

Amendment No. 260

Senate Amendment to Senate Bill No. 135	(BDR 23-650)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> 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.

SJQ/AAK



Date: 4/14/2019

S.B. No. 135—Provides for collective bargaining by state employees.  
(BDR 23-650)





## SENATE BILL NO. 135—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 7, 2019

Referred to Committee on Government Affairs

SUMMARY—Provides for collective bargaining by state employees.  
(BDR 23-650)

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 ~~it, 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 2, 27, 28 and 48** of this bill expand the powers and duties of the Local Government Employee-Management Relations Board to include hearing and deciding certain disputes between the State and certain state employees. **Section 46** of this bill ~~it, (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. ~~it, (2) decreases the membership of the Board from five members to three members; (3) revises the membership of the Board to include representation of employee organizations or labor organizations; and (4) eliminates the requirement that certain members of the Board reside in southern Nevada. Section 47 of this bill revises certain quorum and voting requirements of the Board.~~ 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 23** of this bill additionally requires the ~~newly created~~ **renamed** Government Employee-Management Relations Board annually to assess a similar fee against each agency or other unit of the Executive Department of State Government. **Section 24** of this bill authorizes certain state employees to organize and join labor organizations, or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives. **Section 25** of this bill establishes requirements concerning collective bargaining agreements. **Section 26** of this bill prohibits certain unfair labor practices in the context of collective bargaining. **Section 29** of this bill provides for the creation and organization of bargaining units of employees of the Executive Department. **Sections 30-33** of this bill provide for the election or designation of exclusive representatives of bargaining units. **Section 34** of this bill requires the exclusive representative of a bargaining unit to engage in collective bargaining with the Executive

Department on behalf of the employees within the unit. **Section 36** of this bill sets forth the term of a collective bargaining agreement.

**Section 38** of this bill : (1) requires the Governor to appoint a representative to negotiate concerning collective bargaining agreements on behalf of the Executive Department; and (2) sets forth certain time frames in which the Executive Department and an exclusive representative of a bargaining unit are required to engage in collective bargaining. **Sections 39-41** of this bill provide for the mediation and arbitration of disputes between the Executive Department and a bargaining unit. **Section 42** 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 44 and 50** 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 6-14, 45 and 54** 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 35 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 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government, ~~and~~ is not an employee of an entity described in NRS 284.013 ~~and is not an employee in a bargaining unit pursuant to sections 15 to 44, inclusive, of this act~~, file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State ~~and~~ *or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to sections 15 to 44, inclusive, of this act*, file a complaint with the ~~Local~~ Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

**Sec. 3.** 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 644A, 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 644A, 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 15 to 44, inclusive, of this act.*

**Sec. 4.** Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

*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 supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 15 to 44, inclusive, of this act.*

**Sec. 5.** Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 44, inclusive, of this act.

**Sec. 6.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.040, 288.050 and 288.060 and sections 7 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 7.** *“Board” means the Government Employee-Management Relations Board created by NRS 288.080.*

**Sec. 8.** *“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 or labor 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. 9.** *“Commissioner” means the Commissioner appointed by the Board pursuant to NRS 288.090.*

1        **Sec. 10.** *“Executive Department” means an agency, board, bureau,*  
2 *commission, department, division, elected officer or any other unit of the*  
3 *Executive Department of State Government. The term includes the Nevada*  
4 *System of Higher Education.*

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

7        1. *Evidence is presented; and*

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

11        **Sec. 12.** *“Labor organization” means an organization of any kind having*  
12 *as one of its purposes improvement of the terms and conditions of employment of*  
13 *state employees.*

14        **Sec. 13.** *“Mediation” means assistance by an impartial third party to*  
15 *reconcile differences between the Executive Department or a local government*  
16 *employer and an exclusive representative through interpretation, suggestion and*  
17 *advice.*

18        **Sec. 14.** *“Strike” means any concerted:*

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

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

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

26        **Sec. 15.** *As used in sections 15 to 44, inclusive, of this act, unless the*  
27 *context otherwise requires, the words and terms defined in sections 16 to 21,*  
28 *inclusive, of this act have the meanings ascribed to them in those sections.*

29        **Sec. 16.** *“Arbitration” means a process of dispute resolution where the*  
30 *parties involved in an impasse or grievance dispute submit their dispute to a third*  
31 *party for a final and binding decision.*

32        **Sec. 17.** *“Bargaining unit” means a collection of employees that the Board*  
33 *has established as a bargaining unit pursuant to section 29 of this act.*

