

SENATE BILL NO. 459—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Provides for collective bargaining by certain state employees. (BDR 23-536)

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

~

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 the recognition of professional organizations; providing for the establishment of bargaining units and the designation of bargaining agents; establishing procedures for collective bargaining and for making 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. **Section 17** of this bill defines the term “employee” for the purposes of this bill to mean a person who is employed by the Executive Department of State Government. **Section 17** excludes from this definition, among others, classified employees and, with certain exceptions, unclassified employees.

Sections 1, 48 and 49 of this bill expand the powers and duties of the Local Government Employee-Management Relations Board to include hearing and deciding disputes between the State and certain state employees. **Section 47** 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 22** of this bill additionally requires the newly created Government Employee-Management Relations Board annually to assess a similar fee against each entity of the Executive Department.



Section 23 of this bill authorizes certain state employees to organize and form professional organizations or refrain from engaging in that activity. **Section 24** of this bill requires the Executive Department to engage in collective bargaining with the recognized professional organization, if any, for each bargaining unit, if any, among its employees and sets forth the subject matters within the scope of such collective bargaining. **Sections 24.3 and 24.7** of this bill set forth certain provisions which are required to be included in a collective bargaining agreement. **Section 25** of this bill provides for the recognition of a professional organization by the Executive Department and sets forth the conditions under which the Executive Department is authorized to withdraw that recognition. **Sections 26-28** of this bill establish procedures for elections ordered by the Board to determine membership support for a professional organization or designate a bargaining agent. **Section 31** of this bill provides for the creation and organization of bargaining units.

Sections 29 and 30 of this bill require the Executive Department and each recognized professional organization to file certain reports with the Board annually. **Section 32** of this bill establishes certain rights of professional organizations.

Sections 24.7, 32.5 and 33 of this bill set forth certain time frames in which the Executive Department and a professional organization are required to engage in collective bargaining. **Sections 39.3-39.8** of this bill provide for mediation and arbitration in the event of a dispute between the Executive Department and a professional organization. **Sections 41 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 for the provisions of existing law requiring open and public meeting of public bodies. **Section 42** of this bill prohibits certain unfair labor practices in the context of collective bargaining. **Sections 4-11, 45 and 56** 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 281.755 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 ~~H~~ *and is not an employee in a bargaining unit pursuant to sections 12 to 43, 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 12 to 43, 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. 2. 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 that is enforceable pursuant to the provisions of sections 12 to 43, inclusive, of this act.

Sec. 2.5. 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 that is enforceable pursuant to the provisions of sections 12 to 43, inclusive, of this act.



1 **Sec. 3.** Chapter 288 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 4 to 43, inclusive, of this
3 act.

4 **Sec. 4.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in NRS 288.040, 288.050,*
6 *288.060 and sections 5 to 11, inclusive, of this act have the*
7 *meanings ascribed to them in those sections.*

8 **Sec. 5.** *“Board” means the Government Employee-*
9 *Management Relations Board created by NRS 288.080.*

10 **Sec. 6.** *“Collective bargaining” means a method of*
11 *determining conditions of employment by negotiation between*
12 *representatives of the Executive Department or a local government*
13 *employer and an employee organization or professional*
14 *organization, entailing a mutual obligation of the Executive*
15 *Department or local government employer, as applicable, and the*
16 *representative of the state or local government employees to meet*
17 *at reasonable times and bargain in good faith with respect to:*

18 1. *Salaries, wages, hours and other terms and conditions of*
19 *employment;*

20 2. *The negotiation of an agreement;*

21 3. *The resolution of any question arising under a negotiated*
22 *agreement; or*

23 4. *The execution of a written contract incorporating any*
24 *agreement reached if requested by either party,*

25 *↪ but this obligation does not compel either party to agree to a*
26 *proposal or require the making of a concession.*

27 **Sec. 7.** *“Commissioner” means the Commissioner appointed*
28 *by the Board pursuant to NRS 288.090.*

29 **Sec. 8.** *“Executive Department” means an agency, board,*
30 *bureau, commission, department, division, elected officer or any*
31 *other unit of the Executive Department of State Government. The*
32 *term includes the Nevada System of Higher Education and any*
33 *university, state college, community college or institute within the*
34 *Nevada System of Higher Education.*

35 **Sec. 9.** *“Fact-finding” means the formal procedure by which*
36 *an investigation of a labor dispute is conducted by a person at*
37 *which:*

38 1. *Evidence is presented; and*

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

42 **Sec. 10.** *“Mediation” means assistance by an impartial third*
43 *party to reconcile differences between the Executive Department*
44 *or a local government employer and a bargaining agent through*
45 *interpretation, suggestion and advice.*



1 **Sec. 10.5.** *“Professional organization” means an*
2 *organization of any kind having as one of its purposes*
3 *improvement of the terms and conditions of employees as defined*
4 *in section 17 of this act.*

