements of this section.] an employing state agency.~~

21 Sec. 3. ~~[A local government employer]~~ An employing state agency shall
22 provide an employee organization ~~[which is authorized to give a presentation~~
23 ~~pursuant to section 2 of this act]~~ with the name and work location of any ~~local~~
24 ~~government]~~ state employee who was unable to attend the orientation required by
25 section 2 of this act ~~[within 30 days after the employee was hired by the local~~
26 ~~government employer]~~ within the period set forth in that section. The ~~local~~
27 ~~government employer]~~ employing state agency shall allow the employee
28 organization to meet with any such employee for at least 30 minutes during the
29 regular work hours of the ~~local government]~~ state employee ~~[and on the~~
30 ~~premises of the local government employer]~~ to introduce the employee
31 organization and explain ~~[the contractual rights of the local government~~
32 ~~employee.] its role and functions.~~

33 Sec. 4. ~~[A local government employer]~~ An employing state agency shall
34 allow an employee organization ~~[which has at least 1,000 members]~~ to meet with
35 a ~~local government]~~ state employee outside of or during breaks in regular work
36 hours in areas at the state employee's work location designated by the ~~local~~
37 ~~government employer]~~ employing state agency.

38 Sec. 5. ~~[NRS 288.150 is hereby amended to read as follows:~~

39 ~~— 288.150 1. Except as otherwise provided in subsection [4] 5 and NRS~~
40 ~~354.6241, every local government employer shall negotiate in good faith through~~
41 ~~one or more representatives of its own choosing concerning the mandatory subjects~~
42 ~~of bargaining set forth in subsection 2 with the designated representatives of the~~
43 ~~recognized employee organization, if any, for each appropriate bargaining unit~~
44 ~~among its employees. If either party so requests, agreements reached must be~~
45 ~~reduced to writing.~~

46 ~~2. The scope of mandatory bargaining is limited to:~~

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

48 ~~— (b) Sick leave.~~

49 ~~— (c) Vacation leave.~~

50 ~~— (d) Holidays.~~

51 ~~— (e) Other paid or nonpaid leaves of absence consistent with the provisions of~~
52 ~~this chapter.~~

53 ~~— (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) Except as otherwise provided in subsection [6,] 7, 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) Except as otherwise provided in subsections [7] 8 and [9,] 10, the policies for the transfer and reassignment of teachers.~~
~~(v) Procedures for reduction in workforce consistent with the provisions of this chapter.~~
~~(w) Procedures consistent with the provisions of subsection [4] 5 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.~~
~~2. 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. The content of a presentation made pursuant to subsection 3 of section 2 of this act is a subject matter which is not within the scope of mandatory bargaining.~~
~~5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:~~
~~(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:~~

~~(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or~~

~~(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.~~

~~(b) 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.] 6. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.~~

~~[6.] 7. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.230, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.~~

~~[7.] 8. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:~~

~~(a) Reassigning any member of the staff of such a school; or~~

~~(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.~~

~~[8.] 9. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection [7.] 8 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection [7.] 8 is unenforceable and void.~~

~~[9.] 10. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~[10.] 11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.~~

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

~~{12.} 13. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.~~ **(Deleted by amendment.)**

Sec. 6. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, **and section 2 of this act**, the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

Sec. 7. This act becomes effective on July 1, 2017.