

**Amendment No. 983**

Senate Amendment to Senate Bill No. 486 (BDR 23-1040)

**Proposed by:** Senate Committee on Government Affairs

**Amends:** Summary: No 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.

EWR/JWP



Date: 5/28/2017

S.B. No. 486—Provides for collective bargaining by state employees.  
(BDR 23-1040)





## SENATE BILL NO. 486—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 27, 2017

Referred to Committee on Government Affairs

SUMMARY—Provides for collective bargaining by state employees.  
(BDR 23-1040)

FISCAL NOTE: Effect on Local Government: No.  
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 state employees; authorizing collective bargaining for certain state employees; renaming , revising the membership of and expanding the duties of the Local Government Employee-Management Relations Board; providing for bargaining units of state employees and their representatives; establishing procedures for collective bargaining and for making and amending collective bargaining agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Title 23 of NRS governs public employment. This bill authorizes collective bargaining between the State and certain state employees. **Sections 25, 26 and 45** of this bill expand the **powers and** duties of the Local Government Employee-Management Relations Board to include hearing and deciding disputes between the State and certain state employees. **Section 44** of this bill : **(1)** changes the name of the Local Government Employee-Management Relations Board to the Government Employee-Management Relations Board to conform to this change in duties **+** ; **and (2)** **revises the membership of the Board to include representation of employee organizations. Existing law requires the Local Government Employee-Management Relations Board annually to assess a fee for the support of the Board against each local government employer. (NRS 288.105) Section 21.5 of this bill additionally requires the newly created Government Employee-Management Relations Board annually to assess a similar fee against each agency or other unit of the Executive Department of the State Government.** **Section 22** of this bill authorizes certain state employees to organize and join employee organizations, or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives. **Section 23** of this bill establishes requirements concerning collective bargaining agreements. **Section 24** of this bill prohibits certain unfair labor practices in the context of collective bargaining. **Section 27** of this bill provides for the creation and organization of bargaining units of ~~state~~ employees **+** **of the Executive Department.** **Sections 28-31** of this bill provide for the election or designation of exclusive representatives of bargaining units. **Section 32** of this bill requires the exclusive representative of a bargaining unit to engage in collective bargaining with the Executive Department ~~of the State Government~~ on behalf of the employees within the unit. **Section 34** of this bill sets forth the term of a collective bargaining agreement.

**Section 36** of this bill requires the Executive Department and an exclusive representative of a bargaining unit to begin negotiations regarding a collective bargaining agreement within 60 days after one party notifies the other of a desire to negotiate or before November 1 of each even-numbered year, whichever is earlier. **Sections 37-39** of this bill provide for the mediation and arbitration of disputes between the Executive Department and a bargaining unit. **Section 40** of this bill authorizes supplemental collective bargaining between the Executive Department and the exclusive representative of a bargaining unit over any terms and conditions of employment that do not affect all the employees of the bargaining unit. **Sections 42 and 46** of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies. **Sections 5-13, 43 and 49** of this bill reorganize certain definitions in chapter 288 of NRS to conform to changes made in this bill.

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

**Section 1.** NRS 281.129 is hereby amended to read as follows:  
281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:  
(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:  
(1) Charitable organizations;  
(2) Employee credit unions;  
(3) Except as otherwise provided in paragraph (c), insurers;  
(4) The United States for the purchase of savings bonds and similar obligations of the United States; and  
(5) ~~Employee~~ *Except as otherwise provided in section 33 of this act, employee* organizations and labor organizations.  
(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.  
(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.  
2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.  
**Sec. 2.** NRS 284.013 is hereby amended to read as follows:  
284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:  
(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;  
(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or  
(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

*5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 14 to 42, inclusive, of this act.*

**Sec. 3.** NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. The provisions of NRS 287.0278 do not apply to a trust fund established pursuant to this section before October 1, 2013.

