

Amendment No. 1085

Senate Amendment to Senate Bill No. 547

(BDR 34-1241)

Proposed by: Senate Committee on Finance

Amends: Summary: No Title: No 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.

RBL/BJE



Date: 6/2/2017

S.B. No. 547—Requires certain large school districts to establish, through negotiations with an employee organization, a salary incentive program for professional growth. (BDR 34-1241)



EMERGENCY REQUEST OF SENATE MAJORITY LEADER

SENATE BILL NO. 547—SENATOR FORD

MAY 31, 2017

Referred to Committee on Finance

SUMMARY—Requires certain large school districts to establish, through negotiations with an employee organization, a salary incentive program for professional growth. (BDR 34-1241)

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 education; requiring certain large school districts to establish, through negotiations with an employee organization, a salary incentive program for professional growth; requiring the board of trustees of such large school districts to reserve a certain amount of money to carry out the salary incentive program; requiring the salary incentive program to be included in the scope of mandatory collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators. Existing law authorizes such a program to include professional development. (NRS 391A.450) **Section 3** of this bill requires each large school district which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District) to establish through negotiations with an employee organization a salary incentive program for professional growth which is to be made available to any licensed teacher or principal who enters into an agreement with the school district, when receiving his or her annual evaluation. Any such agreement must provide that: (1) the teacher or principal agrees to complete continuing education or professional development or take other specified actions which are intended to improve the performance of the teacher or principal at his or her own expense; and (2) the large school district agrees to provide a salary increase to the teacher or principal after a certain period if the actions are completed.

Section 4 of this bill requires the board of trustees of each large school district to reserve for each fiscal year an amount of money sufficient to provide any agreed upon increases in the salaries of licensed teachers and principals prescribed in any agreements entered into pursuant to **section 3**. **Section 5** of this bill requires the salary incentive program to be within the scope of mandatory collective bargaining. **Section 5.5 of this bill clarifies the manner in which the provisions of this bill apply to any existing contracts.**

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

1 **Section 1.** Chapter 391A of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *As used in this section and sections 3 and 4 of this act, unless the*
4 *context otherwise requires, "large school district" means any school district in*
5 *this State which has more than 100,000 pupils enrolled in the public schools in*
6 *the school district.*

7 **Sec. 3.** *1. A large school district shall, through negotiations with an*
8 *employee organization conducted pursuant to NRS 288.150, establish a salary*
9 *incentive program for professional growth, which must be made available to any*
10 *licensed teacher or principal who enters into an agreement with the large school*
11 *district as described in this section. Such a program must allow a teacher or*
12 *principal, when receiving his or her annual evaluation, to enter into an*
13 *agreement with the large school district in which:*

14 *(a) The teacher or principal agrees to complete a specified type and amount*
15 *of continuing education or professional development or to take other specified*
16 *actions at his or her own expense which are intended to improve the performance*
17 *of the teacher or principal; and*

18 *(b) The large school district agrees to provide a salary increase to the teacher*
19 *or principal in a specified amount upon completion of the actions by the teacher*
20 *or principal subject to the provisions of subsection 2.*

21 *2. An agreement entered into pursuant to subsection 1 must provide that,*
22 *upon completion of the specified actions, the teacher or principal will be entitled*
23 *to the salary increase only after:*

24 *(a) Two school years if the teacher or principal is employed at a Title I*
25 *school and further agrees to remain at the Title I school for one additional school*
26 *year.*

27 *(b) Three school years if the teacher or principal is employed at a school that*
28 *is not a Title I school.*

29 *3. As used in this section, "Title I school" has the meaning ascribed to it in*
30 *NRS 385A.040.*

31 **Sec. 4.** *1. The board of trustees of each large school district shall reserve*
32 *for each fiscal year an amount of money sufficient to carry out any increase in*
33 *the salary of a licensed teacher or principal set forth in an agreement entered into*
34 *pursuant to section 3 of this act.*

35 *2. Except as otherwise provided in subsection 3, the money reserved by a*
36 *board of trustees pursuant to subsection 1 must be:*

37 *(a) Accounted for separately by the large school district.*

38 *(b) Used only to pay an increase in salaries in accordance with section 3 of*
39 *this act.*

40 *3. Any money reserved pursuant to subsection 1 for a fiscal year that*
41 *remains in the account established pursuant to subsection 2:*

42 *(a) At the end of that fiscal year does not revert to the general fund of the*
43 *large school district, but must be carried forward to the next fiscal year.*

44 *(b) At the end of the next fiscal year reverts to the general fund of the large*
45 *school district and may be expended by the board of trustees of the school district*
46 *pursuant to the provisions of chapter 288 of NRS.*

47 *4. Any money reserved pursuant to subsection 1 for a fiscal year must not*
48 *be subtracted from the operating expenses of the large school district for*

purposes of determining the budget of the large school district for any other fiscal year.

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

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, 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 consistent with the provisions of this chapter.
- (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, 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 and 9, the policies for the transfer and reassignment of teachers.

(v) *The salary incentives program for professional growth that must be made available to licensed teachers and principals pursuant to section 3 of this act.*

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

~~(w)~~ (x) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

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 ~~(c)~~ (w) 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:

(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. 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. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, 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. 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. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 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 is unenforceable and void.

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

12. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 5.5. 1. The provisions of section 3 of this act apply to any contract existing on July 1, 2017, to the extent that the provisions of section 3 of this act do not conflict with the terms of such a contract and to the extent that a conflict exists, the provisions of the contract control.

2. A large school district, as defined in section 2 of this act, is not required to begin reserving money pursuant to section 4 of this act until July 1, 2018.

Sec. 6. This act becomes effective on July 1, 2017.