5 **Sec. 11.** *“Strike” means any concerted:*

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

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

12 3. *Interruption of the operations of the State of Nevada or*
13 *any local government employer by any employee organization or*
14 *professional organization.*

15 **Sec. 12.** *As used in sections 12 to 43, inclusive, of this act,*
16 *unless the context otherwise requires, the words and terms defined*
17 *in sections 13 to 20, inclusive, of this act have the meanings*
18 *ascribed to them in those sections.*

19 **Sec. 13.** *“Arbitration” means a process of dispute resolution*
20 *where the parties involved in an impasse or grievance dispute*
21 *submit their dispute to a third party for a final and binding*
22 *decision.*

23 **Sec. 14.** *“Bargaining agent” means a professional*
24 *organization recognized by the Executive Department or*
25 *designated by the Board as the exclusive representative of all*
26 *employees in the bargaining unit for purposes of collective*
27 *bargaining.*

28 **Sec. 15.** *“Bargaining unit” means a group of employees*
29 *recognized by the Executive Department as having sufficient*
30 *community of interest appropriate for representation by a*
31 *professional organization for the purpose of collective bargaining.*

32 **Sec. 16.** *“Confidential employee” means an employee who*
33 *provides administrative support to an employee who assists in the*
34 *formulation, determination and effectuation of personnel policies*
35 *or managerial policies concerning collective bargaining.*

36 **Sec. 17.** 1. *“Employee” means a person who is employed by*
37 *the Executive Department.*

38 2. *The term does not include:*

39 (a) *A local government employee;*

40 (b) *A person who is employed in the classified service of the*
41 *State pursuant to chapter 284 of NRS;*

42 (c) *A person who is employed by the Public Employees’*
43 *Retirement System and is required to be paid in accordance with*
44 *the pay plan for the classified service of the State;*



(d) A person who serves at the pleasure of the Executive Department and whose employment may be terminated at any time without contractual restriction or notice;

(e) An elected official or any person appointed to fill a vacancy in an elected office;

(f) A person who is employed in neither the classified nor the unclassified service of the State pursuant to NRS 223.085;

(g) A managerial employee;

(h) A confidential employee;

(i) A temporary employee who is employed for a fixed period of 90 calendar days or less;

(j) A commissioned officer or an enlisted member of the Nevada National Guard; or

(k) An independent contractor, as defined in NRS 286.045.

Sec. 18. "Grievance" means an act, omission or occurrence that an employee or a bargaining agent 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. 19. 1. "Managerial employee" means an employee whose primary function is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit.

2. The term includes, without limitation:

(a) A chief administrative officer, the chief administrative officer's deputy and immediate assistants, department heads, their deputies and immediate assistants, attorneys, appointed officials and others who are primarily responsible for formulating and administering management policy and programs; and

(b) Certain employees of the Nevada System of Higher Education including, without limitation:

(1) The Chancellor of the System, presidents, provosts and deans;

(2) Vice, associate and assistant presidents, provosts and deans; and

(3) Other employees who are primarily responsible for formulating and administering management policy and programs.

3. With respect to employees of the Nevada System of Higher Education, an employee shall not be deemed a managerial employee solely because the employee participates in decisions



1 with respect to courses, curriculum, personnel or other matters of
2 educational policy. A chair or head of a department or similar
3 academic unit or program who performs the foregoing duties
4 primarily on behalf of the members of the academic unit or
5 program shall not be deemed a managerial employee solely
6 because of those duties.

7 **Sec. 20.** *"Recognition" or "recognized" means the formal*
8 *acknowledgment by the Executive Department that a particular*
9 *professional organization has the right to represent the employees*
10 *within a particular bargaining unit.*

11 **Sec. 21.** 1. *The Legislature hereby finds and declares that*
12 *there is a great need to:*

13 (a) *Promote orderly and constructive relations between the*
14 *Executive Department and its employees; and*

15 (b) *Increase the efficiency of the Executive Department.*

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

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

21 (b) *Requiring the Executive Department to recognize*
22 *professional organizations and to negotiate salaries, wages, hours*
23 *and other terms and conditions of employment with professional*
24 *organizations that represent state employees and to enter into*
25 *written agreements evidencing the result of collective bargaining;*
26 *and*

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

30 3. *The Legislature further finds and declares that:*

31 (a) *Joint decision making and consultation between*
32 *administration and faculty or academic employees is a long-*
33 *accepted manner of governing institutions of higher education;*

34 (b) *It is a purpose of the provisions of sections 12 to 43,*
35 *inclusive, of this act to preserve and encourage that practice; and*

36 (c) *The provisions of sections 12 to 43, inclusive, of this act are*
37 *not intended to restrict, limit or prohibit the full exercise of the*
38 *functions of faculty in any shared governance mechanism or*
39 *practice, including, without limitation, procedures for resolving*
40 *grievances through a mechanism or practice of shared governance*
41 *in an academic institution, the establishment of faculty senates*
42 *and the principle of peer review of appointment, retention and*
43 *tenure for faculty in an institution of higher education.*

44 **Sec. 22.** 1. *On or before July 1 of each year, the Board*
45 *shall charge and collect a fee from the Executive Department in*



1 an amount not to exceed \$10 for each employee of the Executive
2 Department who was employed by the Executive Department
3 during the first pay period of the immediately preceding fiscal
4 year.