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in ~~NRS 288.040.~~ *section 9 of this act.*

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

**Sec. 4.** Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 42, inclusive, of this act.

**Sec. 5.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.050 and 288.060 and sections 6 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 6.** *"Board" means the Government Employee-Management Relations Board created by NRS 288.080.*

**Sec. 7.** *"Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department or local government employer and an employee organization, entailing a mutual obligation of the Executive Department or local government employer, as applicable, and the representative of the state or 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. 8.** *"Commissioner" means the Commissioner appointed by the Board pursuant to NRS 288.090.*

**Sec. 9.** *"Employee organization" means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of state or local government employees.*

**Sec. 10.** *"Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of the State Government.*

**Sec. 11.** *"Fact-finding" means the formal procedure by which an investigation of a labor dispute is conducted by a person at which:*

- 1. Evidence is presented; and*
- 2. A written report is issued by the fact finder describing the issues involved and setting forth recommendations for settlement which may or may not be binding as provided in NRS 288.200.*

**Sec. 12.** *"Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department or a local government employer and an exclusive representative through interpretation, suggestion and advice.*

**Sec. 13.** *"Strike" means any concerted:*

- 1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;*

2. *Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or*

3. *Interruption of the operations of the State of Nevada or any local government employer by any employee organization.*

Sec. 14. *As used in sections 14 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15 to 20, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 15. *“Arbitration” means a process of dispute resolution where the parties involved in an impasse or grievance dispute submit their dispute to a third party for a final and binding decision.*

Sec. 16. *“Bargaining unit” means a collection of employees that the Board has established as a bargaining unit pursuant to section 27 of this act.*

Sec. 17. *“Confidential employee” means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of personnel policies or managerial policies concerning collective bargaining or supplemental bargaining.*

Sec. 18. 1. *“Employee” means a person who:*

(a) *Is employed in the classified service of the State pursuant to chapter 284 of NRS; or*

(b) *Is employed by the Public Employees’ Retirement System and is required to be paid in accordance with the pay plan for the classified service of the State.*

2. *The term does not include:*

(a) *A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;*

(b) *An elected official or any person appointed to fill a vacancy in an elected office;*

(c) *A confidential employee;*

(d) *A temporary employee who is employed for a fixed period of 4 months or less;*

(e) *A commissioned officer or an enlisted member of the Nevada National Guard; or*

(f) *Any person employed by the Nevada System of Higher Education.*

Sec. 19. *“Exclusive representative” means an employee organization that, as a result of its designation by the Board, has the exclusive right to represent all the employees within a bargaining unit and to engage in collective bargaining with the Executive Department pursuant to sections 14 to 42, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those employees.*

Sec. 20. *“Grievance” means an act, omission or occurrence that an employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or agreement.*

Sec. 21. 1. *The Legislature hereby finds and declares that there is a great need to:*

(a) *Promote orderly and constructive relations between the State and its employees; and*

1 (b) Increase the efficiency of the State Government.

2 2. It is therefore within the public interest that the Legislature enact  
3 provisions:

4 (a) Granting certain state employees the right to associate with others in  
5 organizing and choosing representatives for the purpose of engaging in collective  
6 bargaining;

7 (b) Requiring the State to recognize and negotiate wages, hours and other  
8 terms and conditions of employment with employee organizations that represent  
9 state employees and to enter into written agreements evidencing the result of  
10 collective bargaining; and

11 (c) Establishing standards and procedures that protect the rights of state  
12 employees, the Executive Department and the people of the State.

13 Sec. 21.5. 1. On or before July 1 of each year, the Board shall charge and  
14 collect a fee from the Executive Department in an amount not to exceed \$10 for  
15 each employee of the Executive Department who was employed by the Executive  
16 Department during the first pay period of the immediately preceding fiscal year.

17 2. The Executive Department shall pay the fee imposed pursuant to  
18 subsection 1 on or before July 31 of each year. The Executive Department shall  
19 not impose the fee against its employees.

20 3. If the Executive Department fails to pay the fee imposed pursuant to  
21 subsection 1 on or before July 31 of that year, the Board shall impose a civil  
22 penalty not to exceed \$10 for each employee employed by the Executive  
23 Department for whom the fee was not paid.

24 4. The Executive Department may not receive a reduction in the amount of  
25 the fee imposed pursuant to subsection 1 or a refund of that amount if an  
26 employee is not employed for a full calendar year. The fee must be imposed  
27 whether or not the employee is a member of an employee organization.

28 5. Any money received from the fees collected pursuant to subsection 1  
29 must be accounted for separately and may be used only to carry out the duties of  
30 the Board.

31 6. To carry out the provisions of this section, the Board may verify the  
32 identity and number of employees employed by the Executive Department by any  
33 reasonable means.

