

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 2, 1971

JOINT HEARING

Senate Committee on Federal, State and Local Governments  
Assembly Committee on Government Affairs

A joint hearing of the Senate Committee on Federal, State and Local Governments and the Assembly Committee on Government Affairs was held on February 2, 1971, to consider Senate Bill 68. Chairman James Gibson of the Committee on Federal, State and Local Governments called the meeting to order at 3:00 P.M.

Those in attendance were:

- |                           |   |                                  |
|---------------------------|---|----------------------------------|
| James I. Gibson, Chairman | ) |                                  |
| Warren L. Monroe          | ) | Senate Committee on Federal,     |
| Carl F. Dodge             | ) | State and Local Governments      |
| Stan Drakulich            | ) |                                  |
| Hal Smith, Chairman       | ) |                                  |
| Dave Branch               | ) |                                  |
| Frances Hawkins           | ) | Assembly Committee on Government |
| Mary Frazzini             | ) | Affairs                          |
| Nick Lauri                | ) |                                  |
| Joseph E. Dini, Jr.       | ) |                                  |
| Richard Bryan             | ) |                                  |

Also present were:

- Procter Hug, Senator
- Woodrow Wilson, Assemblyman
- Ross Prince, Assemblyman
- Grover Swallow, Assemblyman
- James Smalley, Assemblyman
- Richard Morgan, Nevada State Education Association
- Dr. Tom Tucker, Nevada State Trustees Association
- Bob Petroni, Attorney, Clark County School District
- Vince Sanacore, Clark County Teachers Association
- Len Robinson, Nevada State Education Association
- Don Perry, Nevada State Education Association
- Bob McPherson, City of Las Vegas

Joint Meeting of the Senate Committee on Federal, State, and Local Governments  
Assembly Committee on Government Affairs

Helen Pivoda, City of North Las Vegas  
Bob Gagnier, State of Nevada Employees Association  
Curt Blyth, Nevada Municipal Association  
Milton Weiss, City of North Las Vegas, Director of Finance  
Bob Kerns, Peace Officers, Fire Fighters  
James Lien, Nevada Tax Commission  
Julian Smith, Deputy Attorney General  
Burnell Larson, State Superintendent of Public Instruction  
Dr. Kenny Guinn, Clark County Superintendent of Schools  
Clin Knoll, Reno Employers Local Government Advisory Committee  
Merlin Jones, Reno Employers Local Government Advisory Committee  
Delbert Heidrich, Reno Employers Local Government Advisory Comm.  
Hal Laird, Reno Employers Local Government Advisory Committee  
Donald M. Dawson, Reno Employers Local Government Advisory Comm.  
Henry L. Clayton, Nevada State School Trustees Association  
A. C. Liebl, Clark County School District  
Robert Rose, Temporary Chairman, State Board of Education  
Mike Rose, Intern  
Gloria Petroni, Intern  
John Salisbury, Intern  
JoAnne Bezmaravich, Guest of Senator Drakulich  
Bob Young, Intern

Press representatives.

SB-68 Amends Local Government Employee-Management Relations Act to provide procedure to stay submission of fact-finding; provides complementary procedure concerning reemployment of public school teachers.

Chairman Gibson called the meeting to order and introduced Senator Dodge, who is responsible for developing most of the information on this bill.

Senator Dodge stated that the proposals made in this bill with reference to timing and finalizing of negotiations in legislative years were made mainly to get the matter before the committee. The purpose of this hearing is to evaluate these proposals. There is a problem which arose through an attorney general's opinion in construing the Act that did not permit flexibility in legislative years to defer portions of these proceedings until it was known how much money would be available to education and to other subdivisions of government. There are situations now existing which may be illegal under a strict interpretation of the Act.

Mr. Julian Smith, a Deputy Attorney General, gave some background information on the interpretation made by the Attorney General's office with regard to Section 288.200 of this Act, stating that they found nothing which would permit any parties to agree to any postponement of the factfinding period. He said they would like the legislature to prepare a bill which would legislatize what is now happening in some areas.