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

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

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

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

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

25 **Sec. 23.** 1. For the purposes of collective bargaining and
26 other mutual aid or protection, every employee has the right to:

27 (a) Organize, form, join and assist professional organizations,
28 engage in collective bargaining through bargaining agents and
29 engage in other concerted activities; and

30 (b) Refrain from engaging in such activity.

31 2. The recognition of a professional organization for
32 negotiation, pursuant to the provisions of sections 12 to 43,
33 inclusive, of this act, does not preclude any employee who is not a
34 member of that professional organization from acting for himself
35 or herself with respect to any condition of his or her employment,
36 but any action taken on a request or in adjustment of a grievance
37 must be consistent with the terms of an applicable negotiated
38 agreement, if any.

39 3. The following persons may not be a member of a
40 bargaining unit:

41 (a) A managerial employee.

42 (b) A confidential employee.

43 **Sec. 24.** 1. The Executive Department shall negotiate in
44 good faith through one or more representatives of its own
45 choosing concerning the mandatory subjects of bargaining set



1 *forth in subsection 2 with the designated representatives of the*
2 *recognized professional organization, if any, for each appropriate*
3 *bargaining unit among its employees. If either party so requests,*
4 *agreements reached must be reduced to writing.*

5 2. *The scope of mandatory bargaining is limited to:*

6 (a) *Salary or wage rates or other forms of direct monetary*
7 *compensation.*

8 (b) *Sick leave.*

9 (c) *Vacation leave.*

10 (d) *Holidays.*

11 (e) *Maternity or paternity leave and family medical leave.*

12 (f) *Other paid or nonpaid leaves of absence consistent with the*
13 *provisions of sections 12 to 43, inclusive, of this act.*

14 (g) *Insurance and healthcare benefits.*

15 (h) *Total hours of work required of an employee on each*
16 *workday or workweek.*

17 (i) *Total number of days' work required of an employee in a*
18 *work year.*

19 (j) *Discharge and disciplinary procedures.*

20 (k) *Recognition clause.*

21 (l) *The method used to classify employees in the bargaining*
22 *unit.*

23 (m) *Deduction of dues for the recognized professional*
24 *organization.*

25 (n) *Protection of employees in the bargaining unit from*
26 *discrimination because of participation in recognized professional*
27 *organizations consistent with the provisions of sections 12 to 43,*
28 *inclusive, of this act.*

29 (o) *No-strike provisions consistent with the provisions of*
30 *sections 12 to 43, inclusive, of this act.*

31 (p) *Grievance and arbitration procedures for resolution of*
32 *disputes relating to interpretation or application of collective*
33 *bargaining agreements.*

34 (q) *General savings clauses.*

35 (r) *Duration of collective bargaining agreements.*

36 (s) *Safety of the employee.*

37 (t) *Academic freedom.*

38 (u) *Shared governance in academic institutions.*

39 (v) *Facilities for employees who are faculty members of the*
40 *Nevada System of Higher Education to meet with students.*

41 (w) *Policies for the transfer and reassignment of employees.*

42 (x) *Procedures for reduction or addition in workforce*
43 *consistent with the provisions of sections 12 to 43, inclusive, of*
44 *this act.*



3. The provisions of sections 12 to 43, inclusive, of this act, including, without limitation, the provisions of this section, recognize and declare the ultimate right and responsibility of the Executive Department to manage its operation in the most efficient manner consistent with the best interests of the public and its employees.

4. This section does not preclude, but the provisions of sections 12 to 43, inclusive, of this act do not require, the Executive Department to negotiate subject matters which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

Sec. 24.3. 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 binding arbitration. Except as otherwise provided in this paragraph, 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. The parties may agree to resolve certain types of grievances through the use of a mechanism or practice of shared governance in an academic institution.

(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 bargaining agent of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

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

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

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



1 **Sec. 24.7.** *Except as otherwise provided in this section, the*
2 *terms of a collective bargaining agreement must begin on July 1*
3 *of an odd-numbered year and must end on June 30 of the next*
4 *odd-numbered year. If the parties cannot agree to a new collective*
5 *bargaining agreement, the terms of that collective bargaining*
6 *agreement remain in effect until a new collective bargaining*
7 *agreement takes effect.*

8 **Sec. 25. 1.** *A professional organization may apply to the*
9 *Executive Department for recognition by presenting:*

- 10 (i) *A copy of its constitution and bylaws, if any;*
11 (ii) *A roster of its officers, if any, and representatives; and*
12 (iii) *A pledge in writing not to strike against the Executive*
13 *Department under any circumstances.*

14 *↳ The Executive Department shall not recognize as representative*
15 *of its employees any professional organization which has not*
16 *adopted, in a manner valid under its own rules, the pledge*
17 *required by paragraph (c).*