34        **Sec. 18.** *“Confidential employee” means an employee who provides*  
35 *administrative support to an employee who assists in the formulation,*  
36 *determination and effectuation of personnel policies or managerial policies*  
37 *concerning collective bargaining or supplemental bargaining.*

38        **Sec. 19.** 1. *“Employee” means a person who:*

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

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

44        ~~*(c) Is employed by the Nevada System of Higher Education in the classified*~~  
45 ~~*service of the State or is required to be paid in accordance with the pay plan for*~~  
46 ~~*the classified service of the State.*~~

47        2. *The term does not include:*

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

(f) Any person employed by the Nevada System of Higher Education who is not in the classified service of the State or required to be paid in accordance with the pay plan of the classified service of the State ~~for~~; or

(g) Any person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan of the classified service of the State.

Sec. 20. "Exclusive representative" means a labor 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 15 to 44, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those employees.

Sec. 21. "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. 22. 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

(b) Increase the efficiency of the Executive Department of State Government.

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

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

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

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

Sec. 23. 1. On or before July 1 of each year, the Board shall charge and collect a fee from the Executive Department in an amount not to exceed \$10 for each employee of the Executive Department who was employed by the Executive Department during the first pay period of the immediately preceding fiscal year.

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

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



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

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

8       6. *To carry out the provisions of this section, the Board may verify the*  
9 *identity and number of employees employed by the Executive Department by any*  
10 *reasonable means.*

11       **Sec. 24.** *1. For the purposes of collective bargaining, supplemental*  
12 *bargaining and other mutual aid or protection, employees have the right to:*

13       (a) *Organize, form, join and assist labor organizations, engage in collective*  
14 *bargaining and supplemental bargaining through exclusive representatives and*  
15 *engage in other concerted activities; and*

16       (b) *Refrain from engaging in such activity.*

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

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

21       (b) *The negotiation of an agreement;*

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

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

25       3. *The Executive Department shall furnish to an exclusive representative*  
26 *data that is maintained in the ordinary course of business and which is relevant*  
27 *and necessary to the discussion of wages, hours and other terms and conditions*  
28 *of employment. This subsection shall not be construed to require the Executive*  
29 *Department to furnish to the exclusive representative any advice or training*  
30 *received by representatives of the Executive Department concerning collective*  
31 *bargaining.*

32       **Sec. 25.** *1. Each collective bargaining agreement must be in writing and*  
33 *must include, without limitation:*

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

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

46       2. *Except as otherwise provided in subsections 3 and 4, the procedure to*  
47 *resolve grievances required in a collective bargaining agreement pursuant to*  
48 *paragraph (a) of subsection 1 is the exclusive means available for resolving*  
49 *grievances described in that paragraph.*

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

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

3       (b) *The procedure prescribed by NRS 284.390,*  
4 *↳ but once the employee has properly filed a grievance in writing under the*  
5 *procedure described in paragraph (a) or requested a hearing under the procedure*  
6 *described in paragraph (b), the employee may not proceed in the alternative*  
7 *manner.*

8       4. *An employee in a bargaining unit who is aggrieved by the failure of the*  
9 *Executive Department or its designated representative to comply with the*  
10 *requirements of NRS 281.755 may pursue a grievance related to that failure*  
11 *through:*

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

14       (b) *The procedure prescribed by NRS 288.115,*  
15 *↳ but once the employee has properly filed a grievance in writing under the*  
16 *procedure described in paragraph (a) or filed a complaint under the procedure*  
17 *described in paragraph (b), the employee may not proceed in the alternative*  
18 *manner.*

19       5. *If there is a conflict between any provision of an agreement between the*  
20 *Executive Department and an exclusive representative and:*

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

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

27       (c) *A provision of chapter 284 or 287 of NRS or section 39, 40 or 41 of this*  
28 *act, the provision of the agreement prevails unless the Legislature is required to*  
29 *appropriate money to implement the provision, within the limits of legislative*  
30 *appropriations and any other available money.*

31       **Sec. 26. 1.** *It is a prohibited practice for the Executive Department or its*  
32 *designated representative willfully to:*

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

36       (b) *Interfere with, restrain or coerce an employee in the exercise of any right*  
37 *guaranteed pursuant to sections 15 to 44, inclusive, of this act.*

38       (c) *Dominate, interfere with or assist in the formation or administration of a*  
39 *labor organization.*