Mr. Bob Petroni, of the Clark County School District, was the next witness to testify before the committee. He confined his opening comments to provision 4. at the top of page 2, line 5, stating the language should be changed to read "shall be stayed until at least the 20th day after adjournment of the legislature." This would give the parties a chance to reach an agreement once they know what monies are available.

In response to a question from Chairman Gibson as to the status of the current negotiations in Clark County, Mr. Petroni presented a copy of "Memorandum of Agreement," (copy attached). He further explained that they have given their people a chance to reach an agreement within 15 days after they know what money is available, then either party can request mediation, and if within 10 days after the designation of a mediator they cannot agree, then they go into the factfinding. This has been agreed to by the Clark County Teachers Association and the School District.

Mr. Petroni then referred to a "letter of intent" which their teachers sign and return to the school board by April 10, so that they then know what they have to work with. He suggested the following change beginning on page 2, line 28: "except that prior to April 10 the teachers shall notify the board in writing, on forms provided by the board, of their intention to accept reemployment." He also recommended the last sentence be stricken, and instead put in the sentence: "In the agreement negotiated by the recognized employee organization and the board shall become a part of the contract."

The main concern of the Nevada Tax Commission, as presented by testimony by Mr. James Lien, is with the time schedule for filing local government budgets. The Nevada Tax Commission had requested the Advisory Committee, which is made up of three representatives of counties, three of cities, three of school districts and two of the CPA Association, to meet and discuss the ramifications of the proposed legislation on the budget time schedule. The committee met on this date and

reiterated its stand that they do not wish to see the budget time schedule changed from the present statutory dates, the tentative schedule being February 20th and the final schedule being April 10th. The Advisory Committee recognizes that for all intents and purposes July 15th is the final date during a legislative year. The committee felt it would be advisable that labor negotiations continue up to the point completed by 10 days before the finalization of the budget. In a normal year this would be 10 days prior to April 10th, in a legislative year at least 10 days prior to July 15th.

Mr. Burnell Larson, State Superintendent of Public Instruction, responded to a question from Chairman Gibson, stating that they saw no problem with reference to this bill.

The next witness to testify before the committee was Dr. Tom Tucker, representing Mr. Al Seeliger, who is Executive Secretary of the Trustees Association. He referred to paragraph 4. at the top of page 2 of S.B. 68, stating that they would like to delete the word "either" and instead that it should be mutually agreed to by the two parties. Senator Dodge still felt that in order to maintain consistency, this should remain at the request of "either" party, and does not feel that this is prejudicial to the school boards. Dr. Tucker stressed that they felt the major problem was with the timing and the burden put on the school boards.

Mr. Richard Morgan, Executive Director of the Nevada State Education Association, testified before the committee. He said that their association would support the amendment as it exists with the word "either" in Section 4, line 1. They would also support the amendment suggested by Mr. Petroni in Section 4., line 5, with the insertion "at least 20 days," and would support the final paragraph in section 4. as it is presently written. The amendment regarding the "letter of intent would not be binding" would also be supported by this association according to Mr. Morgan's testimony.

Mr. Bob Kern, representing the Peace Officers and Fire Fighters, requested that he be heard at this meeting. He said that they would also agree that the sentence in the bill at the top of page 2, section 4., line 1, should contain the word "either" as it is presently written. They would also support the insertion of the language "at least 20 days," as previously proposed.

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Mr. Vince Sanacore, Executive Director of the Clark County Teachers Association, testified before the committee. He stated that they were also in accord with the word "either" as presently proposed in section 4., line 1. This would permit either party in event of an impasse to go into mediation and factfinding, which would conceivably cut the time presented in the original law. His association would also support Mr. Petroni's amendment regarding the language insertion of "at least 20 days."

Senator Dodge presented the question to the witnesses as to whether anyone would see an objection to the provision retaining the present time schedule in the law about the finalizing of all matters other than salaries? Also would there be any objection to cutting down the factfinding period and allowing 20 days following adjournment of the legislature for mutual resolution, then a 15-day period for the fact-finding, if the only fact to be developed was the salary allocation? Mr. Sanacore pointed out that salaries are not the only economic items to be negotiated. Mr. Morgan answered the question presented by Senator Dodge by stating that they could not agree to the "salaries only" provision.

