

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 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 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. 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 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.

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 ~~H~~ *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.

Sec. 10. "Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of State Government. The term includes the Nevada System of Higher Education.

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

1. Evidence is presented; and

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

Sec. 12. "Labor organization" means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of state employees.

Sec. 13. "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 14. "Strike" means any concerted:

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

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

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

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

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

Sec. 17. "Bargaining unit" means a collection of employees that the Board has established as a bargaining unit pursuant to section 29 of this act.



1 **Sec. 18.** *“Confidential employee” means an employee who*
2 *provides administrative support to an employee who assists in the*
3 *formulation, determination and effectuation of personnel policies*
4 *or managerial policies concerning collective bargaining or*
5 *supplemental bargaining.*

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

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

9 (b) *Is employed by the Nevada System of Higher Education in*
10 *the classified service of the State or is required to be paid in*
11 *accordance with the pay plan for the classified service of the State.*

12 **2.** *The term does not include:*

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

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

22 (c) *A confidential employee;*

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

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

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

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

34 **Sec. 20.** *“Exclusive representative” means a labor*
35 *organization that, as a result of its designation by the Board, has*
36 *the exclusive right to represent all the employees within a*
37 *bargaining unit and to engage in collective bargaining with the*
38 *Executive Department pursuant to sections 15 to 44, inclusive, of*
39 *this act concerning wages, hours and other terms and conditions*
40 *of employment for those employees.*

41 **Sec. 21.** *“Grievance” means an act, omission or occurrence*
42 *that an employee or an exclusive representative believes to be an*
43 *injustice relating to any condition arising out of the relationship*
44 *between an employer and an employee, including, without*
45 *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.

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

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



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

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

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

(b) Refrain from engaging in such activity.

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

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

(b) The negotiation of an agreement;

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

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

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

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

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

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



1 of the bargaining unit. Such authorization may be revoked only in
2 the manner prescribed in the authorization.

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

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

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

13 (b) The procedure prescribed by NRS 284.390,
14 ↪ but once the employee has properly filed a grievance in writing
15 under the procedure described in paragraph (a) or requested a
16 hearing under the procedure described in paragraph (b), the
17 employee may not proceed in the alternative manner.

18 4. An employee in a bargaining unit who is aggrieved by the
19 failure of the Executive Department or its designated
20 representative to comply with the requirements of NRS 281.755
21 may pursue a grievance related to that failure through:

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

24 (b) The procedure prescribed by NRS 288.115,
25 ↪ but once the employee has properly filed a grievance in writing
26 under the procedure described in paragraph (a) or filed a
27 complaint under the procedure described in paragraph (b), the
28 employee may not proceed in the alternative manner.

29 5. If there is a conflict between any provision of an
30 agreement between the Executive Department and an exclusive
31 representative and:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(2) 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. 28. 1. The Board may appoint a hearing officer to conduct a hearing that the Board is otherwise required to conduct pursuant to section 27 of this act.

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

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

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

(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 regulatory inspectors.

(d) Professional employees who do not provide health care, including, without limitation, engineers, scientists and accountants.

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

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

(g) Category I peace officers.

(h) Category II peace officers.

(i) Category III peace officers.

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

(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



1 based upon the similarity of the new classification to other
2 classifications within the bargaining unit. If the parties to a
3 collective bargaining agreement do not agree to the assignment of
4 a new classification to a bargaining unit, the Board must assign a
5 new classification to a bargaining unit based upon the similarity
6 of the new classification to other classifications within the
7 bargaining unit.

8 3. As used in this section:

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

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

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

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

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

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

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

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

29 (e) "Supervisory employee" has the meaning ascribed to it in
30 paragraph (a) of subsection 1 of NRS 288.075.

31 **Sec. 30.** If no labor organization is designated as the
32 exclusive representative of a bargaining unit and a labor
33 organization files with the Board a list of its membership or other
34 evidence showing that the labor organization has been authorized
35 to serve as a representative by more than 50 percent of the
36 employees within the bargaining unit, the Board shall designate
37 the labor organization as the exclusive representative of the
38 bargaining unit without ordering an election.

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

42 (a) A labor organization files with the Board a written request
43 for an election which includes a list of its membership or other
44 evidence showing that it has been authorized to serve as a



1 representative by at least 30 percent but not more than 50 percent
2 of the employees within the bargaining unit; and

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

6 2. If the Board designates a labor organization as the
7 exclusive representative of a bargaining unit following an election
8 pursuant to subsection 1 or pursuant to section 30 of this act, the
9 Board shall order an election:

10 (a) If either:

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

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

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

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

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

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

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

36 (c) Any other labor organization that, on or before the date
37 that is prescribed by the rules adopted by the Board, files with the
38 Board a written request to be placed on the ballot for the election
39 and includes with the written request a list of its membership or
40 other evidence showing that the labor organization has been
41 authorized to serve as a representative by at least 30 percent of the
42 employees within the bargaining unit; and

43 (d) A choice for "no representation."

