

SENATE BILL NO. 493—SENATORS PARKS, FORD,
SEGERBLOM AND WOODHOUSE

MARCH 27, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the participation of certain school administrators in collective bargaining. (BDR 23-1081)

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

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

AN ACT relating to collective bargaining; revising provisions that exclude certain school administrators from membership in a bargaining unit for the purpose of collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law generally requires a local government employer to engage in
2 collective bargaining with the recognized employee organization, if any, for each
3 bargaining unit among its employees. (NRS 288.150) Existing law excludes from
4 membership in such a bargaining unit any school administrator whose annual salary
5 is greater than \$120,000, with the result that such administrators, whether employed
6 at the school level or at the district level, are not allowed to participate in collective
7 bargaining. (NRS 288.170) This bill eliminates the use of salary to determine which
8 administrators are to be excluded from membership in a bargaining unit. This bill
9 instead excludes from such membership any school district administrator above the
10 rank of principal, regardless of salary. This bill has the result of allowing any
11 administrator employed at the school level, regardless of salary, to participate in
12 collective bargaining as a member of a bargaining unit.

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

1 **Section 1.** NRS 288.170 is hereby amended to read as follows:
2 288.170 1. Each local government employer which has
3 recognized one or more employee organizations shall determine,
4 after consultation with the recognized organization or organizations,



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1 which group or groups of its employees constitute an appropriate
2 unit or units for negotiating. The primary criterion for that
3 determination must be the community of interest among the
4 employees concerned.

5 2. A school *district* administrator ~~{whose annual salary,~~
6 ~~adjusted for inflation as provided in this subsection, is greater than~~
7 ~~\$120,000 must be excluded from any bargaining unit. The annual~~
8 ~~salary provided in this subsection must be adjusted on July 1 of each~~
9 ~~year for the period beginning that day and ending on June 30 of the~~
10 ~~following year in a rounded dollar amount corresponding to the~~
11 ~~percentage of increase or decrease in the Consumer Price Index (All~~
12 ~~Items) published by the United States Department of Labor for the~~
13 ~~preceding calendar year. On April 1 of each year, the Commissioner~~
14 ~~shall determine the amount of the increase or decrease required by~~
15 ~~this subsection, establish the adjusted amount to take effect on~~
16 ~~July 1 of that year and notify each school district of the adjusted~~
17 ~~amount.}~~ *above the rank of principal, including without limitation,*
18 *a superintendent, associate superintendent, assistant*
19 *superintendent or any school district administrator designated as a*
20 *chief or assistant chief or any central office administrator*
21 *irrespective of position title who supervises school principals, must*
22 *be excluded from any bargaining unit.*

23 3. A head of a department of a local government, an
24 administrative employee or a supervisory employee must not be a
25 member of the same bargaining unit as the employees under the
26 direction of that department head, administrative employee or
27 supervisory employee. Any dispute between the parties as to
28 whether an employee is a supervisor must be submitted to the
29 Board. An employee organization which is negotiating on behalf of
30 two or more bargaining units consisting of firefighters or police
31 officers, as defined in NRS 288.215, may select members of the
32 units to negotiate jointly on behalf of each other, even if one of the
33 units consists of supervisory employees and the other unit does not.

34 4. Confidential employees of the local government employer
35 must be excluded from any bargaining unit but are entitled to
36 participate in any plan to provide benefits for a group that is
37 administered by the bargaining unit of which they would otherwise
38 be a member.

39 5. If any employee organization is aggrieved by the
40 determination of a bargaining unit, it may appeal to the Board.
41 Subject to judicial review, the decision of the Board is binding upon
42 the local government employer and employee organizations
43 involved. The Board shall apply the same criterion as specified in
44 subsection 1.

45 6. As used in this section:



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1 (a) "Confidential employee" means an employee who is
2 involved in the decisions of management affecting collective
3 bargaining.

4 (b) "Supervisory employee" means a supervisory employee
5 described in paragraph (a) of subsection 1 of NRS 288.075.

6 **Sec. 2.** Insofar as they conflict with the provisions of such an
7 agreement, the amendatory provisions of this act do not apply
8 during the current term of any contract of employment or collective
9 bargaining agreement entered into before July 1, 2017, but do apply
10 to any extension or renewal of such a contract or agreement and to
11 any contract of employment or collective bargaining agreement
12 entered into on or after July 1, 2017.

13 **Sec. 3.** This act becomes effective on July 1, 2017.