Mr. Robert Rose, representing the Washoe County Teachers Association, stated that their position was the same as the Clark County Teachers Association and that they have agreed to postpone the issues of salaries and insurance until after the monies become available, or "7 days after the State Department of Education has determined the allotments for each individual county." Along with this they have used a "letter of intent" indicating that the teachers are reemployed and as soon as the contracts become available they will be issued.

Mr. Henry Clayton, member of the Ormsby County School Trustees, spoke to the committee stating that they had made an agreement to wait until the legislature adjourned before completing their factfinding on salaries alone, and did not include anything else. They feel that the salaries make up 90% of the package in nearly all cases. Also they strongly believe that the date of April 10th as now established for accepting or rejecting contracts should be retained.

There was some further discussion regarding contracts, with Mr. Petroni pointing out that contracts have to be limited to one year or there is a problem with the Local Government Budget Act and the provision that you cannot budget beyond the fiscal year.

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Senator Dodge read a telegram from the Mineral County School Board as follows: "Mineral County School Board and Administration oppose SB-68 because of conflict with budget deadlines and teacher contracts, signed Arlo K. Funk, County Superintendent." (Copy attached.)

Chairman Gibson stated that the committee would take into consideration the amendments that had been suggested and correct the problems that had been brought to their attention. They would allow those who had testified to again comment on the changes that are made in this bill.

(At this point everyone left the room except the members of the Senate and Assembly committees.)

The committee as a whole agreed that some legislative action was necessary on this bill. There was extensive committee discussion regarding the time element involved, and the various problems and suggestions as presented by the witnesses who had testified before the committee.

Chairman Gibson read the suggested amendment on page 2 of the bill, lines 27 and 28 as follows: "then the provisions of subsections 1, 2 and 3 shall not apply except that prior to April 10th the teachers shall notify the board in writing, on forms provided by the board, of their intention to accept reemployment. The agreement negotiated by the recognized employer organization and the board shall become a part of the contract."

Senator Monroe moved that the necessary amendments be prepared, which was seconded by Senator Dodge. The motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Mary Jean Fondi,  
Committee Secretary

MEMORANDUM OF AGREEMENT

1- 53

It is hereby agreed by and between the undersigned parties to defer mediation and factfinding relating to the terms of a collective bargaining agreement for fiscal year and school year 1971 - 72 beyond the time limits specified in N.R.S. 288.180, 288.190, 288.200.

The purpose of this deferral is to await the passage by the 1971 Nevada State Legislature of the appropriation bill which will determine the total state money available to the Clark County School District for the 1971 - 72 school year.

In agreeing to this deferral the parties specifically reserve any rights which they have under any other provisions of N.R.S. 288, including the rights enjoyed by each party under the provisions of N.R.S. 288.150.

If, at the expiration of fifteen (15) days after the passage of the appropriation bill referred to above, either party requests mediation, they shall request a mediator by notifying the E.M.R.B. as provided in N.R.S. 288.190.

If no agreement is reached within ten (10) days after the designation of the mediator, if mediation is requested by either party, or within thirty-five (35) days after the passage of the appropriation bill, if neither party requests mediation, the parties shall submit their dispute to a factfinding panel. In that event the parties and the factfinding panel shall be

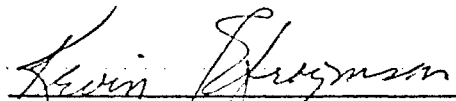
bound by the procedures and provisions set forth in 1- 54  
N.R.S. 288.200, except where the time periods specified  
herein differ from the provisions of N.R.S. 288.200.

In the event the E.M.R.B. refuses to participate in  
the selection and/or appointment of a mediator or of a  
chairman of the factfinding panel, in each instance the  
parties will request a list of three (3) names from the  
American Arbitration Association from which a mediator  
and a chairman of the factfinding panel will be selected.  
The parties by mutual agreement may modify the time  
limitations specified herein.