34 Sec. 22. 1. For the purposes of collective bargaining, supplemental  
35 bargaining and other mutual aid or protection, employees have the right to:

36 (a) Organize, form, join and assist employee organizations, engage in  
37 collective bargaining and supplemental bargaining through exclusive  
38 representatives and engage in other concerted activities; and

39 (b) Refrain from engaging in such activity.

40 2. Collective bargaining and supplemental bargaining entail a mutual  
41 obligation of the Executive Department and an exclusive representative to meet at  
42 reasonable times and to bargain in good faith with respect to:

43 (a) Wages, hours and other terms and conditions of employment;

44 (b) The negotiation of an agreement;

45 (c) The resolution of any question arising under an agreement; and

46 (d) The execution of a written contract incorporating the provisions of an  
47 agreement, if requested by either party.

48 3. The Executive Department shall furnish to an exclusive representative  
49 data that is maintained in the ordinary course of business and which is relevant  
50 and necessary to the discussion of wages, hours and other terms and conditions  
51 of employment. This subsection shall not be construed to require the Executive  
52 Department to furnish to the exclusive representative any advice or training



received by representatives of the Executive Department concerning collective bargaining.

Sec. 23. 1. Each collective bargaining agreement must be in writing and must include, without limitation:

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department may, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

2. Except as otherwise provided in subsection 3, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,

↳ but, once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) A provision of chapter 284 or 287 of NRS or section 37, 38 or 39 of this act, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision.

Sec. 24. 1. It is a prohibited practice for the Executive Department or its designated representative willfully to:

(a) Refuse to engage in collective bargaining or otherwise fail to bargain in good faith with an exclusive representative, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 14 to 42, inclusive, of this act.

(c) Dominate, interfere with or assist in the formation or administration of an employee organization.

(d) Discriminate in regard to hiring, tenure, wages, hours or other terms and conditions of employment to encourage or discourage membership in an employee organization.

1 (e) Discharge or otherwise discriminate against an employee because the  
2 employee has:

3 (1) Signed or filed an affidavit, petition or complaint or has provided any  
4 information or given any testimony pursuant to sections 14 to 42, inclusive, of  
5 this act; or

6 (2) Formed, joined or chosen to be represented by an employee  
7 organization.

8 (f) Deny any right accompanying a designation as an exclusive  
9 representative.

10 2. It is a prohibited practice for an employee organization or its designated  
11 agent willfully to:

12 (a) When acting as an exclusive representative, refuse to engage in collective  
13 bargaining or otherwise fail to bargain in good faith with the Executive  
14 Department, including, without limitation, refusing to engage in mediation or  
15 arbitration.

16 (b) Interfere with, restrain or coerce an employee in the exercise of any right  
17 guaranteed pursuant to sections 14 to 42, inclusive, of this act.

18 (c) Discriminate because of race, color, religion, sex, sexual orientation,  
19 gender identity or expression, age, disability, national origin, or political or  
20 personal reasons or affiliations.

21 Sec. 25. 1. To establish that a party committed a prohibited practice in  
22 violation of section 24 of this act, the party aggrieved by the practice must:

23 (a) File a complaint with the Board not later than 6 months after the alleged  
24 prohibited practice occurred; and

25 (b) Send a copy of the complaint to the other party by certified mail, return  
26 receipt requested, or by any other method authorized by the Board.

27 2. Not later than 10 days after receiving a copy of a complaint pursuant to  
28 paragraph (b) of subsection 1, each party named as a respondent in the complaint  
29 shall file a response to the complaint with the Board.

30 3. The Board ~~shall~~ may conduct a preliminary investigation of the  
31 complaint. Based on ~~first~~ such an investigation:

32 (a) If the Board determines that the complaint has no basis in law or fact, the  
33 Board shall dismiss the complaint.

34 (b) If the Board determines that the complaint may have a basis in law or  
35 fact, the Board shall order a hearing to be conducted in accordance with:

36 (1) The provisions of chapter 233B of NRS that apply to a contested case;  
37 and

38 (2) Any rules adopted by the Board pursuant to NRS 288.110.

39 4. If the Board finds at the hearing that the party accused in the complaint  
40 has committed a prohibited practice, the Board:

41 (a) Shall order the party to cease and desist from engaging in the prohibited  
42 practice; and

43 (b) May order any other affirmative relief that is necessary to remedy the  
44 prohibited practice.

45 5. The Board or any party aggrieved by the failure of any person to obey an  
46 order of the Board issued pursuant to subsection 4 may apply to a court of  
47 competent jurisdiction for a prohibitory or mandatory injunction to enforce the  
48 order.