18 **2.** *If a professional organization, at or after the time of its*
19 *application for recognition, presents a verified membership list or*
20 *other evidence showing that the professional organization*
21 *represents more than 50 percent of the employees in a bargaining*
22 *unit, and if the professional organization is recognized by the*
23 *Executive Department, it shall be deemed the bargaining agent of*
24 *the employees in that bargaining unit.*

25 **3.** *If it first receives the written permission of the Board, the*
26 *Executive Department may withdraw recognition from a*
27 *professional organization that:*

28 (i) *Fails to present a copy of each change in its constitution or*
29 *bylaws, if any, or to give notice of any change in the roster of its*
30 *officers, if any, and representatives;*

31 (ii) *Disavows its pledge not to strike against the Executive*
32 *Department under any circumstances;*

33 (iii) *Ceases to be supported by more than 50 percent of the*
34 *employees in the bargaining unit for which it is recognized; or*

35 (iv) *Fails to negotiate in good faith with the Executive*
36 *Department.*

37 **Sec. 26. 1.** *If the Board in good faith doubts whether any*
38 *professional organization is supported by more than 50 percent of*
39 *the employees in a particular bargaining unit, it may conduct an*
40 *election by secret ballot upon the question. Subject to judicial*
41 *review, the decision of the Board is binding upon the Executive*
42 *Department and all professional organizations involved.*

43 **2.** *If no professional organization is designated as the*
44 *bargaining agent of a bargaining unit, the Board shall order an*
45 *election to be conducted within the bargaining unit if:*



(a) A professional organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it represents at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and

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

3. If a professional organization has been designated or recognized as the bargaining agent of a bargaining unit pursuant to subsection 1 or section 25 of this act, the Board shall order an election:

(a) If either:

(1) Another professional organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that the professional organization represents at least 50 percent of the employees within the bargaining unit; or

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

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

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

4. The Executive Department and a professional organization may agree in writing, without appealing to the Board, to hold a representative election to determine whether a professional organization represents at least 50 percent of the employees in a bargaining unit. Participation by the Board and its staff in an agreed election is subject to the approval of the Board.

Sec. 27. 1. If the Board orders an election within a bargaining unit pursuant to section 26 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:

(a) If applicable, the professional organization that requested the election pursuant to section 26 of this act;

(b) If applicable, the professional organization that is presently designated as the bargaining agent of the bargaining unit;



(c) Any other professional organization that, on or before the date that is prescribed by the rules adopted by the Board, files with the Board a written request to be placed on the ballot for the election and includes with the written request a list of its membership or other evidence showing that the professional organization represents at least 30 percent of the employees within the bargaining unit; and

(d) A choice for "no representation."

2. For an election in which the ballot contains more than two choices:

(a) If a professional organization receives the vote of more than 50 percent of the employees in the bargaining unit, the Board shall designate the professional organization as the bargaining agent of the bargaining unit.

(b) If the choice for "no representation" receives the vote of more than 50 percent of the employees in the bargaining unit, the Board shall designate the bargaining unit as being without a bargaining agent.

(c) If none of the choices on the ballot receives the vote of more than 50 percent of the employees in the bargaining unit, 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. For an initial election or runoff election in which the ballot contains two choices:

(a) If a professional organization receives the vote of more than 50 percent of the employees in the bargaining unit, the Board shall designate the professional organization as the bargaining agent of the bargaining unit.

(b) If the choice for "no representation" receives the vote of more than 50 percent of the employees in the bargaining unit, the Board shall designate the bargaining unit as being without a bargaining agent.

(c) If none of the choices on the ballot receives the vote of more than 50 percent of the employees in the bargaining unit:

(1) If the number of votes cast in the election represents less than two-thirds of the employees in the bargaining unit, the Board shall order no change in the representation of the bargaining unit.

(2) If the number of votes cast in the election represents two-thirds or more of the employees in the bargaining unit and a professional organization receives more than 50 percent of the votes cast in the election, the Board shall designate the professional organization as the bargaining agent of the bargaining unit.



(3) If the number of votes cast in the election represents two-thirds or more of the employees in the bargaining unit and the choice of "no representation" receives more than 50 percent of the votes cast in the election, the Board shall designate the bargaining unit as being without a bargaining agent.

Sec. 28. 1. The Board shall preside over all elections that are conducted pursuant to section 26 of this act and shall determine the eligibility requirements for employees to vote in any such election.

2. A professional 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. 29. The Executive Department shall, on or before November 30 of each year, file with the Board a list of all professional organizations recognized by the Executive Department and a description of the bargaining unit for each professional organization.

Sec. 30. 1. Each professional organization recognized by the Executive Department shall file a report with the Board during November of each year.

2. The report required by this section shall include:

(a) The full name of the professional organization.

(b) The name of the entity of the Executive Department which recognizes the professional organization.

(c) The names of the officers of the professional organization.