Dated: January 13, 1971



Clark County Classroom  
Teachers Association



Clark County School District



WESTERN UNION

Telegram

(1212) 5212 27

===PRB020 SSJ097

PR REA098 WH PDF 2 EXTRA=HAWTHORNE NEV 2 1030A PST=  
SENATOR EMERSON TITLOW =

NEVADA LEGISLATURE BLDG CARSONCITY NEV:

=MINERAL COUNTY SCHOOL BOARD AND ADMINISTRATION OPPOSE  
SB68 BECAUSE OF CONFLICT WITH BUDGET DEADLINES AND  
TEACHER CONTRACTS=

ARLO K FUNK COUNTY SUPERINTENDENT  
MINERAL COUNTY SCHOOL DISTRICT:

1- 33  
S. B. 68

SENATE BILL NO. 68—COMMITTEE ON FEDERAL,  
STATE AND LOCAL GOVERNMENTS

JANUARY 28, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Amends Local Government Employee-Management Relations Act to provide procedure to stay submission of factfinding; provides complementary procedure concerning reemployment of public school teachers. Fiscal Note: No. (BDR 23-1008)

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

AN ACT amending the Local Government Employee-Management Relations Act to establish a procedure to stay submission of factfinding in disputes between parties to negotiation in years when the legislature meets; providing complementary procedures with respect to the reemployment of public school teachers represented by recognized employee organizations; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 288.200 is hereby amended to read as follows:  
2 288.200 1. If at the expiration of 75 days from the date of service  
3 of the notice required by NRS 288.180, the parties have not reached  
4 agreement, the mediator is discharged of his responsibility, and the parties  
5 shall submit their dispute to a factfinding panel. Within 5 days, the local  
6 government employer shall select one member of the panel, and the  
7 employee organization or organizations shall select one member. The  
8 members so selected shall select the third member, or if within 5 days  
9 they fail to do so, the board shall select him within 5 days thereafter.  
10 The third member shall act as chairman.  
11 2. The local government employer shall pay one-half of the costs of  
12 factfinding, and the employee organization or organizations shall pay one-  
13 half.  
14 3. The factfinding panel shall report its findings and recommendations  
15 to the parties to the dispute within 25 days after its selection is complete.  
16 These findings are not binding upon the parties, but if within 5 days after  
17 the panel has so reported the parties have not reached an agreement, the  
18 panel shall make its findings public.

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

**A. B. 178**

**ASSEMBLY BILL NO. 178—COMMITTEE ON GOVERNMENT AFFAIRS**

**FEBRUARY 5, 1971**

Referred to Committee on Government Affairs

**SUMMARY**—Extends amended provisions of Local Government Employee-Management Relations Act to all government employees; provides for binding arbitration; specifies certain prohibited practices. Fiscal Note: No. (BDR 23-988)



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

AN ACT amending the Local Government Employee-Management Relations Act to make its provisions, as amended, applicable to all government employees; reentitling the act as the Government Employee-Management Relations Act; redefining certain words and terms; creating the government employee-management relations board and providing for its members' qualifications, appointment and terms; providing for recognition of and negotiation with employee organizations in certain instances; providing for binding arbitration; prohibiting certain practices; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 288.010 is hereby amended to read as follows:
- 2 288.010 This chapter may be cited as the **[Local]** Government
- 3 Employee-Management Relations Act.
- 4 SEC. 2. NRS 288.030 is hereby amended to read as follows:
- 5 288.030 "Board" means the **[local]** government employee-manage-
- 6 ment relations board.
- 7 SEC. 3. NRS 288.040 is hereby amended to read as follows:
- 8 288.040 "Employee organization" means any:
- 9 1. Association, brotherhood, council or federation composed of
- 10 employees of the State of Nevada or **[local]** government employees
- 11 or both; or
- 12 2. Craft, industrial or trade union whose membership includes
- 13 employees of the State of Nevada or **[local]** government employees or
- 14 both.
- 15 SEC. 4. NRS 288.050 is hereby amended to read as follows:
- 16 288.050 **[“Local government employee”]** *“Government employee”*
- 17 *or “employee”* means any person employed by a **[local]** government
- 18 employer.

Original bill is 11 pages long.  
Contact the Research Library for  
a copy of the complete bill.