

SENATE BILL NO. 373—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2021

Referred to Committee on Government Affairs

SUMMARY—Provides for collective bargaining by certain state employees. (BDR 23-675)

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; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes collective bargaining between: (1) local government employers and local government employees; and (2) the State and certain state employees. (Chapter 288 of NRS) This bill authorizes collective bargaining between state professional employers and professional employees. **Section 7** of this bill defines “state professional employer” to mean any entity within the Executive Department of State Government that employs a professional employee. **Section 15** of this bill defines “professional employee” to mean a person who, with various exceptions, is employed by a state professional employer and who: (1) is in the unclassified service of the State; or (2) is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

Sections 2, 54 and 56 of this bill expand the powers and duties of the Government-Employee Management Relations Board to include hearing and deciding disputes between state professional employers and professional employees.

Section 18 of this bill sets forth certain legislative findings and declarations. **Section 19** of this bill authorizes professional employees to organize and form



professional organizations or refrain from engaging in that activity. **Sections 1 and 20** of this bill authorize an officer of a state professional employer to, upon written authorization by a professional employee, withhold money from the salary or wages of the employee to pay dues or fees to a professional organization.

Section 21 of this bill provides for the recognition of a professional organization by a state professional employer. **Sections 21 and 55** of this bill set forth the conditions under which a state professional employer is authorized to withdraw that recognition. **Section 22** of this bill authorizes a recognized professional organization to, with certain limitations, represent a professional employee with respect to any condition of the employee's employment. **Section 23** of this bill authorizes, with certain conditions, a professional employee to act for himself or herself with respect to conditions of his or her employment. **Section 24** of this bill establishes certain rights of professional organizations. **Section 25** of this bill requires a state professional employee who could be subject to certain adverse employment actions to be provided with certain notice and afforded certain rights.

Section 26 of this bill provides for the creation and organization of bargaining units. **Sections 27-30** of this bill set forth procedures for a professional organization to be designated by the Board, either with or without an election, as an exclusive representative of a bargaining unit.

Section 31 of this bill requires each state professional employer that has recognized one or more professional organizations and each professional organization to file certain reports with the Board annually.

Section 32 of this bill sets forth certain subjects that constitute the scope of mandatory bargaining. **Section 33** of this bill requires negotiations between an exclusive representative and a state professional employer to commence within 60 days after one party gives notice to the other party. **Section 34** of this bill sets forth certain duties of an exclusive representative. **Section 35** of this bill requires a state professional employer to designate a representative to engage in collective bargaining with an exclusive representative. **Section 35** of this bill further requires a state professional employer to furnish certain data to an exclusive representative upon request. **Section 38** of this bill authorizes a professional organization to be represented by a licensed attorney in negotiations with a state professional employer. **Sections 36, 37, 40 and 41** of this bill set forth various requirements and limitations relating to the provisions of a collective bargaining agreement. **Sections 3, 4 and 60** of this bill provide that in the event of a conflict between certain provisions of existing law pertaining to the employment of certain state employees and the provisions of a collective bargaining agreement between an exclusive representative and a state professional employer, the provisions of the collective bargaining agreement generally prevail.

Section 39 of this bill requires any collective bargaining agreement between a state professional employer and an exclusive representative to be approved by, depending on the state professional employer, either the State Board of Examiners or the Board of Regents of the University of Nevada at a public hearing. **Sections 45 and 59** 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 42-44 of this bill provide for the mediation and arbitration of disputes between state professional employers and exclusive representatives. **Section 46** of this bill prohibits certain practices in the context of collective bargaining. **Section 47** of this bill sets forth procedures to establish that a party has committed such a prohibited practice.

Section 48 of this bill establishes certain provisions relating to actions brought by or against state professional employers or professional organizations.



Existing law requires the Board to annually assess a fee for the support of the Board against local governments and the Executive Department based on the number of employees employed by the local government or the Executive Department in the first pay period of the immediately preceding year. (NRS 288.139, 288.475) **Section 49** of this bill requires the Board to assess a similar fee against each state professional employer based on the number of professional employees in a bargaining unit that had an exclusive representative in the first pay period of the immediately preceding year.

Section 58 of this bill authorizes the Governor to request the drafting of as many legislative measures as are necessary to carry out the provisions of **sections 8-49** of this bill. **Sections 53 and 57** of this bill revise provisions of existing law prohibiting strikes against the State or a local government employer by an employee organization or labor organization for the purpose of also prohibiting strikes by a professional organization.

Sections 6, 7 and 9-17 of this bill define applicable words and terms. **Sections 51 and 53** of this bill revise certain definitions relating to collective bargaining that are applicable to employee organizations and labor organizations to also include professional organizations. **Section 50** of this bill makes a conforming change to properly place new language in the Nevada Revised Statutes.

