

## SENATE COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- April 17, 1971

The forty-seventh meeting of the Senate Committee on Federal, State and Local Governments was held on the 17th day of April, 1971.

Committee members present: James I. Gibson  
Carl F. Dodge  
Chic Hecht  
Lee Walker

Also present were:

Richard Morgan, Nevada State Education Association  
Kevin Efroymsen, Labor Relations Consultant  
Bob Petroni, Attorney, Clark County  
Robert Rose, State Board of Education  
I. R. Ashleman, Attorney  
Edmond Psaltis, Washoe County School District  
Press

Chairman Gibson called the meeting to order at 4:00 P.M.

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

The committee, along with Mr. Efroymsen, went over the proposed amendments which had been prepared following the hearing held this morning at 9:00 A.M. A copy of the amendments is attached hereto.

Following further discussion, the meeting was adjourned.

Respectfully submitted,

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Mary Jean Fondi,  
Committee Secretary

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James I. Gibson,  
Committee Chairman

AB-178

Page 2, insert between lines 19 and 20: "Any action taken under the provisions of this subsection shall not be construed as a failure to negotiate in good faith."

Page 3, line 19, insert a period (.) after "negotiations."  
Page 3, delete remainder of line 19 after "negotiations."  
Page 3, delete lines 20 through line 28 (take out existing language).

Page 3, after "negotiations." on line 19, insert: "During the course of negotiations the parties may mutually agree to utilize the services of a mediator to assist them in resolving their dispute."

Page 3, line 29, delete entire sentence.  
Page 3, line 33, delete lines 33 to line 49.  
Page 4, delete line 1 to line 49.  
Page 5, delete line 1 through line 6.

Page 3, line 33, insert the following: "Section 288.200  
1. If by March 1, the parties have not reached agreement, either party at any time up to May 15, may submit the dispute to an impartial factfinder for his findings and recommendations. These findings and recommendations are not binding on the parties except as provided in sections 6 and 7.

"2. If the parties are unable to agree on an impartial factfinder, either party may request from the American Arbitration Association a list of seven (7) potential factfinders. The parties shall select their factfinder from this list by alternately striking one name until the name of only one factfinder remains who will be the factfinder to hear the dispute in question.

"3. The local government employer and employee organization each shall pay one-half of the cost of the factfinder. However, each party shall pay its own costs of factfinding incurred in the preparation and presentation of its case in factfinding.

"4. The factfinder shall report his findings and recommendations to the parties to the dispute within 30 days after the conclusion of the factfinding hearing unless the parties mutually agree to extend this time limit.

"5. In a legislative year, the factfinding hearing shall be stayed up to 10 days after the adjournment of the legislature sine die.

"6. The parties to the dispute may agree, prior to the submission of the dispute to factfinding, to make the findings and recommendations on all or any specified issues, final and binding on the parties.

"7. If the parties do not mutually agree to make the findings and recommendations of the factfinder final and binding, the Governor acting as Chief Executive of the State, shall have the emergency power and authority, at the request of either party and prior to the submission of the dispute to factfinding, to order that the findings and recommendations of a factfinder in a particular dispute will be final and binding. The exercise of this authority by the Governor shall be made on a case by case basis and shall be made on the basis of his evaluation regarding the overall best interests of the state and all its citizens as well as any danger to the safety of the state or a political subdivision.

"8. Any factfinder, whether acting in a recommendatory or binding capacity, shall announce the facts upon which he bases his recommendations or award and shall base his recommendations or award on the following criteria:

(a) A preliminary determination shall be made as to financial ability of the government employer based on existing available revenues at a property tax, fee and license structure determined by the government employer.

(b) Once the factfinder has determined there is a current financial ability to grant monetary benefits in addition to those agreed to in bargaining, he shall use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute."

Page 2, line 25, delete bracket.

Page 2, line 26, insert bracket before word, "a local."

Page 2, delete lines 27 through 37.

Page 2, line 38, delete all up to the period (.).

Page 2, line 44, after "unit.", insert, "In a fire department, employees above the rank of Battalion Chief shall not be a member of the same negotiating unit as the employees serving under their direction. In a police department, an employee above the rank of Captain shall not be a member of the same

"negotiating unit as the employees serving under their direction. In all other cases, employees exercising real supervisory authority as normally defined, shall not be a member of the same negotiating unit as the employees serving under their direction. Any dispute between the parties as to whether an employee is a supervisor shall be submitted to the board. In all cases, confidential employees of the governmental employer shall be excluded from any negotiating unit."

Page 5, line 8, delete "any factfinding," and insert "the factfinder."

Page 5, line 9, delete "panel or arbitrator."

Page 5, line 10, delete "it [,] or".

Page 5, line 14, "factfinding panel or arbitrator". Insert "factfinder" after "a".

Page 5, line 16, delete "factfinding," and insert "factfinder".

Page 5, line 17, delete "panel [.] or arbitrator".

Page 5, line 19, delete "factfinding panel or arbitrator". Insert after "the", "factfinder".

Page 5, line 27, delete "factfinding panel or arbitrator"; insert after "the", "factfinder".

Page 5, line 31, delete "factfinding panel [.] ." Insert after "the", "factfinder".

Page 5, line 32, delete "or arbitrator".

Page 5, line 33, delete "factfinding panel [,] or arbitrator," Insert, "factfinder".

Page 5, line 38, delete "factfinding panel [.] or arbitrator", insert "factfinder".

Page 5, line 40, delete "factfinding panel [.] or arbitrator", insert "factfinder".

Page 5, line 41, delete "tor".

Page 5, line 42, delete "factfinding panel or arbitrator", insert "factfinder".

Page 6, line 5, delete "factfinding panel [.]", insert "factfinder".  
Page 6, line 6, delete "or arbitrator".

Page 6, line 36, after "NRS 288.150. add new sentence, "Bargaining collectively shall be construed to include the entire bargaining process, including factfinding, provided for in this act."

Page 6, delete lines 37, 38, 39 and 40.

Page 6, line 46, after "NRS 288.150." add a new sentence, "Bargaining collectively shall be construed to include the entire bargaining process, including factfinding, provided for in this act."

Page 6, delete lines 47, 48, 49 and 50.