(d) The total number of persons in each bargaining unit represented by the professional organization.

(e) Copies of all changes in the professional organization's constitution or bylaws adopted during the preceding year.

(f) The name, address and telephone number of the person designated by the professional organization to receive communications from the Board on business relating to the professional organization.

(g) A copy of any collective bargaining agreement in effect between the professional organization and the Executive Department.



3. A professional organization which has not previously been recognized by the Executive Department shall file the information required by this section within 30 days after recognition.

Sec. 31. 1. The Executive Department shall determine, after consultation with each professional organization the Executive Department has recognized, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A managerial employee must be excluded from any bargaining unit.

3. A supervisory employee as described in paragraph (a) of subsection 1 of NRS 288.075 must not be a member of the same bargaining unit as the employees under the direction of that supervisory employee. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board. A professional organization which is negotiating on behalf of two or more bargaining units may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

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

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

Sec. 32. Subject to such reasonable regulations as the Board may prescribe:

1. A professional organization shall have the right to:

(a) At reasonable times, access areas in which employees work;

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with employees at their workplace; and

(c) At reasonable times, use the facilities of a workplace for the purpose of meetings concerned with the exercise of any rights guaranteed under the provisions of sections 12 to 43, inclusive, of this act.

2. A reasonable number of employees who are representatives of a bargaining agent shall have the right to receive reasonable periods of leave with no loss of pay to engage in meetings for the



* S B 4 5 9 R 1 *

1 purposes of negotiation with the Executive Department,
2 processing grievances and to represent employees during
3 disciplinary, investigatory, grievance or other personnel
4 proceedings.

5 3. An employee in a bargaining unit that does not have a
6 bargaining agent may represent himself or herself or be
7 represented by another person, including without limitation, a
8 person who is a representative of a professional organization that
9 has not been recognized by the Executive Department, during a
10 disciplinary, investigatory, grievance or other personnel
11 proceeding. Any action taken on a request or in adjustment of a
12 grievance must be consistent with the terms of an applicable
13 negotiated agreement, if any.

14 4. An employee in a bargaining unit that has a bargaining
15 agent may represent himself or herself during a disciplinary,
16 investigatory, grievance or other personnel proceeding if the
17 employee is not a member of the professional organization that
18 has been designated as the bargaining agent of the bargaining
19 unit.

20 Sec. 32.5. As soon as practicable after a professional
21 organization is designated the bargaining agent of an
22 unrepresented bargaining unit pursuant to sections 12 to 43,
23 inclusive, of this act, the bargaining agent shall engage in
24 collective bargaining with the Executive Department as required
25 by section 24 of this act to establish a collective bargaining
26 agreement with a term ending on June 30 of the next odd-
27 numbered year.

28 Sec. 33. 1. Whenever a professional organization desires to
29 negotiate concerning any matter which is subject to negotiation
30 pursuant to the provisions of sections 12 to 43, inclusive, of this
31 act, it shall give written notice of that desire to the Executive
32 Department. If the subject of negotiation requires the budgeting of
33 money by the Executive Department, the professional organization
34 shall give notice at least 180 days prior to the beginning of the
35 next fiscal year.

36 2. Following the notification provided for in subsection 1, the
37 professional organization or the Executive Department may
38 request reasonable information concerning any subject matter
39 included in the scope of mandatory bargaining which it deems
40 necessary for and relevant to the negotiations. The information
41 requested must be furnished without unnecessary delay. The
42 information must be accurate, and must be presented in a form
43 responsive to the request and in the format in which the records
44 containing it are ordinarily kept.



3. The parties shall commence negotiations within 60 days following the notification provided for in subsection 1 or on or before November 1 of each even-numbered year, whichever is earlier. As the first step, the parties shall discuss the procedures to be followed if they are unable to agree on one or more issues.

4. This section does not preclude, but the provisions of sections 12 to 43, inclusive, of this act do not require, informal discussion between a professional organization and the Executive Department of any matter which is not subject to negotiation or contract under the provisions of sections 12 to 43, inclusive, of this act. Any such informal discussion is exempt from all requirements of notice or time schedule.

Sec. 34. (Deleted by amendment.)

Sec. 35. Whenever a professional organization enters into negotiations with the Executive Department pursuant to sections 12 to 43, inclusive, of this act such professional organization may be represented by an attorney licensed to practice law in the State of Nevada.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 39.3. 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. A mediator appointed pursuant to subsection 1 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. 39.6. 1. If a mediator appointed pursuant to section 39.3 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 by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

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

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

7. The Executive Department and the bargaining agent shall each pay one-half of the cost of arbitration.

Sec. 39.8. 1. For issues in dispute after arbitration proceedings are held pursuant to section 39.6 of this act, the arbitrator shall incorporate either the final offer of the Executive Department or the final offer of the bargaining agent into his or her decision. The decision of the arbitrator must be limited to a selection of one of the two final offers of the parties. The arbitrator shall not revise or amend the final offer of either party on any issue.