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) Except as otherwise provided in NRS 288.545 ~~and~~ **and section 20 of this act**, employee organizations , ~~and~~ **labor organizations and professional 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, is not an employee of an entity described in NRS 284.013 and is not an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, **or sections 8 to 49, 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 or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, **or sections 8 to 49, inclusive, of this act**, file a complaint with the 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 NRS 288.400 to 288.630, inclusive ~~or sections 8 to 49, inclusive, of this act.~~

Sec. 4. NRS 287.007 is hereby amended to read as follows:

287.007 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 NRS 288.400 to 288.630, inclusive ~~or sections 8 to 49, inclusive, of this act.~~

Sec. 5. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 49, inclusive, of this act.

Sec. 6. *“Professional organization” means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of professional employees, as defined in section 15 of this act.*

Sec. 7. *“State professional employer” means any entity within the Executive Department, including, without limitation, any university, state college, community college or institute within the Nevada System of Higher Education, that employs a professional employee, as defined in section 15 of this act.*

Sec. 8. *As used in sections 8 to 49, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9 to 17, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 9. *“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.*



1 **Sec. 10.** *“Bargaining unit” means a group of professional*
2 *employees recognized by a state professional employer as having*
3 *sufficient community of interest for representation by a*
4 *professional organization for the purpose of collective bargaining.*

5 **Sec. 11.** *“Confidential employee” means an employee who*
6 *provides administrative support to an employee who assists in the*
7 *formulation, determination and effectuation of personnel*
8 *managerial policies concerning collective bargaining.*

9 **Sec. 12.** *“Exclusive representative” means a professional*
10 *organization that, as a result of its designation by the Board, has*
11 *the exclusive right to represent all the professional employees*
12 *within a bargaining unit and to engage in collective bargaining*
13 *with a state professional employer pursuant to sections 8 to 49,*
14 *inclusive, of this act, concerning wages, hours and other terms*
15 *and conditions of employment for those professional employees.*

16 **Sec. 13.** *“Grievance” means an act, omission or occurrence*
17 *that a professional employee or an exclusive representative*
18 *believes to be an injustice relating to any condition arising out of*
19 *the relationship between a state professional employer and a*
20 *professional employee, including, without limitation, working*
21 *hours, working conditions, membership in a professional*
22 *organization or the interpretation of any law, regulation or*
23 *agreement.*

24 **Sec. 14.** 1. *“Managerial employee” means an employee*
25 *whose primary function is to administer and control the business*
26 *of any state professional employer and who is vested with*
27 *discretion and independent judgment with regard to the general*
28 *conduct and control of that state professional employer.*

29 2. *The term includes, without limitation:*

30 (a) *A chief administrative officer, the chief administrative*
31 *officer’s deputy and immediate assistants, department heads*
32 *and their deputies and immediate assistants, appointed officials*
33 *and others who are primarily responsible for formulating and*
34 *administering management policies and programs;*

35 (b) *Administrators of an academic institution, including,*
36 *without limitation:*

37 (1) *Chancellors, presidents, provosts and deans;*

38 (2) *Vice, associate and assistant chancellors, presidents,*
39 *provosts and deans; and*

40 (3) *Other employees who are primarily responsible for*
41 *formulating and administering management policy and programs;*
42 *and*

43 (c) *Attorneys who serve the state professional employer or*
44 *advise other managerial employees.*



3. With respect to professional employees of an academic institution, a professional employee shall not be deemed a managerial employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review. A chair or head of a department or similar academic unit or program who performs the foregoing duties primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

Sec. 15. 1. “Professional employee” means a person who is employed by a state professional employer and:

(a) Is in the unclassified service of the State; or
(b) Is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

2. The term does not include:

(a) A local government employee;
(b) A person who is employed in the classified service of the State pursuant to chapter 284 of NRS;

(c) A person who is employed by the Nevada System of Higher Education in the classified service of the State or who is required to be paid in accordance with the pay plan for the classified service of the State.

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

(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 person whose employment is the result of an appointment by the Governor to a position which deems the person to be a civil officer of the State pursuant to NRS 232A.030 or 616C.340;

(h) A managerial employee;

(i) A confidential employee;

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

(k) A commissioned officer or an enlisted member of the Nevada National Guard.

Sec. 16. “Recognition” or “recognized” means the formal acknowledgement by a state professional employer that a particular professional organization has the right to represent professional employees of the state professional employer.



1 **Sec. 17. 1. “Supervisory employee” means an individual**
2 **who does not have the responsibility for the general conduct and**
3 **control of a state professional employer, but who:**

4 **(a) Performs management duties, including, without**
5 **limitation:**

6 **(1) Establishing performance standards for subordinate**
7 **employees;**

8 **(2) Scheduling, assigning, overseeing or reviewing the work**
9 **of subordinate employees under established performance**
10 **standards; or**

11 **(3) Effectively recommending the performance of the duties**
12 **described in subparagraphs (1) and (2) and the manner in which**
13 **such duties are performed; or**

14 **(b) Has the authority to adjust grievances, apply established**
15 **personnel policies and procedures, enforce the provisions of a**
16 **collective bargaining agreement or effectively to recommend such**
17 **action,**