40       (d) *Discriminate in regard to hiring, tenure, wages, hours or other terms and*  
41 *conditions of employment to encourage or discourage membership in a labor*  
42 *organization.*

43       (e) *Discharge or otherwise discriminate against an employee because the*  
44 *employee has:*

45       (1) *Signed or filed an affidavit, petition or complaint or has provided any*  
46 *information or given any testimony pursuant to sections 15 to 44, inclusive, of*  
47 *this act; or*

48       (2) *Formed, joined or chosen to be represented by a labor organization.*

49       (f) *Deny any right accompanying a designation as an exclusive*  
50 *representative.*

51       2. *It is a prohibited practice for a labor organization or its designated agent*  
52 *willfully to:*

1       (a) *When acting as an exclusive representative, refuse to engage in collective*  
2 *bargaining or otherwise fail to bargain in good faith with the Executive*  
3 *Department, including, without limitation, refusing to engage in mediation or*  
4 *arbitration.*

5       (b) *Interfere with, restrain or coerce an employee in the exercise of any right*  
6 *guaranteed pursuant to sections 15 to 44, inclusive, of this act.*

7       (c) *Discriminate because of race, color, religion, sex, sexual orientation,*  
8 *gender identity or expression, age, disability, national origin, or political or*  
9 *personal reasons or affiliations.*

10       **Sec. 27.** *1. To establish that a party committed a prohibited practice in*  
11 *violation of section 26 of this act, the party aggrieved by the practice must:*

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

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

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

19       3. *The Board may conduct a preliminary investigation of the complaint.*  
20 *Based on such an investigation:*

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

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

25       (1) *The provisions of chapter 233B of NRS that apply to a contested case;*  
26 *and*

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

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

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

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

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

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

44       **Sec. 28.** *1. The Board may appoint a hearing officer to conduct a hearing*  
45 *that the Board is otherwise required to conduct pursuant to section 27 of this act.*

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

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

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

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

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

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

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

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

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

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

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

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

(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and ~~for~~<sup>regulatory inspectors.</sup>

(d) Professional employees ~~for~~<sup>who do not provide health care, including, without limitation, engineers, scientists and accountants.</sup>

(e) Professional employees who provide health care, including, without limitation, physical therapists and other employees in medical and other professions related to health.

~~(f)~~ (f) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who provide care for children.

~~(g)~~ (g) Category I peace officers.

~~(h)~~ (h) Category II peace officers.

~~(i)~~ (i) Category III peace officers.

~~(j)~~ (j) Supervisory employees not otherwise included in other bargaining units.

~~(k)~~ (k) Firefighters.

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

1       (b) *“Category II peace officer” has the meaning ascribed to it in NRS*  
2 *289.470.*

3       (c) *“Category III peace officer” has the meaning ascribed to it in NRS*  
4 *289.480.*

5       (d) *“Professional employee” means an employee engaged in work that:*

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

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

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

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

17       (e) *“Supervisory employee” has the meaning ascribed to it in paragraph (a)*  
18 *of subsection 1 of NRS 288.075.*

19       **Sec. 30.** *If no labor organization is designated as the exclusive*  
20 *representative of a bargaining unit and a labor organization files with the Board*  
21 *a list of its membership or other evidence showing that the labor organization has*  
22 *been authorized to serve as a representative by more than 50 percent of the*  
23 *employees within the bargaining unit, the Board shall designate the labor*  
24 *organization as the exclusive representative of the bargaining unit without*  
25 *ordering an election.*

26       **Sec. 31.** *1. If no labor organization is designated as the exclusive*  
27 *representative of a bargaining unit, the Board shall order an election to be*  
28 *conducted within the bargaining unit if:*

29       (a) *A labor organization files with the Board a written request for an election*  
30 *which includes a list of its membership or other evidence showing that it has been*  
31 *authorized to serve as a representative by at least 30 percent but not more than 50*  
32 *percent of the employees within the bargaining unit; and*

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

36       **2.** *If the Board designates a labor organization as the exclusive*  
37 *representative of a bargaining unit following an election pursuant to subsection 1*  
38 *or pursuant to section 30 of this act, the Board shall order an election:*

39       (a) *If either:*

40       (1) *Another labor organization files with the Board a written request for*  
41 *an election which includes a list of its membership or other evidence showing*  
42 *that the labor organization has been authorized to serve as a representative by at*  
43 *least 50 percent of the employees within the bargaining unit; or*

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

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

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

1       **Sec. 32. 1.** *If the Board orders an election within a bargaining unit*  
2 *pursuant to section 31 of this act, the Board shall order that each of the following*  
3 *be placed as a choice on the ballot for the election:*