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

- (a) The position of each party as to each issue in dispute; and
- (b) The contractual terms and provisions contained in each final offer.

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

- (a) Compare the salaries, wages, hours and other terms and conditions of employment for the employees within the bargaining unit with the salaries, wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally;



(1) In public employment in comparable communities or institutions; and

(2) In private employment in comparable communities or institutions; and

(b) Consider, without limitation:

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

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

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

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

Sec. 40. 1. If there is a conflict between any provisions of a collective bargaining agreement between the Executive Department and a bargaining agent and:

(a) Any policy, procedure or regulation adopted by the Executive Department, the provision of the collective bargaining agreement prevails unless the provision of the agreement is outside the lawful scope of collective bargaining.

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

(c) A provision of chapter 284 or 287 of NRS or sections 39.3, 39.6 or 39.8 of this act, the provisions of the agreement prevails unless the Legislature is required to appropriate money to implement the provisions, within the limits of legislative appropriations and any other available money.

2. If a provision of a collective bargaining agreement:

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

(b) Requires an act of the Legislature to be given effect:

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

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



1 **Sec. 41.** *The following proceedings, required by or pursuant*
2 *to this chapter, are not subject to any provision of NRS which*
3 *requires a meeting to be open or public:*

4 1. *Any negotiation or informal discussion between the*
5 *Executive Department and a professional organization or*
6 *employees as individuals.*

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

9 3. *Any meeting or investigation conducted by a fact finder.*

10 4. *Any meeting of the Executive Department with its*
11 *management representative or representatives.*

12 5. *Deliberations of the Board toward a decision on a*
13 *complaint, appeal or petition for declaratory relief.*

14 **Sec. 42.** 1. *It is a prohibited practice for the Executive*
15 *Department or its designated representative willfully to:*

16 (a) *Interfere, restrain or coerce any employee in the exercise*
17 *of any right guaranteed pursuant to sections 12 to 43, inclusive, of*
18 *this act.*

19 (b) *Dominate, interfere or assist in the formation or*
20 *administration of any professional organization.*

21 (c) *Discriminate in regard to hiring, tenure or any term or*
22 *condition of employment to encourage or discourage membership*
23 *in any professional organization.*

24 (d) *Discharge or otherwise discriminate against any employee*
25 *because the employee has signed or filed an affidavit, petition or*
26 *complaint or given any information or testimony pursuant to*
27 *sections 12 to 43, inclusive, of this act or because the employee has*
28 *formed, joined or chosen to be represented by any professional*
29 *organization.*

30 (e) *Refuse to bargain collectively in good faith with a*
31 *bargaining agent as required in section 24 of this act. Bargaining*
32 *collectively includes the entire bargaining process, including*
33 *mediation, arbitration and fact-finding, provided for in the*
34 *provisions of sections 12 to 43, inclusive, of this act.*

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

38 (g) *Fail to provide the information required by section 33 of*
39 *this act.*

40 (h) *Fail to comply with the requirements of NRS 281.755.*

41 (i) *Deny to professional organizations the rights guaranteed to*
42 *them under this act.*

43 2. *It is a prohibited practice for a professional organization*
44 *or its designated agent willfully to:*



(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under the provisions of sections 12 to 43, inclusive, of this act.

(b) Refuse to bargain collectively in good faith with the Executive Department, if it is a bargaining agent, as required by section 24 of this act. Bargaining collectively includes the entire bargaining process, including mediation, arbitration and fact-finding provided for in the provisions of sections 12 to 43, inclusive, of this act.

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

(d) Fail to provide the information required by section 33 of this act.

Sec. 43. Any dispute concerning prohibited practices may be submitted to the Board in the same manner and with the same effect as provided in NRS 288.110, except that an alleged failure to provide information as provided by subsection 2 of section 33 of this act must be heard and determined by the Board as soon as possible after the complaint is filed with the Board.

Sec. 44. NRS 288.010 is hereby amended to read as follows:

288.010 This chapter may be cited as the ~~Local~~ Government Employee-Management Relations Act.

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. (Deleted by amendment.)

Sec. 47. 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 members, broadly representative of the public and not closely allied with any employee organization ~~for~~, **professional organization, the Executive Department or any** local government employer, not more than three of whom may be members of the same political party, and at least three of whom must reside in southern Nevada. The term of office of each member is 4 years.

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

Sec. 48. 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 members of the Board constitute a quorum, and a majority of a quorum present at any



1 meeting may exercise all the power and authority conferred on the
2 Board.

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

5 (a) Elect a Chair or Vice Chair;

6 (b) Appoint the Commissioner or Secretary of the Board, or
7 terminate the employment of the Commissioner or Secretary;

8 (c) Adjust the fee charged to local government employers *or the*
9 *Executive Department* pursuant to NRS 288.105 or *section 22 of*
10 *this act* or impose a civil penalty for failure to pay the fee;

11 (d) Make or adopt any rule or regulation; or

12 (e) Grant permission to a local government employer *or the*
13 *Executive Department* to withdraw recognition from an employee
14 organization *pursuant to NRS 288.160 or a professional*
15 *organization pursuant to section 25 of this act* or order an election
16 pursuant to NRS 288.160 ~~or~~ *or section 26 of this act.*

17 3. Whenever less than five members of the Board are present at
18 any meeting, not more than two of the members present may be
19 members of the same political party.