18 **↪ if, in connection with the foregoing, the exercise of such duties**
19 **or authority is not of a merely routine or clerical nature but**
20 **requires the use of independent judgment and occupies a regular**
21 **and significant portion of the employee’s workday.**

22 **2. With respect to professional employees of an academic**
23 **institution, a professional employee shall not be deemed to be a**
24 **supervisory employee solely because the professional employee**
25 **participates in decisions with respect to courses, curriculum,**
26 **personnel or other matters of educational policy through shared**
27 **governance mechanisms or peer review. A chair or head of a**
28 **department or similar academic unit or program who performs the**
29 **foregoing duties primarily on behalf of the members of the**
30 **academic unit or program shall not be deemed a supervisory**
31 **employee solely because of those duties.**

32 **Sec. 18. 1. The Legislature hereby finds and declares that**
33 **there is a great need to:**

34 **(a) Promote harmonious and constructive relations between**
35 **state professional employers and their professional employees;**

36 **(b) Increase the efficiency of state professional employers; and**

37 **(c) Provide the means by which relations between state**
38 **professional employers and their professional employees are**
39 **carried out in an atmosphere which permits the fullest**
40 **participation by professional employees in the determination of**
41 **conditions of employment that affect them.**

42 **2. It is therefore in the public interest that the Legislature**
43 **enact provisions:**

44 **(a) Granting certain professional employees the right to**
45 **associate with others in organizing and choosing exclusive**



representatives for the purpose of engaging in collective bargaining;

(b) Requiring state professional employers to recognize professional organizations and to negotiate wages, hours, and other terms and conditions of employment with exclusive representatives and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of professional employees, state professional employers and the people of the State.

3. The Legislature further finds and declares that:

(a) Joint decision making and consultation between administration and faculty or academic professional employees is a long-accepted manner of shared governance in institutions of higher education and is essential to the advancement of the educational missions of those institutions;

(b) It is a purpose of sections 8 to 49, inclusive, of this act, to preserve and encourage the practice and mechanisms of shared governance with respect to professional employees of public institutions of higher education in this State; and

(c) The provisions of sections 8 to 49, inclusive, of this act, are not intended to restrict, limit or prohibit the full exercise of the functions of faculty in any shared governance mechanism or practice, including, without limitation, the establishment and function of faculty senates and the principle of peer review of appointment, retention and tenure for faculty in an institution of higher education.

Sec. 19. 1. For the purposes of collective bargaining and other mutual aid or protection, every professional employee has the right to:

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

(b) Refrain from engaging in such an activity.

2. A state professional employer shall not discriminate in any way among its professional employees on account of membership or nonmembership in a professional organization.

Sec. 20. 1. Except as otherwise provided in subsection 2, an officer of a state professional employer shall, upon written authorization by a professional employee, 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 a recognized professional organization. Such authorization may be subsequently revoked by the professional employee.



2. If the Board designates a professional organization as the exclusive representative of a bargaining unit pursuant to sections 8 to 49, inclusive, of this act, an officer of a state professional employer shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of a professional employee within the bargaining unit to pay dues or similar fees to a professional organization other than the professional organization that is the exclusive representative of the bargaining unit.

Sec. 21. 1. A state professional employer shall recognize a professional organization that presents to the state professional employer:

(a) A copy of the bylaws, charter or constitution of the professional organization, which demonstrates that the organization has as one of its purposes the improvement of the terms and conditions of employment of professional employees;

(b) A roster of its officers, if any, and representatives;

(c) A pledge in writing not to strike against the state professional employer under any circumstances; and

(d) An identification of the professional employees that the professional organization seeks to represent.

2. If a state professional employer first receives the written permission of the Board, the state professional employer may withdraw recognition from a professional organization that:

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

(b) Disavows its pledge not to strike against the state professional employer under any circumstances.

Sec. 22. 1. Except as otherwise provided in this section, a recognized professional organization may represent a professional employee of the state professional employer that has recognized the professional organization with respect to any condition of the employment of the professional employee, including, without limitation, representation in disciplinary proceedings and investigations and proceedings for the adjustment of grievances, regardless of whether the professional employee is a member of the professional organization.

2. If a professional employee is in a bargaining unit that has an exclusive representative, no professional organization other than the professional organization designated as the exclusive representative for the bargaining unit may represent the professional employee.

Sec. 23. 1. Except as otherwise provided in this section, the recognition of a professional organization or the designation of a



professional organization as an exclusive representative does not preclude a professional employee from acting for himself or herself with respect to any condition of his or her employment. Such a professional employee has the right to present grievances to a state professional employer at any time and to have those grievances adjusted.

2. If a professional employee, acting for himself or herself, presents a grievance to a state professional employer pursuant to subsection 1:

(a) Any action taken in adjustment of a grievance must be consistent with the terms of an applicable collective bargaining agreement in effect, if any; and

(b) If the professional employee is in a bargaining unit that has an exclusive representative, the exclusive representative must be given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and provided a copy of the adjustment of the grievance.

