

Senate Bill No. 158—Senators D. Harris, Spearman, Brooks, Cannizzaro, Parks; Cancela, Denis, Dondero Loop, Ratti and Woodhouse

CHAPTER.....

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:

Existing law generally requires a local government to engage in collective bargaining with the recognized employee organization, if any, for each bargaining unit among its employees. (NRS 288.150) A supervisory employee is prohibited under existing law from being a member of the same bargaining unit as the employees under his or her direction. (NRS 288.170) Existing law defines “supervisory employee” to include any person who, on behalf of his or her employer, engages in various employment actions when such actions are not just routine and require the use of independent judgment. (NRS 288.075) Existing law further provides that an employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not. (NRS 288.170) This bill revises the definition of “supervisory employee” to prohibit a police officer, firefighter or certain other persons who have the powers of a peace officer from being deemed a supervisory employee solely because he or she engages in some, but not all, of the employment actions of a supervisory employee under a paramilitary command structure.

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

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

Section 1. NRS 288.075 is hereby amended to read as follows:
288.075 1. “Supervisory employee” ~~means:~~ *includes:*

(a) Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee’s workday . ~~[-or-]~~ *If any of the following persons perform some, but not all, of the*



foregoing duties under a paramilitary command structure, such a person shall not be deemed a supervisory employee solely because of such duties:

(1) A police officer, as defined in NRS 288.215;

(2) A firefighter, as defined in NRS 288.215; or

(3) A person who:

(I) Has the powers of a peace officer pursuant to NRS 289.150, 289.170, 289.180 or 289.190; and

(II) Is a local government employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter.

(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:

(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;

(2) Make budgetary decisions; and

(3) Be consulted on decisions relating to collective bargaining,

↳ if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

Sec. 2. This act becomes effective on July 1, 2019.