49 6. Any order or decision issued by the Board pursuant to this section  
50 concerning the merits of a complaint is a final decision in a contested case and  
51 may be appealed pursuant to the provisions of chapter 233B of NRS that apply to  
52 a contested case, except that a party aggrieved by the order or decision of the

1 *Board must file a petition for judicial review not later than 10 days after being*  
2 *served with the order or decision of the Board.*

3 **Sec. 26. 1. The Board may appoint a hearing officer to conduct a hearing**  
4 **that the Board is otherwise required to conduct pursuant to section 25 of this act.**

5 **2. A decision of the hearing officer may be appealed to the Board.**

6 **3. On appeal to the Board, the Board may consider the record of the**  
7 **hearing or may conduct a hearing de novo. A hearing de novo conducted by the**  
8 **Board must be conducted in accordance with:**

9 **(a) The provisions of chapter 233B of NRS that apply to a contested case;**  
10 **and**

11 **(b) Any rules adopted by the Board pursuant to NRS 288.110.**

12 **4. If the Board finds at the hearing that the party accused in the complaint**  
13 **has committed a prohibited practice, the Board:**

14 **(a) Shall order the party to cease and desist from engaging in the prohibited**  
15 **practice; and**

16 **(b) May order any other affirmative relief that is necessary to remedy the**  
17 **prohibited practice.**

18 **5. The Board or any party aggrieved by the failure of any person to obey an**  
19 **order of the Board issued pursuant to subsection 4 may apply to a court of**  
20 **competent jurisdiction for a prohibitory or mandatory injunction to enforce the**  
21 **order.**

22 **6. Any order or decision issued by the Board pursuant to this section**  
23 **concerning the merits of a complaint is a final decision in a contested case and**  
24 **may be appealed pursuant to the provisions of chapter 233B of NRS that apply to**  
25 **a contested case, except that a party aggrieved by the order or decision of the**  
26 **Board must file a petition for judicial review not later than 10 days after being**  
27 **served with the order or decision of the Board.**

28 **Sec. 27. 1. The Board shall establish one bargaining unit for each of the**  
29 **following occupational groups ~~+~~ of employees of the Executive Department:**

30 **(a) Labor, maintenance, custodial and institutional employees, including,**  
31 **without limitation, employees of penal and correctional institutions who are not**  
32 **responsible for security at those institutions.**

33 **(b) Administrative and clerical employees, including, without limitation,**  
34 **legal support staff and employees whose work involves general office work, or**  
35 **keeping or examining records and accounts.**

36 **(c) Technical aides to professional employees, including, without limitation,**  
37 **computer programmers, tax examiners, conservation employees and crew**  
38 **supervisors.**

39 **(d) Professional employees, including, without limitation, physical therapists**  
40 **and other employees in medical and other professions related to health.**

41 **(e) Employees, other than professional employees, who provide health care**  
42 **and personal care, including, without limitation, employees who provide care for**  
43 **children.**

44 **(f) Category I peace officers.**

45 **(g) Category II peace officers.**

46 **(h) Category III peace officers.**

47 **(i) Supervisory employees not otherwise included in other bargaining units.**

48 **(j) Firefighters.**

49 **2. The Board shall determine the classifications of employees within each**  
50 **bargaining unit. The parties to a collective bargaining agreement may assign a**  
51 **new classification to a bargaining unit based upon the similarity of the new**  
52 **classification to other classifications within the bargaining unit. If the parties to a**  
53 **collective bargaining agreement do not agree to the assignment of a new**

classification to a bargaining unit or an affected employee or employee organization objects to such an assignment, the Board must assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit.

3. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Professional employee" means an employee engaged in work that:

(1) Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) Involves the consistent exercise of discretion and judgment in its performance;

(3) Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and

(4) Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.

(e) "Supervisory employee" ~~means an employee who has authority to:~~

~~(1) Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or who has the responsibility to direct such employees; or~~

~~(2) Adjust the grievances of other employees or effectively recommend such an action, if the exercise of that authority requires the use of independent judgment and is not of a routine or clerical nature.~~

~~→ The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. Nothing in this paragraph shall be construed to mean that an employee who has been given incidental administrative duties is a supervisory employee.~~ has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 288.075.