Sec. 24. 1. Except as otherwise provided in subsection 2 and subject to such reasonable regulations as the state professional employer may prescribe or such conditions and limitations as may be set forth in a collective bargaining agreement, a professional organization that has been recognized shall have the right to:

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

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with professional 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 8 to 49, inclusive, of this act.

2. If a professional organization has been designated as the exclusive representative of a bargaining unit, no professional organization other than the professional organization designated as the exclusive representative may exercise the rights set forth in subsection 1 with respect to professional employees in the bargaining unit.

Sec. 25. 1. Subject to the conditions imposed by section 22 of this act and any other conditions and limitations as may be set forth in a collective bargaining agreement, a professional employee who is the subject of an internal administrative investigation that could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or other



1 similar adverse employment action against the professional
2 employee must be:

3 (a) Provided notice in writing of the allegations against the
4 professional employee within 30 days after the date on which the
5 state professional employer becomes aware, or reasonably should
6 have become aware, of the allegations. The notice must be
7 provided before the professional employee is questioned regarding
8 the allegations.

9 (b) Afforded the right to have a lawyer or other representative
10 of the professional employee's choosing present with the
11 professional employee at any time that the professional employee
12 is questioned regarding the allegations. The professional employee
13 must be given not less than 2 business days to obtain such
14 representation, unless the professional employee waives his or her
15 right to be represented.

16 2. If, during any questioning by a state professional
17 employer, a professional employee who does not have a
18 representative present has a reasonable belief that the questioning
19 could lead to dismissal, involuntary demotion, suspension,
20 reduction of pay, payment of restitution or similar adverse
21 employment action against the professional employee and makes a
22 clear request for representation by a recognized professional
23 organization, the state professional employer must:

24 (a) Grant the request and delay the questioning by not less
25 than 2 business days to allow a representative of the professional
26 organization to be present and to provide an opportunity for the
27 professional employee to consult with the representative; or

28 (b) Deny the request and end the questioning immediately.

29 3. A state professional employer must not discipline or
30 retaliate in any way against a professional employee who asserts
31 his or her rights under subsection 2.

32 **Sec. 26.** 1. Each state professional employer which has
33 recognized one or more professional organizations shall
34 determine, in consultation with the recognized organization or
35 organizations, which group or groups of its professional
36 employees constitute an appropriate unit or units for negotiating.
37 The primary criterion for that determination must be the
38 community of interest among the employees concerned.

39 2. Managerial employees must be excluded from any
40 bargaining unit.

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



4. A supervisory employee must not be a member of the same bargaining unit as the professional employees under the supervision of the supervisory employee. Any dispute between the parties as to whether a professional 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.

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 state professional employer and any professional organization involved. The Board shall apply the same criterion as specified in subsection 1.

Sec. 27. If no professional organization is designated as the exclusive representative of a bargaining unit and a recognized professional organization files with the Board a list of its membership or other evidence showing that the professional organization has been authorized to serve as the exclusive representative by more than 50 percent of the professional employees in a bargaining unit, the Board shall designate the professional organization as the exclusive representative of the bargaining unit without ordering an election.

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

(a) A recognized 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 has been authorized to serve as the exclusive representative by at least 30 percent but not more than 50 percent of the professional employees within the bargaining unit; and

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

2. If the Board has designated a professional organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or section 27 of this act, the Board shall order an election:

(a) If either:

(1) Another recognized 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 has been authorized to serve as the exclusive



representative by at least 50 percent of the professional employees within the bargaining unit; or

(2) A group of professional 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 professional employees within the bargaining unit have requested that an election be conducted to change or discontinue exclusive 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 exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 29. 1. If the Board orders an election within a bargaining unit pursuant to section 28 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 recognized professional organization that requested the election pursuant to section 28 of this act;

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

(c) Any other recognized 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 has been authorized to serve as the exclusive representative by at least 30 percent of the professional employees within the bargaining unit; and

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

2. If a ballot for an election contains more than two choices 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 exclusive 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 an exclusive representative.

4. If a recognized professional organization receives a majority of the votes cast at the initial election or at any runoff



election, the Board shall designate the professional organization as the exclusive representative of the bargaining unit.

Sec. 30. 1. The Board shall preside over all elections that are conducted pursuant to section 28 of this act and shall determine the eligibility requirements for professional employees to vote in any such election.

2. An election conducted pursuant to section 28 of this act must be conducted by secret ballot. The Board may adopt rules prescribing the manner in which voting in such an election may be conducted, which may include, without limitation, voting in person, by mail or by secure electronic means.

3. A professional organization that is placed as a choice on the ballot for an election or any professional 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.

4. In response to a written objection filed pursuant to subsection 3 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. 31. 1. Each state professional employer that has recognized one or more professional organizations shall, on or before November 30 of each year, file with the Board:

(a) A list of each professional organization recognized by the state professional employer;

(b) A list of each professional organization designated as the exclusive representative for a bargaining unit within the state professional employer; and

(c) A description of each bargaining unit within the state professional employer.

