

Assembly

GOVERNMENT AFFAIRS COMMITTEE  
MINUTES OF THE MEETING  
MARCH 3, 1971

56 ASSEMBLY SESSION

1-234

PRESENT: SMITH, GETTO, DINI, BRANCH, RONZONE, BRYAN, HAWKINS  
ABSENT: FRAZZINI, LAURI

ALSO PRESENT: BOB PETRONI, CLARK COUNTY SCHOOL DISTRICT  
R. MAPLES, WASHOE COUNTY SCHOOL DISTRICT  
JOE LATIMORE, CITY MANAGER, CITY OF RENO  
DEL HEIDRICH, CITY OF RENO  
CLARENCE J. THORNTON, CITY OF RENO  
JOHN BROOKE, CITY MANAGER, CITY OF SPARKS  
A. MACEACHERN, PERSONNEL ANALYST, CITY OF LAS VEGAS  
ELIZABETH LENZ, WASHOE COUNTY SCHOOL DISTRICT  
I.R. ASHLEMAN, ATTORNEY  
RICHARD MORGAN, NSEA  
LEN ROBINSON, NSEA  
ROSS CULBERTSON, CLARK COUNTY CLASSROOM TEACHERS ASSOCIATION  
DON PERRY, NSEA  
CLINT KNOLL, RENO EMPLOYERS COUNCIL  
CLAY LYNCH, NORTH LAS VEGAS CITY MANAGER  
BOB KERNS, PEACE OFFICERS AND FIREFIGHTERS  
AL TAMAGNI, SPARKS CITY EMPLOYEES' ASSOCIATION  
WILLIAM ADAMS, ASSISTANT CITY MANAGER, LAS VEGAS  
GENE ECHOLS, MAYOR OF NORTH LAS VEGAS  
JAMES P. COSTA, DEPARTMENT OF EDUCATION  
JEAN RAMBEAU, NEVADA NURSES' ASSOCIATION  
NOWELL MANOUKIAN, STATE DEMOCRATIC CENTRAL COMMITTEE

Chairman Smith called the meeting to order, stating that he hoped to have AB 178 out of committee and on the floor within the next week.

AB 178 - Extends amended provisions of Local Government Employee-Management Relations Act to all government employees; provides for binding arbitration, specifies certain prohibited practices.

Mr. Maples of the Washoe County School District spoke first. His remarks dealt with certain objections the school district had to the bill.

On page 2, line 9, the definition of the word strike. He felt that as it was now worded it would open the door for strikes by public employees.

Page 2, line 17, which would encourage strikes by public employees.

Page 4, line 39, subsection 2 should be deleted.

Page 5, line 14 should be deleted.

On page 5, line 21 strikes are not illegal only against public policy.

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Page 6, line 47 reduces the time the parties have to come to an agreement.

Page 7, line 5 makes no sense.

Page 7, line 20 places too much pressure on the parties and does not encourage negotiations.

Page 7, line 37 brings pressure to bring in a third party.

Page 7, line 47 also brings pressure for binding arbitration.

Page 8, line 1 suggests an open door for arbitration.

Page 9, line 48 opens the door to public strikes.

Page 10, line 8 gives total control of right to strike to one party.

Page 11, line 31 removes judicial review.

Mr. Maples stated that he felt the Dodge Act was a good piece of legislation and should be given the test of time.

Assemblyman Bryan stated that without the force of law binding arbitration could not be made to work.

Mr. Maples replied that public pressure could force such arbitration.

Assemblyman Bryan asked if Mr. Maples did not think that the public employer should be sanctioned if they negotiated in bad faith.

Mr. Maples replied that at present a court order could be obtained to order further negotiations.

Assemblyman Getto stated that he was worried that a situation could develop where a member of a local school board could be fined personally under such sanctions.

Assemblyman Smith asked Mr. Maples how he felt about open negotiations.

Mr. Maples replied that he felt there was nothing wrong with the idea.

He stated that he felt both parties should agree to such negotiations.

Assemblyman Getto asked if it would be possible that each side would feel that they could not back down if they stated their positions publicly.

Mr. Maples agreed that this might happen.

Mr. Petroni of the Clark County School District stated that he agreed with Mr. Maples' statements. He said as a lawyer he was not satisfied with the definition of the word strike in the bill.

He also stated that he opposed open negotiations. The Clark County School Board also was against the Labor Commissioner on the board. They did favor an executive secretary however.

The main fault they had found in the bill dealt with the possibility that each school could negotiate separately, or even each group of teachers such as all math teachers or all 1st grade teachers.

Page 7, Section 4, line 44 is good and no change should be made.

Page 7, Section 5, line 47 is also good and should not be changed.

He also stated that it should be included in bill where the fines

go.

Assemblyman Bryan stated that in the Dodge Act it is not required that the terms be written out.

Mr. Petroni said he had no objections to the writing of the terms.

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MR.

Mr. Mac Eachern spoke for the Nevada Municipal Association and submitted the attached suggested amendments.

Mr. Lattermore said that the Nevada Municipal Association favored the Dodge Act.

Assemblyman Dini questioned where the responsibility for finding solutions for certain situations lay.

Mr. Lattermore said that he felt that the responsibility lay with the elected officials and if not there the matter could be placed on the ballot.

Mr. Knoll stated that the Reno Employers' Council favored the Dodge Act. He said, however, that what was being created was a state Taft-Hartley Act, and that this was not good. He said AB 178 would allow the employees to strike but would not allow for lock-outs and other measures for employers.

Assemblyman Hawkins asked Mr. Knoll his experience as an arbitrator. He replied that he had worked with the city of Reno in labor disputes with the employees of Washoe Medical Center and with the firemen and the school district.