Sec. 28. If no employee organization is designated as the exclusive representative of a bargaining unit and an employee organization files with the Board a list of its membership or other evidence showing that the employee organization represents more than 50 percent of the employees within the bargaining unit, the Board shall designate the employee organization as the exclusive representative of the bargaining unit without ordering an election.

Sec. 29. 1. If no employee organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:

(a) An employee organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it represents at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and

(b) No other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board designates an employee organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or pursuant to section 28 of this act, the Board shall order an election:

(a) If either:

(1) Another employee organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that the employee organization represents at least 50 percent of the employees within the bargaining unit; or

(2) A group of employees within the bargaining unit files with the Board a written request for an election which includes a list or other evidence showing that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation;

(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days and not less than 225 days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

**Sec. 30. 1.** If the Board orders an election within a bargaining unit pursuant to section 29 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:

(a) If applicable, the employee organization that requested the election pursuant to section 29 of this act;

(b) If applicable, the employee organization that is presently designated as the exclusive representative of the bargaining unit;

(c) Any other employee organization that, on or before the date that is prescribed by the rules adopted by the Board, files with the Board a written request to be placed on the ballot for the election and includes with the written request a list of its membership or other evidence showing that the employee organization represents at least 30 percent of the employees within the bargaining unit; and

(d) A choice for "no representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without representation.

4. If an employee organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the employee organization as the exclusive representative of the bargaining unit.

**Sec. 31. 1.** The Board shall preside over all elections that are conducted pursuant to section 29 of this act and shall determine the eligibility requirements for employees to vote in any such election.

2. An employee organization that is placed as a choice on the ballot for an election or any employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 days after the date on which the notice of the results of the election is given by the Board.

3. In response to a written objection filed pursuant to subsection 2 or upon its own motion, the Board may invalidate the results of an election and order a

1 *new election if the Board finds that any conduct or circumstances raise*  
2 *substantial doubt that the results of the election are reliable.*

3 **Sec. 32. 1. Except as otherwise provided in subsection 2, an exclusive**  
4 **representative shall:**

5 *(a) Act as the agent and exclusive representative of all employees within each*  
6 *bargaining unit that it represents; and*

7 *(b) In good faith and on behalf of each bargaining unit that it represents,*  
8 *individually or collectively, bargain with the Executive Department concerning*  
9 *the wages, hours and other terms and conditions of employment for the*  
10 *employees within each bargaining unit that it represents, including, without*  
11 *limitation, any terms and conditions of employment that are within the scope of*  
12 *supplemental bargaining pursuant to section 40 of this act.*

13 **2. If an employee is within a bargaining unit that has an exclusive**  
14 **representative, the employee has the right to present grievances to the Executive**  
15 **Department at any time and to have those grievances adjusted without the**  
16 **intervention of the exclusive representative if:**

17 *(a) The exclusive representative is given an opportunity to be present at any*  
18 *meetings or hearings related to the adjustment of the grievance and provided a*  
19 *copy of the adjustment of the grievance; and*

20 *(b) The adjustment of the grievance is not inconsistent with the provisions of*  
21 *the collective bargaining agreement or any supplemental bargaining agreement*  
22 *then in effect.*

23 **Sec. 33. If the Board designates an employee organization as the exclusive**  
24 **representative of a bargaining unit pursuant to sections 14 to 42, inclusive, of this**  
25 **act, an officer of the Executive Department shall not, pursuant to NRS 281.129,**  
26 **withhold any amount of money from the salary or wages of an employee within**  
27 **the bargaining unit to pay dues or similar fees to an employee organization other**  
28 **than the employee organization that is the exclusive representative of the**  
29 **bargaining unit.**

30 **Sec. 34. Except as otherwise provided in this section, the term of a**  
31 **collective bargaining agreement must begin on July 1 of an odd-numbered year**  
32 **and must end on June 30 of the next odd-numbered year. If the parties cannot**  
33 **agree to a new collective bargaining agreement before the end of the term of a**  
34 **collective bargaining agreement, the terms of that collective bargaining**  
35 **agreement remain in effect until a new collective bargaining agreement takes**  
36 **effect.**

37 **Sec. 35. If a provision of a collective bargaining agreement:**

38 **1. Does not require an act of the Legislature to be given effect, the provision**  
39 **becomes effective in accordance with the terms of the agreement.**

40 **2. Requires an act of the Legislature to be given effect:**

41 *(a) The Governor shall request the drafting of a legislative measure pursuant*  
42 *to NRS 218D.175 to effectuate the provision; and*