4       *(a) If applicable, the labor organization that requested the election pursuant*  
5 *to section 31 of this act;*

6       *(b) If applicable, the labor organization that is presently designated as the*  
7 *exclusive representative of the bargaining unit;*

8       *(c) Any other labor organization that, on or before the date that is prescribed*  
9 *by the rules adopted by the Board, files with the Board a written request to be*  
10 *placed on the ballot for the election and includes with the written request a list of*  
11 *its membership or other evidence showing that the labor organization has been*  
12 *authorized to serve as a representative by at least 30 percent of the employees*  
13 *within the bargaining unit; and*

14       *(d) A choice for "no representation."*

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

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

22       4. *If a labor organization receives a majority of the votes cast at the initial*  
23 *election or at any runoff election, the Board shall designate the labor*  
24 *organization as the exclusive representative of the bargaining unit.*

25       **Sec. 33. 1.** *The Board shall preside over all elections that are conducted*  
26 *pursuant to section 31 of this act and shall determine the eligibility requirements*  
27 *for employees to vote in any such election.*

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

33       3. *In response to a written objection filed pursuant to subsection 2 or upon*  
34 *its own motion, the Board may invalidate the results of an election and order a*  
35 *new election if the Board finds that any conduct or circumstances raise*  
36 *substantial doubt that the results of the election are reliable.*

37       **Sec. 34. 1.** *Except as otherwise provided in subsection 2, an exclusive*  
38 *representative shall:*

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

41       *(b) In good faith and on behalf of each bargaining unit that it represents,*  
42 *individually or collectively, bargain with the Executive Department concerning*  
43 *the wages, hours and other terms and conditions of employment for the*  
44 *employees within each bargaining unit that it represents, including, without*  
45 *limitation, any terms and conditions of employment that are within the scope of*  
46 *supplemental bargaining pursuant to section 42 of this act.*

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

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

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

3. ~~Except as otherwise provided in subsection 4, a~~ A labor organization may serve as an exclusive representative for multiple bargaining units established pursuant to section 29 of this act.

~~4. An employee organization or labor organization serving as the exclusive representative of category I peace officers employed by the Executive Department or a local government employer may not serve as an exclusive representative of any other bargaining unit of state employees established pursuant to section 29 of this act.~~

~~5. As used in this section "category I peace officer" has the meaning ascribed to it in NRS 289.460.]~~

Sec. 35. If the Board designates a labor organization as the exclusive representative of a bargaining unit pursuant to sections 15 to 44, inclusive, of this act, an officer of the Executive Department shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of an employee within the bargaining unit to pay dues or similar fees to a labor organization other than the labor organization that is the exclusive representative of the bargaining unit.

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

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

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

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

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

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

Sec. 38. 1. ~~The [Executive Department]~~ Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before November 1 of each even-numbered year, whichever is earlier.

~~[2.]~~ 3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to sections 15 to 44, inclusive, of this act, the exclusive representative shall engage in collective bargaining with the ~~[Executive Department]~~ representative designated pursuant to subsection 1 as required by section 34 of this act to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.



1       **Sec. 39.** *1. Either party may request a mediator from the Federal*  
2 *Mediation and Conciliation Service if the parties do not reach a collective*  
3 *bargaining agreement:*

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

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

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

10       **Sec. 40.** *1. If a mediator selected pursuant to section 39 of this act*  
11 *determines that his or her services are no longer helpful or if the parties do not*  
12 *reach a collective bargaining agreement through mediation within 21 days after*  
13 *the appointment of the mediator or on or before any later date set by agreement*  
14 *of the parties, the mediator shall discontinue mediation and the parties shall*  
15 *attempt to agree upon an impartial arbitrator. Any proposal that conflicts or is*  
16 *otherwise inconsistent with any provision of state law, other than the provisions*  
17 *of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing*  
18 *party when mediation is discontinued.*

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

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

29       4. *The arbitrator and the parties shall apply and follow the procedures for*  
30 *arbitration that are prescribed by any rules adopted by the Board pursuant to*  
31 *NRS 288.110. During arbitration, the parties retain their respective duties to*  
32 *negotiate in good faith.*

33       5. *The arbitrator may administer oaths or affirmations, take testimony and*  
34 *issue and seek enforcement of a subpoena in the same manner as the Board*  
35 *pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the*  
36 *provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.*

