SENATE BILL NO. 158–SENATORS HARRIS, SPEARMAN, BROOKS, CANNIZZARO, PARKS; ATKINSON, CANCELA, DENIS, DONDERO LOOP, RATTI AND WOODHOUSE

FEBRUARY 14, 2019

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Referred to Committee on Government Affairs

SUMMARY—Revises the definition of the term "supervisory employee" for purposes of provisions relating to collective bargaining. (BDR 23-789)

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

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

AN ACT relating to collective bargaining; revising the definition of "supervisory employee" for the purposes of provisions relating to collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
1 Existing law generally requires a local government to engage in collective
2 bargaining with the recognized employee organization, if any, for each bargaining
3 unit among its employees. (NRS 288.150) A supervisory employee is prohibited
4 under existing law from being a member of the same bargaining unit as the
5 employees under his or her direction. (NRS 288.170) Existing law defines
6 "supervisory employee" to include any person who, on behalf of his or her
7 employer, engages in various employment actions when such actions are not just
8 routine and require the use of independent judgment. (NRS 288.075) Existing law
9 further provides that an employee organization which is negotiating on behalf of
10 two or more bargaining units consisting of firefighters or police officers may select
11 members of the units to negotiate jointly on behalf of each other, even if one of the
12 units consists of supervisory employees and the other unit does not. (NRS 288.170)
13 This bill revises the definition of "supervisory employee" to prohibit a police
14 officer or firefighter from being deemed a supervisory employee solely because he
15 or she engages in some, but not all, of the employment actions of a supervisory
16 employee under a paramilitary command structure.

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

1   **Section 1.** NRS 288.075 is hereby amended to read as follows:
2   288.075   1.   "Supervisory employee" **[means:]** *includes:*
3   (a) Any individual having authority in the interest of the
4 employer to hire, transfer, suspend, lay off, recall, promote,
5 discharge, assign, reward or discipline other employees or
6 responsibility to direct them, to adjust their grievances or effectively
7 to recommend such action, if in connection with the foregoing, the
8 exercise of such authority is not of a merely routine or clerical
9 nature, but requires the use of independent judgment. The exercise
10 of such authority shall not be deemed to place the employee in
11 supervisory employee status unless the exercise of such authority
12 occupies a significant portion of the employee's workday **.** **[; or]**
13 *With respect to police officers and firefighters, as those terms are*
14 *defined in NRS 288.215, a police officer or firefighter who*
15 *performs some, but not all, of the foregoing duties under a*
16 *paramilitary command structure shall not be deemed a supervisory*
17 *employee solely because of such duties.*
18   (b) Any individual or class of individuals appointed by the
19 employer and having authority on behalf of the employer to:
20   (1) Hire, transfer, suspend, lay off, recall, terminate,
21 promote, discharge, assign, reward or discipline other employees or
22 responsibility to direct them, to adjust their grievances or to
23 effectively recommend such action;
24   (2) Make budgetary decisions; and
25   (3) Be consulted on decisions relating to collective
26 bargaining,
27 ➥ if, in connection with the foregoing, the exercise of such
28 authority is not of a merely routine or clerical nature, but requires
29 the use of independent judgment. The exercise of such authority
30 shall not be deemed to place the employee in supervisory employee
31 status unless the exercise of such authority occupies a significant
32 portion of the employee's workday.
33   2. Nothing in this section shall be construed to mean that an
34 employee who has been given incidental administrative duties shall
35 be classified as a supervisory employee.
36   **Sec. 2.** This act becomes effective on July 1, 2019.

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