2. Each professional organization recognized by a state professional employer shall file a report with the Board on or before November 30 of each year. The report must include:

(a) The full name of the professional organization;

(b) The name of each state professional employer which has recognized the professional organization;

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

(d) If applicable, the total number of professional employees in each bargaining unit for which the professional organization has been designated as the exclusive representative;

(e) Copies of all changes to the bylaws, charter or constitution of the professional organization that were 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; and

(g) A copy of any collective bargaining agreement in effect between the professional organization and a state professional employer.

3. A professional organization which has not previously been recognized by a state professional employer shall file the report required by subsection 2 within 30 days after recognition.

Sec. 32. 1. Collective bargaining entails a mutual obligation between a state professional employer and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) The subjects of mandatory bargaining set forth in subsection 2;

(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.

2. The scope of mandatory bargaining is limited to:

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

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

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

(f) Other paid or nonpaid leaves of absence.

(g) Insurance and healthcare benefits provided by the state professional employer.

(h) Total hours of work required of a professional employee on each workday or workweek.

(i) Total number of days of work required of a professional employee in a work year.

(j) Discharge and disciplinary procedures.

(k) Recognition clause.

(l) The classification and titles of professional employees in the bargaining unit.

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

(n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 8 to 49, inclusive, of this act.



(o) No-strike provisions consistent with the provisions of sections 8 to 49, inclusive, of this act.

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

(q) General savings clauses.

(r) Duration of collective bargaining agreements.

(s) Safety of professional employees and safety in the workplace.

(t) Academic freedom for faculty of academic institutions.

(u) Shared governance in academic institutions.

(v) Tenure for faculty professional employees in academic institutions.

(w) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.

(x) Policies for transfer and reassignment of professional employees.

(y) Procedures for reductions of or additions to the workforce consistent with the provisions of sections 8 to 49, inclusive, of this act.

3. All matters which are not within the scope of mandatory bargaining are reserved to the state professional employer without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 8 to 49, inclusive, of this act, a state professional employer is entitled to take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070. Those actions may include the suspension of the any collective bargaining agreement or any portion thereof for the duration of the emergency or disaster to the extent necessary to carry out the responsibilities of the state professional employer. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of sections 8 to 49, inclusive, of this act, do not require, a state professional employer to negotiate subject matters outside of the scope of mandatory bargaining or consulting with any professional employee or professional organization on any such a matter. A state professional employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

Sec. 33. 1. Whenever an exclusive representative or a state professional employer desires to negotiate concerning any matter



1 which is subject to negotiation pursuant to the provisions of
2 sections 8 to 49, inclusive, of this act, it shall give written notice to
3 the other party.

4 2. The parties shall commence negotiations within 60 days
5 following the notification provided for in subsection 1.

6 **Sec. 34. 1. An exclusive representative shall:**

7 (a) Act as the representative of all professional employees
8 within each bargaining unit that it represents; and

9 (b) In good faith and on behalf of each bargaining unit that it
10 represents, individually or collectively, bargain with a state
11 professional employer concerning the wages, hours and other
12 terms and conditions of employment for the professional
13 employees within each bargaining unit that it represents.

14 2. A professional organization may serve as an exclusive
15 representative for multiple bargaining units.

16 **Sec. 35. 1. A state professional employer shall designate a**
17 **representative to conduct negotiations concerning collective**
18 **bargaining agreements on behalf of the state professional**
19 **employer.**

20 2. A representative designated pursuant to subsection 1 shall,
21 on behalf of the state professional employer, negotiate in good
22 faith with an exclusive representative concerning a collective
23 bargaining agreement as required by section 32 of this act.

24 3. Upon request by an exclusive representative, a state
25 professional employer shall furnish to an exclusive representative
26 data that is maintained in the ordinary course of business and
27 which is relevant and necessary to the discussion of the subjects of
28 mandatory bargaining described in section 32 of this act. This
29 subsection shall not be construed to require a state professional
30 employer to furnish to the exclusive representative any advice or
31 training received by representatives of the state professional
32 employer concerning collective bargaining.

33 **Sec. 36. 1. Each collective bargaining agreement between a**
34 **state professional employer and an exclusive representative**
35 **pursuant to sections 8 to 49, inclusive, of this act must be in**
36 **writing and must include, without limitation:**

37 (a) A procedure to resolve grievances which applies to all
38 professional employees in the bargaining unit and culminates in
39 final and binding arbitration. Such a procedure:

40 (1) Must be used to resolve all grievances relating to
41 employment, including, without limitation, the administration and
42 interpretation of the collective bargaining agreements, the
43 applicability of any law, rule or regulation relating to the
44 employment and appeal of discipline and other adverse personnel
45 actions; and



(2) May, for professional employees of academic institutions, incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review.

(b) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only to the extent of the legislative appropriation.

2. A professional employee in a bargaining unit who is aggrieved by the failure of the state professional employer 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 professional 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 professional employee may not proceed in the alternative manner.