43 *(b) The provision becomes effective, if at all, on the date on which the act of*  
44 *the Legislature becomes effective.*

45 **Sec. 36. The Executive Department and an exclusive representative shall**  
46 **begin negotiations concerning a collective bargaining agreement within 60 days**  
47 **after one party notifies the other party of the desire to negotiate or on or before**  
48 **November 1 of each even-numbered year, whichever is earlier.**

49 **Sec. 37. 1. Either party may request a mediator from the Federal**  
50 **Mediation and Conciliation Service if the parties do not reach a collective**  
51 **bargaining agreement:**

52 *(a) Within 120 days after the date on which the parties began negotiations or*  
53 *on or before February 1 of an odd-numbered year, whichever is earlier; or*

1       (b) On or before any later date set by agreement of the parties.

2       2. The mediator shall bring the parties together as soon as possible after his  
3       or her appointment and shall attempt to settle each issue in dispute within 21 days  
4       after his or her appointment or any later date set by agreement of the parties.

5       Sec. 38. 1. If a mediator selected pursuant to section 37 of this act  
6       determines that his or her services are no longer helpful or if the parties do not  
7       reach a collective bargaining agreement through mediation within 21 days after  
8       the appointment of the mediator or on or before any later date set by agreement  
9       of the parties, the mediator shall discontinue mediation and the parties shall  
10      attempt to agree upon an impartial arbitrator.

11      2. If the parties do not agree upon an impartial arbitrator within 5 days  
12      after the date on which mediation is discontinued pursuant to subsection 1 or on  
13      or before any later date set by agreement of the parties, the parties shall request  
14      from the Federal Mediation and Conciliation Service a list of seven potential  
15      arbitrators. The parties shall select an arbitrator from this list by alternately  
16      striking one name until the name of only one arbitrator remains, and that  
17      arbitrator must hear the dispute in question. The party who will strike the first  
18      name must be determined by a coin toss.

19      3. The arbitrator shall begin arbitration proceedings on or before March 1  
20      or any later date set by agreement of the parties.

21      4. The arbitrator and the parties shall apply and follow the procedures for  
22      arbitration that are prescribed by any rules adopted by the Board pursuant to  
23      NRS 288.110. During arbitration, the parties retain their respective duties to  
24      negotiate in good faith.

25      5. The arbitrator may administer oaths or affirmations, take testimony and  
26      issue and seek enforcement of a subpoena in the same manner as the Board  
27      pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the  
28      provisions of section NRS 288.120 apply to any subpoena issued by the arbitrator.

29      6. The arbitrator shall render a decision on or before March 15 or any later  
30      date set by agreement of the parties.

31      7. The Executive Department and the exclusive representative shall each  
32      pay one-half of the cost of arbitration.

33      Sec. 39. 1. For each separate issue that is in dispute after arbitration  
34      proceedings are held pursuant to section 38 of this act, the arbitrator shall  
35      incorporate either the final offer of the Executive Department or the final offer of  
36      the exclusive representative into his or her decision. The arbitrator shall not  
37      revise or amend the final offer of either party on any issue.

38      2. To determine which final offer to incorporate into his or her decision, the  
39      arbitrator shall assess the reasonableness of:

40      (a) The position of each party as to each issue in dispute; and

41      (b) The contractual terms and provisions contained in each final offer.

42      3. In assessing reasonableness pursuant to subsection 2, the arbitrator  
43      shall:

44      (a) Compare the wages, hours and other terms and conditions of employment  
45      for the employees within the bargaining unit with the wages, hours and other  
46      terms and conditions of employment for other employees performing similar  
47      services and for other employees generally:

48          (1) In public employment in comparable communities; and

49          (2) In private employment in comparable communities; and

50      (b) Consider, without limitation:

51          (1) The financial ability of the State to pay the costs associated with the  
52          proposed collective bargaining agreement, with due regard for the primary



1 *obligation of the State to safeguard the health, safety and welfare of the people of*  
2 *this State;*

3 *(2) The average prices paid by consumers for goods and services in*  
4 *geographic location where the employees work; and*

5 *(3) Such other factors as are normally or traditionally used as part of*  
6 *collective bargaining, mediation, arbitration or other methods of dispute*  
7 *resolution to determine the wages, hours and other terms and conditions of*  
8 *employment for employees in public or private employment.*