20 4. The Board may, within the limits of legislative
21 appropriations and any other available money:

22 (a) Appoint a Commissioner and a Secretary, who are in the
23 unclassified service of the State; and

24 (b) Employ such additional clerical personnel as may be
25 necessary, who are in the classified service of the State.

26 **Sec. 49.** NRS 288.110 is hereby amended to read as follows:

27 288.110 1. The Board may make rules governing:

28 (a) Proceedings before it;

29 (b) Procedures for fact-finding;

30 (c) The recognition, *as defined in NRS 288.067 or section 20*
31 *of this act*, of employee organizations ~~and~~ *and professional*
32 *organizations; and*

33 (d) The determination of bargaining units.

34 2. The Board may hear and determine any complaint arising
35 out of the interpretation of, or performance under, the provisions of
36 this chapter by *the Executive Department*, any local government
37 employer, *any employee, as defined by section 17 of this act, any*
38 *local government employee, ~~or~~ employee organization ~~or~~*
39 *professional organization.* Except as otherwise provided in this
40 subsection and NRS 288.115 and 288.280, the Board shall conduct a
41 hearing within 180 days after it decides to hear a complaint. If a
42 complaint alleges a violation of paragraph (e) of subsection 1 of
43 NRS 288.270 or paragraph (b) of subsection 2 of ~~that section,~~
44 *NRS 288.270, paragraph (e) of subsection 1 of section 42 of this*
45 *act or paragraph (b) of subsection 2 of section 42 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 15 of this act.

Sec. 49.5. 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]~~ *professional organization* guilty of such violation by a fine of not more than \$50,000 against each organization for each day of continued violation.

(b) Punish any officer of an employee organization *or professional 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 41 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 280.320 is hereby amended to read as follows:

280.320 1. A department is a local government employer for the purpose of the ~~Local~~ Government Employee-Management Relations Act and a public employer for the purpose of the Public Employees' Retirement Act.

2. In negotiations arising under the provisions of chapter 288 of NRS:

(a) The committee or two or more persons designated by the committee; and

(b) The sheriff or a person designated by the sheriff,

➤ shall represent the department.

3. In negotiations arising under the provisions of chapter 288 of NRS, a school police unit must be considered a separate bargaining unit.



Sec. 52. NRS 354.695 is hereby amended to read as follows:

354.695 1. As soon as practicable after taking over the management of a local government, the Department shall, with the approval of the Committee:

(a) Establish and implement a management policy and a financing plan for the local government;

(b) Provide for the appointment of a financial manager for the local government who is qualified to manage the fiscal affairs of the local government;

(c) Provide for the appointment of any other persons necessary to enable the local government to provide the basic services for which it was created in the most economical and efficient manner possible;

(d) Establish an accounting system and separate accounts in a bank or credit union, if necessary, to receive and expend all money and assets of the local government;

(e) Impose such hiring restrictions as deemed necessary;

(f) Negotiate and approve all contracts entered into by or on behalf of the local government before execution and enter into such contracts on behalf of the local government as the Department deems necessary;

(g) Negotiate and approve all collective bargaining contracts and other employment contracts to be entered into by the local government with an employee organization or any employee, except that the Department shall not negotiate or approve issues submitted to a fact finder whose findings and recommendations are final and binding pursuant to the provisions of the ~~Local~~ Government Employee-Management Relations Act;

(h) If the Committee made a recommendation to the Commission that a severe financial emergency exists in the local government based upon the existence of one or more conditions described in paragraph (c), (d), (g), (h), (n), (o), (p), (r) or (aa) of subsection 2 of NRS 354.685:

(1) Open and renegotiate in good faith, or assist the local government in renegotiating, any existing collective bargaining agreement or other employment contract relating to compensation or monetary benefits during the period of severe financial emergency; and

(2) Assume all rights, duties and powers pursuant to NRS 288.150 that are otherwise reserved to the local government during a period of severe financial emergency;

(i) Approve all expenditures of money from any fund or account and all transfers of money from one fund to another;

(j) Employ such technicians as are necessary for the improvement of the financial condition of the local government;



(k) Meet with any holders and the creditors of the local government to negotiate in good faith and formulate a debt liquidation program that may include, without limitation, the adjustment of bonded indebtedness by the exchange of existing bonds for new bonds with a later maturity date and a different interest rate;

(l) If the Department has taken over the management of a local government because the local government is involved in litigation or threatened litigation, carry out the duties of the Department pursuant to subsection 2 of NRS 31.010;

(m) Approve the issuance of bonds or other forms of indebtedness by the local government;

(n) Discharge any of the outstanding debts and obligations of the local government; and

(o) Take any other actions necessary to ensure that the local government provides the basic functions for which it was created in the most economical and efficient manner possible.