3. If there is a conflict between any provision of a collective bargaining agreement between a state professional employer and an exclusive representative and:

(a) Any policy, procedure or regulation adopted by the state professional employer, the provision of the 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 section 42, 43 or 44 of this act, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, in which case the provision of the agreement must be implemented within the limits of legislative appropriations and any other available money.

Sec. 37. Except as otherwise provided in this section or in the collective bargaining agreement, the term of a collective bargaining agreement must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. If the parties cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of that collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.



Sec. 38. Whenever a professional organization enters into negotiations with a state professional employer pursuant to sections 8 to 49, inclusive, of this act, such professional organization may be represented by an attorney licensed to practice law in this State.

Sec. 39. 1. Any new, extended or modified collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be approved, at a public hearing, by:

(a) If the agreement concerns professional employees of the Nevada System of Higher Education, the Board of Regents of the University of Nevada; or

(b) If the agreement does not concern professional employees of the Nevada System of Higher Education, the State Board of Examiners.

2. Not less than 3 business days before the date of the hearing conducted pursuant to subsection 1, the Board of Regents of the University of Nevada or the State Board of Examiners, as applicable, shall cause the following documents to be posted and made available on the Internet website used by the Board of Regents or the State Board of Examiners, as applicable, to provide public notice of meetings:

(a) The proposed agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the Board of Regents or the State Board of Examiners relating to the financial impact of the agreement.

Sec. 40. If a provision of a collective bargaining agreement:

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

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

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

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

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



Sec. 41. *If a provision of a collective bargaining agreement requires the Legislature to appropriate money to implement the provision:*

1. The state professional employer that is a party to the agreement shall include the full amount necessary to fund the provision in the proposed budget of the state professional employer submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

2. The Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the state professional employer. If such amount is not sufficient to fully fund the provision of the collective bargaining agreement, the Governor shall submit to the Legislature and the state professional employer a statement setting forth the reasons for not including the amount necessary to fully fund the provision.

Sec. 42. *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

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

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 the agreement of the parties.

Sec. 43. *1. If a mediator appointed pursuant to section 42 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 chapter 284 or 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. Within 5 days after receipt of the list of arbitrators, the parties shall select an arbitrator from the list by



1 alternately striking one name until the name of only one arbitrator
2 remains, and that arbitrator must hear the dispute in question.
3 The party who will strike the first name must be determined by a
4 coin toss.

5 3. The arbitrator shall begin arbitration proceedings within
6 15 days after the appointment or any later date set by agreement of
7 the parties.

8 4. The arbitrator and the parties shall apply and follow the
9 procedures for arbitration that are prescribed by any rules adopted
10 by the Board pursuant to NRS 288.110. During arbitration, the
11 parties retain their respective duties to negotiate in good faith.

12 5. The arbitrator may administer oaths or affirmations, take
13 testimony and issue and seek enforcement of a subpoena in the
14 same manner as the Board pursuant to NRS 288.120, and, except
15 as otherwise provided in subsection 7, the provisions of NRS
16 288.120 apply to any subpoena issued by the arbitrator.

17 6. The arbitrator shall render a decision within 15 days after
18 beginning arbitration proceedings or any later date set by
19 agreement of the parties.

20 7. The state professional employer and the exclusive
21 representative shall each pay one-half of the cost of arbitration.

22 **Sec. 44.** 1. For issues in dispute after arbitration
23 proceedings are held pursuant to section 43 of this act, the
24 arbitrator shall incorporate either the final offer of the state
25 professional employers or the final offer of the exclusive
26 representative into his or her decision. The decision of the
27 arbitrator must be limited to a selection of one of the two final
28 offers of the parties. The arbitrator shall not revise or amend the
29 final offer of either party on any issue.

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

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

33 (b) The contractual terms and provisions contained in each
34 final offer.

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

37 (a) Compare the salaries, wages, hours and other terms and
38 conditions of employment for the professional employees within
39 the bargaining unit with the salaries, wages, hours and other
40 terms and conditions of employment for other employees
41 performing similar services and for other employees generally:

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

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



(b) Consider, without limitation:

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

(2) The average prices paid by consumers for goods, services and housing in the geographic location where the professional 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 wages, hours and other terms and conditions of employment for professional employees in public or private employment.

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

Sec. 45. The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:

1. Any negotiation or informal discussion between a state professional employer and a professional organization or professional employees as individuals.

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

3. Any meeting or investigation conducted by a mediator or arbitrator.

4. Any meeting of a state professional employer with its management representative or representatives.

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

Sec. 46. 1. It is a prohibited practice for a state professional employer or its designated representative willfully to:

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 8 to 49, inclusive, of this act.

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

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

(d) Discharge or otherwise discriminate against any professional employee because the professional employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the



professional employee has formed, joined or chosen to be represented by any professional organization.

(e) Refuse to bargain collectively in good faith with an exclusive representative as required by sections 32 and 35 of this act. Bargaining collectively includes the entire bargaining process, including mediation and arbitration, provided for in the provisions of sections 8 to 49, inclusive, of this act.

