

Senate Bill No. 493—Senators Parks, Ford,
Segerblom and Woodhouse

CHAPTER.....

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:

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

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

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

Section 1. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A school *district* administrator ~~{whose annual salary, adjusted for inflation as provided in this subsection, is greater than \$120,000 must be excluded from any bargaining unit. The annual salary provided in this subsection must be adjusted on July 1 of each year for the period beginning that day and ending on June 30 of the following year in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Commissioner shall determine the amount of the increase or decrease required by~~



~~this subsection, establish the adjusted amount to take effect on July 1 of that year and notify each school district of the adjusted amount.~~ *above the rank of principal, including without limitation, a superintendent, associate superintendent, assistant superintendent or any school district administrator designated as a chief or assistant chief or any central office administrator irrespective of position title who supervises school principals, must be excluded from any bargaining unit.*

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

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

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

6. As used in this section:

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

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

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



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

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