9 *4. Each provision that is included in the decision of the arbitrator is final*  
10 *and binding upon the parties.*

11 *Sec. 40. 1. Except as otherwise provided in this section, the Executive*  
12 *Department and the exclusive representative of a bargaining unit may engage in*  
13 *supplemental bargaining concerning any terms and conditions of employment*  
14 *which are peculiar to or which uniquely affect fewer than all the employees*  
15 *within the bargaining unit.*

16 *2. The Executive Department and an exclusive representative may engage*  
17 *in supplemental bargaining pursuant to subsection 1 for fewer than all the*  
18 *employees within two or more bargaining units that the exclusive representative*  
19 *represents if the requirements of subsection 1 are met for each such bargaining*  
20 *unit. Supplemental bargaining must be conducted in the manner prescribed by*  
21 *sections 14 to 42, inclusive, of this act.*

22 *3. If the parties reach a supplemental bargaining agreement pursuant to*  
23 *this section, the provisions of the supplemental bargaining agreement:*

24 *(a) Must be in writing; and*

25 *(b) Shall be deemed to be incorporated into the provisions of each collective*  
26 *bargaining agreement then in effect between the Executive Department and the*  
27 *employees who are subject to the supplemental bargaining agreement if the*  
28 *provisions of the supplemental bargaining agreement do not conflict with the*  
29 *provisions of the collective bargaining agreement.*

30 *4. If any provision of the supplemental bargaining agreement conflicts with*  
31 *any provision of the collective bargaining agreement, the provision of the*  
32 *supplemental bargaining agreement is void and the provision of the collective*  
33 *bargaining agreement must be given effect.*

34 *5. The provisions of the supplemental bargaining agreement expire at the*  
35 *same time as the other provisions of the collective bargaining agreement into*  
36 *which they are incorporated.*

37 *6. The Executive Department and an exclusive representative may, during*  
38 *collective bargaining conducted pursuant to sections 14 to 42, inclusive, of this*  
39 *act, negotiate and include in a collective bargaining agreement any terms and*  
40 *conditions of employment that would otherwise be within the scope of*  
41 *supplemental bargaining conducted pursuant to this section.*

42 *Sec. 41. 1. Except as otherwise provided by specific statute, an employee*  
43 *organization and the Executive Department may sue or be sued as an entity*  
44 *pursuant to sections 14 to 42, inclusive, of this act.*

45 *2. If any action or proceeding is brought by or against an employee*  
46 *organization pursuant to sections 14 to 42, inclusive, of this act, the district court*  
47 *in and for the county in which the employee organization maintains its principal*  
48 *office or the county in which the claim arose has jurisdiction over the claim.*

49 *3. A natural person and his or her assets are not subject to liability for any*  
50 *judgment awarded pursuant to sections 14 to 42, inclusive, of this act against the*  
51 *Executive Department or an employee organization.*



1       **Sec. 42.** *The following proceedings, required by or conducted pursuant to*  
2 *this chapter, are not subject to any provision of NRS which requires a meeting to*  
3 *be open or public:*

4       1. *Any negotiation or informal discussion between the Executive*  
5 *Department and an employee organization or employees as individuals.*

6       2. *Any meeting of a mediator with either party or both parties to a*  
7 *negotiation.*

8       3. *Any meeting or investigation conducted by an arbitrator.*

9       4. *Deliberations of the Board toward a decision on a complaint, appeal or*  
10 *petition for declaratory relief.*

11       **Sec. 43.** NRS 288.020 is hereby amended to read as follows:

12       288.020 As used in ~~this chapter,~~ *NRS 288.140 to 288.220, inclusive,*  
13 *288.270 and 288.280,* unless the context otherwise requires, the words and terms  
14 defined in NRS 288.025 to 288.075, inclusive, have the meanings ascribed to them  
15 in those sections.

16       **Sec. 44.** NRS 288.080 is hereby amended to read as follows:

17       288.080 1. The ~~Hoosier~~ Government Employee-Management Relations  
18 Board is hereby created, consisting of three members. ~~It~~ *The Board must consist*  
19 *of:*

20       (a) *One member appointed by the Governor who is* broadly representative of  
21 the public and not closely allied with any employee organization. ~~to~~ *the*  
22 *Executive Department or any* local government employer ~~is not~~ ;

23       (b) *One member appointed by the Governor from a list of recommendations*  
24 *submitted to the Governor by the American Federation of Labor and Congress of*  
25 *Industrial Organizations or its successor organization; and*

26       (c) *One member appointed by agreement of the members appointed pursuant*  
27 *to paragraphs (a) and (b).*

28       2. *Not* more than two of ~~whom~~ *the members of the Board* may be members  
29 of the same political party. ~~The~~ *After the initial terms, the* term of office of each  
30 member is 4 years.