(f) Deny to any professional organization the rights guaranteed to it under sections 8 to 49, inclusive, of this act.

(g) 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.

(h) Fail to provide the data required by subsection 3 of section 35 of this act.

(i) Fail to comply with the requirements of NRS 281.755.

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

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 8 to 49, inclusive, of this act.

(b) If the professional organization is an exclusive representative, refuse to bargain collectively in good faith with a state professional employer, as required by sections 32 and 34 of this act. Bargaining collectively includes the entire bargaining process, including mediation and arbitration, provided for in the provisions of sections 8 to 49, 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.

Sec. 47. 1. To establish that a party committed a prohibited practice in violation of section 46 of this act, the party aggrieved by the practice must file a complaint with the Board in accordance with procedures prescribed by the Board.

2. 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.



3. 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.

4. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 3 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

5. 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. 48. 1. Except as otherwise provided by specific statute, a professional organization and a state professional employer may sue or be sued as an entity pursuant to sections 8 to 49, inclusive, of this act.

2. If any action or proceeding is brought by or against a professional organization pursuant to sections 8 to 49, inclusive, of this act, the district court in and for the county in which the professional organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 8 to 49, inclusive, of this act, against a state professional employer or a professional organization.

Sec. 49. 1. On or before July 1 of each year, the Board shall charge and collect a fee from each state professional employer that has recognized one or more professional organizations in an amount not to exceed \$10 for each professional employee who was, in the first pay period of the immediately preceding fiscal year:

(a) Employed by the state professional employer; and

(b) In a bargaining unit that had an exclusive representative.

2. A state professional employer shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. A state professional employer shall not impose the fee against its employees.

3. If a state professional employer fails to pay the fee assessed pursuant to subsection 1 on or before July 1 of that year, the Board shall impose a civil penalty not to exceed \$10 for each



professional employee employed by the state professional employer for whom the fee was not paid.

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

5. To carry out the provisions of this section, the Board may, by any reasonable means, verify the identities and number of employees employed by a state professional employer in bargaining units that have an exclusive representative.

Sec. 50. NRS 288.015 is hereby amended to read as follows:

288.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.029 to 288.074, inclusive, *and sections 6 and 7 of this act* have the meanings ascribed to them in those sections.

Sec. 51. NRS 288.032 is hereby amended to read as follows:

288.032 “Collective bargaining” means a method of determining conditions of employment by negotiation between representatives of the Executive Department , *state professional employer* or local government employer and an employee organization , *professional organization* or labor organization, entailing a mutual obligation of the Executive Department , *state professional employer* 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. 52. NRS 288.065 is hereby amended to read as follows:

288.065 “Mediation” means assistance by an impartial third party to reconcile differences between the Executive Department , *a state professional employer* or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 53. NRS 288.074 is hereby amended to read as follows:

288.074 “Strike” means any concerted:



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

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

7 3. Interruption of the operations of the State of Nevada or any
8 local government employer by any employee organization , ~~for~~
9 labor organization ~~H~~ *or professional organization.*

10 **Sec. 54.** NRS 288.080 is hereby amended to read as follows:

11 288.080 1. The Government Employee-Management
12 Relations Board is hereby created, consisting of five members,
13 broadly representative of the public and not closely allied with any
14 employee organization, *any professional organization*, any labor
15 organization, the Executive Department , *any state professional*
16 *employer* or any local government employer.

17 2. Not more than three of the members of the Board may be
18 members of the same political party, and at least three of the
19 members must reside in southern Nevada. The term of office of each
20 member is 4 years.

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

22 **Sec. 55.** NRS 288.090 is hereby amended to read as follows:

23 288.090 1. The members of the Board shall annually elect
24 one of their number as Chair and one as Vice Chair. Except as
25 otherwise provided in this section, any three members of the Board
26 constitute a quorum, and a majority of a quorum present at any
27 meeting may exercise all the power and authority conferred on the
28 Board.

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

31 (a) Elect a Chair or Vice Chair;

32 (b) Appoint the Commissioner or Secretary of the Board, or
33 terminate the employment of the Commissioner or Secretary;

34 (c) Adjust the fee charged to local government employers
35 pursuant to NRS 288.139 or impose a civil penalty for failure to pay
36 the fee;

37 (d) Make or adopt any rule or regulation; ~~for~~

38 (e) Grant permission to a local government employer to
39 withdraw recognition from an employee organization or order an
40 election pursuant to NRS 288.160 ~~H~~ ; *or*

41 *(f) Grant permission to a state professional employer to*
42 *withdraw recognition from a professional organization pursuant*
43 *to section 21 of this act.*



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

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

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

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

Sec. 56. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding ~~H~~, *mediation and arbitration*;

(c) The recognition, as defined in NRS 288.136, of employee organizations;

(d) *The recognition, as defined in section 16 of this act, of professional organizations*;