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

39       7. *The Executive Department and the exclusive representative shall each*  
40 *pay one-half of the cost of arbitration.*

41       **Sec. 41.** *1. For issues in dispute after arbitration proceedings are held*  
42 *pursuant to section 40 of this act, the arbitrator shall incorporate either the final*  
43 *offer of the Executive Department or the final offer of the exclusive*  
44 *representative into his or her decision. The decision of the arbitrator shall be*  
45 *limited to a selection of one of the two final offers of the parties. The arbitrator*  
46 *shall not revise or amend the final offer of either party on any issue.*

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

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

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

51       3. *In assessing reasonableness pursuant to subsection 2, the arbitrator*  
52 *shall:*



1       (a) Compare the wages, hours and other terms and conditions of employment  
2 for the employees within the bargaining unit with the wages, hours and other  
3 terms and conditions of employment for other employees performing similar  
4 services and for other employees generally:

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

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

7       (b) Consider, without limitation:

8       (1) The financial ability of the State to pay the costs associated with the  
9 proposed collective bargaining agreement, with due regard for the primary  
10 obligation of the State to safeguard the health, safety and welfare of the people of  
11 this State;

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

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

18       4. The decision of the arbitrator is final and binding upon the parties.

19       Sec. 42. 1. Except as otherwise provided in this section, the Executive  
20 Department and the exclusive representative of a bargaining unit may engage in  
21 supplemental bargaining concerning any terms and conditions of employment  
22 which are peculiar to or which uniquely affect fewer than all the employees  
23 within the bargaining unit.

24       2. The Executive Department and an exclusive representative may engage  
25 in supplemental bargaining pursuant to subsection 1 for fewer than all the  
26 employees within two or more bargaining units that the exclusive representative  
27 represents if the requirements of subsection 1 are met for each such bargaining  
28 unit. Supplemental bargaining must be conducted in the manner prescribed by  
29 sections 15 to 44, inclusive, of this act.

30       3. If the parties reach a supplemental bargaining agreement pursuant to  
31 this section, the provisions of the supplemental bargaining agreement:

32       (a) Must be in writing; and

33       (b) Shall be deemed to be incorporated into the provisions of each collective  
34 bargaining agreement then in effect between the Executive Department and the  
35 employees who are subject to the supplemental bargaining agreement if the  
36 provisions of the supplemental bargaining agreement do not conflict with the  
37 provisions of the collective bargaining agreement.

38       4. If any provision of the supplemental bargaining agreement conflicts with  
39 any provision of the collective bargaining agreement, the provision of the  
40 supplemental bargaining agreement is void and the provision of the collective  
41 bargaining agreement must be given effect.

42       5. The provisions of the supplemental bargaining agreement expire at the  
43 same time as the other provisions of the collective bargaining agreement into  
44 which they are incorporated.

45       6. The Executive Department and an exclusive representative may, during  
46 collective bargaining conducted pursuant to sections 15 to 44, inclusive, of this  
47 act, negotiate and include in a collective bargaining agreement any terms and  
48 conditions of employment that would otherwise be within the scope of  
49 supplemental bargaining conducted pursuant to this section.

50       Sec. 43. 1. Except as otherwise provided by specific statute, a labor  
51 organization and the Executive Department may sue or be sued as an entity  
52 pursuant to sections 15 to 44, inclusive, of this act.

2. If any action or proceeding is brought by or against a labor organization pursuant to sections 15 to 44, inclusive, of this act, the district court in and for the county in which the labor organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 15 to 44, inclusive, of this act against the Executive Department or a labor organization.

**Sec. 44.** The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:

1. Any negotiation or informal discussion between the Executive Department and a labor organization or employees as individuals.

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

3. Any meeting or investigation conducted by an arbitrator.

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

**Sec. 45.** NRS 288.020 is hereby amended to read as follows:

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

**Sec. 46.** NRS 288.080 is hereby amended to read as follows:

288.080 1. The ~~[Local]~~ Government Employee-Management Relations Board is hereby created, consisting of five ~~[three]~~ members ~~[.]~~ ~~[The Board must consist of:~~

~~—(a) One member appointed by the Governor who is]~~ broadly representative of the public and not closely allied with any employee organization ~~[or]~~, any labor organization, the Executive Department or any local government employer. ~~[, not]~~

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

~~—(c) One member appointed by agreement of the members appointed pursuant to paragraphs (a) and (b).]~~

2. Not more than three ~~[two]~~ of ~~[whom]~~ the members of the Board may be members of the same political party ~~[.]~~ and at least three of [whom] the members must reside in southern Nevada. The ~~[After the initial terms, the]~~ term of office of each member is 4 years.