Mr. Ashleman submitted the attached suggested amendments.

Mr. Henrikson stated that some of the statements made were not true stating the instance in the City of Reno where the City refuses further negotiations and the firemen have no place to go for help in continuing them, so the whole matter has not been settled. He also stated that many states have similar laws and Nevada will not be the first state to adopt such legislation.

Mr. Morgan asked the committee to think of five teachers they know personally and decide if there people are the kind of people who would cause trouble or not be reasonable in their demands.

Mrs. Rambeau, representing the State Nurses' Association, stated that the nurses employed by the state did not want to be excluded from the act. She voiced strong support of the bill by the State Nurses' Association.

Mr. Manoukian, representing the State Democratic Central Committee, told the committee of the endorsement of the bill by his group.

Chairman Smith asked the committee to vote on SB 203.

Assemblyman Dini moved a DO PASS

Assemblyman Ronzone seconded the motion.

Assemblymen Smith, Dini, Ronzone, Branch voted yes.

Assemblymen Hawkins and Getto voted no.

The chairman stated that the absent members of the committee would have to vote on the bill before it could be acted upon.



Amendment to A.B. 178 suggested by  
Keith J. Henrikson, Chairman  
Nevada Joint Legislative Committee  
Peace Officers - Fire Fighters:

Amend Page 6 by striking lines 24 thru  
28 inclusive and inserting:

"eligible to belong to the primary bargaining  
unit. However, school administrators above  
the position of, but not excluding assistant  
principal, shall not be a member.

Amend Page 8 - line 15 by adding after the  
word decision: "be modified or that any part  
thereof."

Amend: Page 8- lines 20 & 21 by striking then  
out and inserting: "must base his advice or  
decision on."

Amend page 8 - line 27 by adding: "He may  
consider other criteria."

KEITH J. HENRIKSON

PROPOSED ADDITIONS FOR NRS 288

288.150 - Reference Section 12-AB 178

1-238

- (f) to take whatever actions may be necessary to carry out its responsibilities in situations of emergency, i.e., including without limitation riots, military actions, natural disasters, or civil disorders which may include the suspension of any collective bargaining agreement for the duration of the emergency situation.
- (g) to contract and sub-contract functions and services.

New definitions to be added to NRS 288

- A. Administrative Employee. Any employee whose primary duties consist of work directly related to management policies; who customarily exercises discretion and independent judgment and regularly assists an executive. In addition, it includes the Chief Administrative Officer, his 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.
- B. "Supervisory employee" means any individual having authority in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- C. Confidential employee. Means an employee who is privy to decisions of management affecting employee relations, including all employees of the Personnel Department.

"PROFESSIONAL EMPLOYEE"

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"Professional employee" includes:

- (A) any employee engaged in work
  - (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work.
  - (ii) involving the consistent exercise of discretion and judgment in its performance.
  - (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.
  - (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or
- (B) any employee, who:
  - (i) has completed the courses of specialized intellectual instruction and study described in clause (A) (iv) and (ii) is performing related work under the supervision of a professional employee as defined in (A).

This would then cover the nurses by substituting the phrase "professional employee's in the state and local governments" for the phrase "the State of Nevada" (line 5 P.2)

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT / 210

AREA CODE (702) 831-0717  
POST OFFICE BOX 224  
INCLINE VILLAGE, NEVADA  
89450

WALLACE W. WHITE  
GENERAL MANAGER

March 2, 1971

Mr. Hal Smith  
Chairman of Assembly Committee  
on Government Affairs  
Nevada State Legislature  
Carson City, Nevada 89701

Dear Mr. Smith:                    Reference: AB-187

AB-187 appears to be a bill including some of the proposals of the Grand Jury investigation of Incline Village General Improvement District. Be this as it may, at least one of our Trustees has called indicating that he could not live with that section 3 wherein a declaration would have to be made as to his finances. This has come up time and again in legislation and is an invasion of privacy that most people oppose and resent.

It is my opinion, based upon the calls from at least one of our Trustees after reading this bill and inquiring about it, is we would have at least one and possibly two resignations should this bill pass.

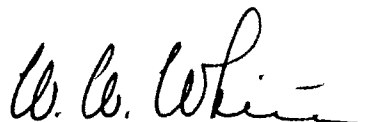
It is requested that this bill not be passed, that the conditions complained of at the time of the Grand Jury investigation have been resolved and were resolved long ago. The Trustees we have at the present time are substantial, and that if this bill should pass then this disclosure and some of the other items would result in restricting the interest of substantial citizens in participating in the governing of these improvement districts.

Very truly yours,

WWW:tch

cc: H. McKissick  
R. Torvinen  
T. Wilson  
L. Berkson  
A. Johnston  
C. Herda

INCLINE VILLAGE GENERAL  
IMPROVEMENT DISTRICT

  
W. W. White  
General Manager



*Burrows, Smith and Company*  
of Nevada



1-211

February 2, 1971

A.B.85 and A.B.20 - I am in sympathy with the objectives of both bills, but suggest that the way they are worded, it leaves the way open for the establishment of assessment districts where most of the cost would be borne by a political subdivision. I can think of several instances in the past and two right now where it would have been, and would be possible, for a small group of property owners to get improvements with the major cost placed upon the school district, should the bills as written become law; and if I am correct in assuming that a political

subdivision would be considered one property owner with one vote. Sweetness and light do not always prevail between political subdivisions or between people with axes to grind and political subdivisions.

Sincerely,

A handwritten signature in cursive script that reads 'R. Guild Gray'.

R. GUILD GRAY  
Vice President