(e) The designation of the exclusive representative, *as defined in NRS 288.430*, of a bargaining unit in accordance with the provisions of NRS 288.520, 288.525 and 288.530; ~~and~~

~~—(e)—~~ (f) *The designation of the exclusive representative, as defined in section 12 of this act, of a bargaining unit in accordance with the provisions of sections 27, 28 and 29 of this act; and*

(g) 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 state professional employer*, any local government employer, any employee, as defined in NRS 288.425, *any professional employee, as defined in section 15 of this act*, any local government employee, any employee organization, *any professional organization* or any labor organization. Except as otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~H~~ *and section 47 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 ~~H(a)~~ (b) of subsection 1 of NRS 288.620, ~~for~~ paragraph (b) of subsection 2 of NRS 288.620, *paragraph (e) of subsection 1 of section 46 of this act or paragraph (b) of subsection 2 of section 46 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.



1 Except when an expedited hearing is conducted pursuant to NRS
2 288.115, the Board shall issue its decision within 120 days after the
3 hearing on the complaint is completed.

4 3. Any party aggrieved by the failure of any person to obey an
5 order of the Board issued pursuant to subsection 2, or the Board at
6 the request of such a party, may apply to a court of competent
7 jurisdiction for a prohibitory or mandatory injunction to enforce the
8 order.

9 4. The Board may not consider any complaint or appeal filed
10 more than 6 months after the occurrence which is the subject of the
11 complaint or appeal.

12 5. The Board may decide without a hearing a contested matter:

13 (a) In which all of the legal issues have been previously decided
14 by the Board, if it adopts its previous decision or decisions as
15 precedent; or

16 (b) Upon agreement of all the parties.

17 6. The Board may award reasonable costs, which may include
18 attorneys' fees, to the prevailing party.

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

20 (a) *"Arbitration" has the meaning ascribed to it in NRS*
21 *288.410 or section 9 of this act.*

22 (b) *"Bargaining unit" has the meaning ascribed to it in NRS*
23 *288.134 or 288.415 ~~[""]~~ or section 10 of this act.*

24 **Sec. 57.** NRS 288.710 is hereby amended to read as follows:

25 288.710 1. If a strike is commenced or continued in violation
26 of an order issued pursuant to NRS 288.705, the court may:

27 (a) Punish each employee organization , *professional*
28 *organization* or labor organization guilty of such violation by a fine
29 of not more than \$50,000 against each employee organization ,
30 *professional organization* or labor organization for each day of
31 continued violation.

32 (b) Punish any officer of an employee organization ,
33 *professional organization* or labor organization who is wholly or
34 partly responsible for such violation by a fine of not more than
35 \$1,000 for each day of continued violation, or by imprisonment as
36 provided in NRS 22.110.

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

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

42 **Sec. 58.** NRS 218D.175 is hereby amended to read as follows:

43 218D.175 1. Except as otherwise provided in subsection 2,
44 for a regular session, the Governor or the Governor's designated
45 representative may request the drafting of not more than



110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive ~~H~~, or sections 8 to 49, inclusive, of this act.

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor.....	3
Secretary of State.....	6
State Treasurer.....	5
State Controller.....	5
Attorney General	20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.



Sec. 59. 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, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 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 45 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. 60. NRS 396.251 is hereby amended to read as follows:

396.251 1. The Board of Regents may establish policies and procedures for personnel which govern student employees, physicians engaged in a program for residency training and postdoctoral fellows of the System and which are separate from the policies and procedures established for the unclassified personnel of the System. Any such policy or procedure does not diminish the eligibility of those persons for coverage as employees under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.



2. In establishing policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS ~~H~~, *except, when applicable, the provisions of sections 8 to 49, inclusive, of this act.* Those provisions do not apply to a student employee, a physician engaged in a program for residency training or a postdoctoral fellow of the System unless otherwise provided by the Board of Regents.

3. In the event of a conflict between the policies and procedures adopted pursuant to this section and the provisions of a collective bargaining agreement entered into pursuant to sections 8 to 49, inclusive, of this act, the provisions of the agreement prevail.

Sec. 61. 1. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2021, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2021.

2. If a state professional employer has established a bargaining unit for any of its professional employees or has designated a professional organization as an exclusive representative for a bargaining unit as of July 1, 2021, such bargaining unit or exclusive representative shall be deemed the bargaining unit or exclusive representative representing the same professional employees on and after July 1, 2021, until such time, if any, the bargaining unit or exclusive representative is changed or modified in accordance with the provisions of this act.

3. As used in this section:

(a) “Bargaining unit” has the meaning ascribed to it in section 10 of this act.

(b) “Exclusive representative” has the meaning ascribed to it in section 12 of this act.

(c) “Professional employee” has the meaning ascribed to it in section 15 of this act.

(d) “Professional organization” has the meaning ascribed to it in section 6 of this act.

(e) “State professional employer” has the meaning ascribed to it in section 7 of this act.

Sec. 62. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.



1 **Sec. 63.** This act becomes effective on July 1, 2021.

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