44 2. If a ballot for an election contains more than two choices
45 and none of the choices on the ballot receives a majority of the



votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

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

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

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

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

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

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

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

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

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

(a) The exclusive representative is given an opportunity to be present at any meetings or hearings related to the adjustment of



1 the grievance and provided a copy of the adjustment of the
2 grievance; and

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

6 3. A labor organization may serve as an exclusive
7 representative for multiple bargaining units established pursuant
8 to section 29 of this act.

9 **Sec. 35.** If the Board designates a labor organization as the
10 exclusive representative of a bargaining unit pursuant to sections
11 15 to 44, inclusive, of this act, an officer of the Executive
12 Department shall not, pursuant to NRS 281.129, withhold any
13 amount of money from the salary or wages of an employee within
14 the bargaining unit to pay dues or similar fees to a labor
15 organization other than the labor organization that is the
16 exclusive representative of the bargaining unit.

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

25 **Sec. 37.** If a provision of a collective bargaining agreement:
26 1. Does not require an act of the Legislature to be given
27 effect, the provision becomes effective in accordance with the
28 terms of the agreement.

29 2. Requires an act of the Legislature to be given effect:
30 (a) The Governor shall request the drafting of a legislative
31 measure pursuant to NRS 218D.175 to effectuate the provision;
32 and

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

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

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



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 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.

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

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

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

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

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

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

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

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted



1 by the Board pursuant to NRS 288.110. During arbitration, the
2 parties retain their respective duties to negotiate in good faith.

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

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

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

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

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

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

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

25 3. In assessing reasonableness pursuant to subsection 2, the
26 arbitrator shall:

27 (a) Compare the wages, hours and other terms and conditions
28 of employment for the employees within the bargaining unit with
29 the wages, hours and other terms and conditions of employment
30 for other employees performing similar services and for other
31 employees generally:

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

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

34 (b) Consider, without limitation:

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

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

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



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

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

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

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

(a) Must be in writing; and

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

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

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

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

Sec. 43. 1. Except as otherwise provided by specific statute, a labor organization and the Executive Department may sue or be sued as an entity 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,



1 the district court in and for the county in which the labor
2 organization maintains its principal office or the county in which
3 the claim arose has jurisdiction over the claim.

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

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

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

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

16 3. Any meeting or investigation conducted by an arbitrator.

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

19 Sec. 45. NRS 288.020 is hereby amended to read as follows:
20 288.020 As used in ~~{this chapter,}~~ NRS 288.140 to 288.220,
21 inclusive, 288.270 and 288.280, unless the context otherwise
22 requires, the words and terms defined in NRS 288.025 to 288.075,
23 inclusive, have the meanings ascribed to them in those sections.

24 Sec. 46. NRS 288.080 is hereby amended to read as follows:
25 288.080 1. The ~~{Local}~~ Government Employee-Management
26 Relations Board is hereby created, consisting of five members,
27 broadly representative of the public and not closely allied with any
28 employee organization ~~{or}~~, any labor organization, the Executive
29 Department or any local government employer. ~~{, not}~~

30 2. Not more than three of ~~{whom}~~ the members of the Board
31 may be members of the same political party, and at least three of
32 ~~{whom}~~ the members must reside in southern Nevada. The term of
33 office of each member is 4 years.

34 ~~{2.}~~ 3. The Governor shall appoint the members of the Board.

35 Sec. 47. (Deleted by amendment.)

36 Sec. 48. NRS 288.110 is hereby amended to read as follows:
37 288.110 1. The Board may make rules governing:

38 (a) Proceedings before it;
39 (b) Procedures for fact-finding;
40 (c) The recognition, as defined in NRS 288.067, of employee
41 organizations; ~~{and}~~

42 (d) The designation of the exclusive representative of a
43 bargaining unit in accordance with the provisions of sections 30,
44 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



1 than \$50,000 against each **employee organization or labor**
2 organization for each day of continued violation.

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

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

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

12 **Sec. 50.** NRS 241.016 is hereby amended to read as follows:

13 241.016 1. The meetings of a public body that are quasi-
14 judicial in nature are subject to the provisions of this chapter.

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

17 (a) The Legislature of the State of Nevada.

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

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

25 3. Any provision of law, including, without limitation, NRS
26 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
27 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
28 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
29 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,
30 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
31 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
32 696B.550, 703.196 and 706.1725, **and section 44 of this act**, which:

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

35 (b) Otherwise authorizes or requires a closed meeting, hearing
36 or proceeding,

37 ➤ prevails over the general provisions of this chapter.

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

43 **Sec. 51.** NRS 597.995 is hereby amended to read as follows:

44 597.995 1. Except as otherwise provided in subsection 3, an
45 agreement which includes a provision which requires a person to



1 submit to arbitration any dispute arising between the parties to the
2 agreement must include specific authorization for the provision
3 which indicates that the person has affirmatively agreed to the
4 provision.

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

10 3. The provisions of this section do not apply to an agreement
11 that is a collective bargaining agreement. As used in this subsection,
12 "collective bargaining" has the meaning ascribed to it in ~~NRS~~
13 ~~288.033~~ *section 8 of this act*.

14 **Sec. 52.** (Deleted by amendment.)

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

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

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

25 2. As used in this section:

26 (a) "Bargaining unit" has the meaning ascribed to it in section
27 17 of this act.

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

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

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

LEADLINES OF REPEALED SECTIONS

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.

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