3. The Governor shall appoint the members of the Board.

**Sec. 47.** ~~[NRS 288.090 is hereby amended to read as follows:~~

~~288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. [Except as otherwise provided in this section, any three] Any two members of the Board constitute a quorum. [, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.]~~

~~2. [Except by a majority vote of the entire membership of the Board, the Board may not:~~

~~—(a) Elect a Chair or Vice Chair;~~

~~—(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;~~

~~—(c) Adjust the fee charged to local government employers pursuant to NRS 288.105 or impose a civil penalty for failure to pay the fee;~~

~~1 (d) Make or adopt any rule or regulation; or~~  
~~2 (e) Grant permission to a local government employer to withdraw recognition~~  
~~3 from an employee organization or order an election pursuant to NRS 288.160.~~  
~~4 3. Whenever less than five members of the Board are present at any meeting,~~  
~~5 not more than two of the members present may be members of the same political~~  
~~6 party.~~  
~~7 4.] The Board may, within the limits of legislative appropriations and any~~  
~~8 other available money;~~  
~~9 (a) Appoint a Commissioner and a Secretary, who are in the unclassified~~  
~~10 service of the State; and~~  
~~11 (b) Employ such additional clerical personnel as may be necessary, who are in~~  
~~12 the classified service of the State.] (Deleted by amendment.)~~

Sec. 48. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

- (a) Proceedings before it;
- (b) Procedures for fact-finding;
- (c) The recognition , *as defined in NRS 288.067*, of employee organizations;

~~and]~~

(d) *The designation of the exclusive representative of a bargaining unit in accordance with the provisions of sections 30, 31 and 32 of this act; and*

(e) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by *the Executive Department*, any local government employer, *any employee, as defined in section 19 of this act, any local government employee* ~~[-or]~~ *, any* employee organization ~~[ ]~~ *or any labor organization*. Except as otherwise provided in this subsection and NRS 288.115 and 288.280, *and section 27 of this act*, the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 , ~~[-or]~~ paragraph (b) of subsection 2 of ~~[that section.]~~ *NRS 288.270, paragraph (a) of subsection 1 of section 26 of this act or paragraph (b) of subsection 2 of section 26 of this act*, the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person *or entity* to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the 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.

7. *As used in this section, "bargaining unit" has the meaning ascribed to it in NRS 288.028 or section 17 of this act.*

**Sec. 49.** NRS 288.250 is hereby amended to read as follows:

288.250 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.240, the court may:

(a) Punish ~~the~~ *each* employee organization or ~~organizations~~ *labor organization* guilty of such violation by a fine of not more than \$50,000 against each *employee organization or labor* organization for each day of continued violation.

(b) Punish any officer of an employee organization *or labor organization* who is wholly or partly responsible for such violation by a fine of not more than \$1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

**Sec. 50.** 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, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 44 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. 51.** 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 8 of this act.

**Sec. 52.** ~~[1. The terms of all members of the Local Government Employee-Management Relations Board created by NRS 288.080 who are serving on July 1, 2019, 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 46 of this act, to terms that begin on July 1, 2019, and expire on July 1, 2023; 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 46 of this act, to a term that begins on July 1, 2019, and expires on July 1, 2021.] (Deleted by amendment.)~~

**Sec. 53.** 1. As soon as practicable after the effective date of this act but not later than October 1, 2019, the Government Employee-Management Relations Board created by NRS 288.080, as amended by section 46 of this act, shall:

(a) Establish bargaining units pursuant to section 29 of this act; and

(b) ~~[Designate]~~ In accordance with sections 30, 31 and 32 of this act, upon the submission by a labor organization of a list of its membership or other evidence or following an election, designate exclusive representatives for those bargaining units. ~~[in accordance with sections 30, 31 and 32 of this act.]~~

2. As used in this section ~~[, "bargaining"]~~ :

(a) "Bargaining unit" has the meaning ascribed to it in section 17 of this act.

(b) "Labor organization" has the meaning ascribed to it in section 12 of this act.

**Sec. 54.** NRS 288.030, 288.033, 288.034, 288.045, 288.063 and 288.070 are hereby repealed.

**Sec. 55.** This act becomes effective upon passage and approval.

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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.  
288.045 "Fact-finding" defined.  
288.063 "Mediation" defined.  
288.070 "Strike" defined.