31 ~~The Governor shall appoint the members of the Board.~~

32       **Sec. 45.** NRS 288.110 is hereby amended to read as follows:

33       288.110 1. The Board may make rules governing:

- 34       (a) Proceedings before it;  
35       (b) Procedures for fact-finding;  
36       (c) The recognition of employee organizations; and  
37       (d) The determination of bargaining units.

38       2. The Board may hear and determine any complaint arising out of the  
39 interpretation of, or performance under, the provisions of this chapter by *the*  
40 *Executive Department*, any local government employer, *any employee, as defined*  
41 *in section 18 of this act, any* local government employee or employee organization.  
42 Except as otherwise provided in this subsection and NRS 288.280, *and section 25*  
43 *of this act*, the Board shall conduct a hearing within 180 days after it decides to  
44 hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1  
45 of NRS 288.270 or paragraph (b) of subsection 2 of that section, the Board shall  
46 conduct a hearing not later than 45 days after it decides to hear the complaint,  
47 unless the parties agree to waive this requirement. The Board, after a hearing, if it  
48 finds that the complaint is well taken, may order any person *or entity* to refrain  
49 from the action complained of or to restore to the party aggrieved any benefit of  
50 which the party has been deprived by that action. The Board shall issue its decision  
51 within 120 days after the hearing on the complaint is completed.

52       3. Any party aggrieved by the failure of any person to obey an order of the  
53 Board issued pursuant to subsection 2, or the Board at the request of such a party,

may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

**Sec. 46.** NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~§~~ **and section 42 of this act**, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding, prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

**Sec. 47.** NRS 597.995 is hereby amended to read as follows:

597.995 1. Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in ~~NRS 288.033~~ **section 7 of this act**.

**Sec. 47.5. 1. The terms of all members of the Local Government Employee-Management Relations Board created by NRS 288.080 who are serving on October 1, 2017, expire on that date.**

**2. As soon as practicable after the effective date of this act:**

(a) The Governor shall appoint to the Government Employee-Management Relations Board the members described in paragraphs (a) and (b) of subsection 1 of NRS 288.080, as amended by section 44 of this act, to terms that begin on October 1, 2017, and expire on October 1, 2021; and

(b) The members of the Government Employee-Management Relations Board appointed pursuant to paragraph (a) shall appoint the member described in paragraph (c) of subsection 1 of NRS 288.080, as amended by section 44 of this act, to a term that begins on October 1, 2017, and expires on October 1, 2019.

Sec. 48. 1. As soon as practicable after ~~the effective date of this act,~~ October 1, 2017, the Government Employee-Management Relations Board created by NRS 288.080, as amended by section 44 of this act, shall:

(a) Establish bargaining units pursuant to section 27 of this act; and

(b) Designate exclusive representatives for those bargaining units in accordance with sections 28, 29 and 30 of this act.

2. As soon as practicable after the Board designates exclusive representatives pursuant to paragraph (b) of subsection 1, each exclusive representative shall engage in collective bargaining with the Executive Department as required by section 32 of this act to establish a collective bargaining agreement with a term ending on June 30, 2019.

3. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 16 of this act.

(b) "Collective bargaining" has the meaning ascribed to it in section 7 of this act.

(c) "Executive Department" has the meaning ascribed to it in section 10 of this act.

Sec. 49. NRS 288.030, 288.033, 288.034, 288.040, 288.045, 288.063 and 288.070 are hereby repealed.

Sec. 50. 1. This section and section 47.5 of this act ~~becomes~~ become effective upon passage and approval.

2. Sections 1 to 47, inclusive, 48 and 49 of this act become effective on October 1, 2017.

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#### LEADLINES OF REPEALED SECTIONS

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288.030 "Board" defined.

288.033 "Collective bargaining" defined.

288.034 "Commissioner" defined.

288.040 "Employee organization" defined.

288.045 "Fact-finding" defined.

288.063 "Mediation" defined.

288.070 "Strike" defined.