2. The Department may provide for reimbursement from the local government for the expenses the Department incurs in managing the local government. If such reimbursement is not possible, the Department may request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269.

3. The governing body of a local government which is being managed by the Department pursuant to this section may make recommendations to the Department or the financial manager concerning the management of the local government.

4. Each state agency, board, department, commission, committee or other entity of the State shall provide such technical financial assistance concerning the management of the local government as is requested by the Department.

5. The Department may delegate any of the powers and duties imposed by this section to the financial manager appointed pursuant to paragraph (b) of subsection 1. A financial manager acting within the scope of his or her delegation pursuant to this subsection is responsible only to the Department for his or her actions.

6. Except as otherwise provided in NRS 354.723 and 450.760, once the Department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to NRS 354.725.

Sec. 53. NRS 386.365 is hereby amended to read as follows:

386.365 1. Except as provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give 13 days' notice of its intention to adopt, repeal or amend a



1 policy or regulation of the board concerning any of the subjects set
2 forth in subsection 4. The notice must:

3 (a) Include a description of the subject or subjects involved and
4 must state the time and place of the meeting at which the matter will
5 be considered by the board; and

6 (b) Be mailed to the following persons from each of the schools
7 affected:

8 (1) The principal;

9 (2) The president of the parent-teacher association or similar
10 body; and

11 (3) The president of the classroom teachers' organization or
12 other collective bargaining agent.

13 ➤ A copy of the notice and of the terms of each proposed policy or
14 regulation, or change in a policy or regulation, must be made
15 available for inspection by the public in the office of the
16 superintendent of schools of the school district at least 13 days
17 before its adoption.

18 2. All persons interested in a proposed policy or regulation or
19 change in a policy or regulation must be afforded a reasonable
20 opportunity to submit data, views or arguments, orally or in writing.
21 The board of trustees shall consider all written and oral submissions
22 respecting the proposal or change before taking final action.

23 3. Emergency policies or regulations may be adopted by the
24 board upon its own finding that an emergency exists.

25 4. This section applies to policies and regulations concerning:

26 (a) Attendance rules;

27 (b) Zoning;

28 (c) Grading;

29 (d) District staffing patterns;

30 (e) Curriculum and program;

31 (f) Pupil discipline; and

32 (g) Personnel, except with respect to dismissals and refusals to
33 reemploy covered by contracts entered into as a result of the ~~Local~~
34 Government Employee-Management Relations Act, as provided in
35 NRS 391.660.

36 **Sec. 54.** NRS 597.995 is hereby amended to read as follows:

37 597.995 1. Except as otherwise provided in subsection 3, an
38 agreement which includes a provision which requires a person to
39 submit to arbitration any dispute arising between the parties to the
40 agreement must include specific authorization for the provision
41 which indicates that the person has affirmatively agreed to the
42 provision.

43 2. If an agreement includes a provision which requires a person
44 to submit to arbitration any dispute arising between the parties to the
45 agreement and the agreement fails to include the specific



1 authorization required pursuant to subsection 1, the provision is void
2 and unenforceable.

3 3. The provisions of this section do not apply to an agreement
4 that is a collective bargaining agreement. As used in this subsection,
5 “collective bargaining” has the meaning ascribed to it in ~~NRS~~
6 ~~288.033.~~ *section 6 of this act.*

7 **Sec. 55.** 1. Insofar as they conflict with the provisions of
8 such an agreement, the amendatory provisions of this act do not
9 apply during the current term of any collective bargaining
10 agreement entered into before the effective date of this act, but do
11 apply to any extension or renewal of such an agreement and to any
12 such agreement entered into on or after the effective date of this act.

13 2. If the Executive Department has established a bargaining
14 unit for any of its employees or has recognized a professional
15 organization as a bargaining agent for a bargaining unit as of the
16 effective date of this act, such bargaining unit or bargaining agent
17 shall be deemed the bargaining unit or bargaining agent representing
18 the same employees on and after the effective date of this act until
19 such time, if any, the bargaining unit or bargaining agent is changed
20 or modified in accordance with the provisions of this act.

21 3. As used in this section:

22 (a) “Bargaining agent” has the meaning ascribed to it in section
23 14 of this act.

24 (b) “Bargaining unit” has the meaning ascribed to it in section
25 15 of this act.

26 (c) “Employee” has the meaning ascribed to it in section 17 of
27 this act.

28 (d) “Professional organization” has the meaning ascribed to it in
29 section 10.5 of this act.

30 **Sec. 56.** NRS 288.030, 288.033, 288.034, 288.045, 288.063
31 and 288.070 are hereby repealed.

32 **Sec. 57.** 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.



* S B 4 5 9 R 1 *

288.063 “Mediation” defined.
288.070 “Strike” defined.

③⑩



★ S B 4 5 9 R 1 ★