CONTINUATION OF JOINT MEETING
FEDERAL, STATE AND LOCAL GOVERNMENTS
GOVERNMENT AFFAIRS COMMITTEE
March 29, 1973

MEMBERS PRESENT: SENATOR GIBSON, CHAIRMAN, FEDERAL, STATE AND LOCAL GOVERNMENTS
SENATOR SWOBE
SENATOR HECHT
SENATOR DODGE
CHAIRMAN DINI, GOVERNMENT AFFAIRS COMMITTE
VICE-CHAIRMAN ULLOM, GOVERNMENT AFFAIRS COMMITTEE
ASSEMBLYMAN GETTO
ASSEMBLYMAN YOUNG
ASSEMBLYMAN GOJACK

There are merely minutes of the meeting as much of the testimony was a repeat of what had previously been said.

The first speaker was Mr. Kevin Efromyson - He stated the good points as he sees them in SB 370, his bill. It would provide a professional negotiater for the Labor-Management Relations Board and this would be an improvement. The present board does not have a professional expertise on it and therefore has a hard time reaching decisions which has caused a backlog of cases to pile up.

Mr. Efromyson told the Committee that this professional would cost a lot of money and they should be prepared for it.

The time limits that concerned the teachers could be waived. It is not an important part of the bill. He firmly supported the definition of "supervisor" in Section 7. In Section 12, the word "sheriff" should be deleted. In Section 13, it clarifies what is outside the limits of bargaining. It might be possible to work out some better provisions in this chapter. Section 14 deals with the recognition of employee organizations and requires evidence of an election. Senator Dodge asked what would happen if a majority of employees do not cast votes in an election, who would be the official employee representative?

Mr. Efromyson said that they would have to somehow get a majority of employees and that the certification could last for one year. Section 14 contains the provision that an employer who has doubt in the good faith of the employees' representative could call for an election.

Assemblyman Ullom asked if that was not too broad language, if it could not be amended some how to justify the lack of good faith before calling for an election. Mr. Efromyson said he had no objection to an amendment.

Section 14 is the same as private sector and allows for challenges by both sides. Section 17 provides the right of both sides to waive time limits.

Senator Dodge asked if this did not put the Governor in an unusual position of being both employer and arbitrator. Mr. Efromyson pointed out that at present he was studying California's new law which might contain some part of value to Nevada.

Section 24 will put the burden of proof upon the employee to show illness. Mr. Efromyson told the Committees that he also supported AB 577.

Tom Hood of the Clark County Teachers Association said he felt that AB 418 was a good bill for the employers. He agreed that being able to waive the time limits was a good thing for both sides. He felt that AB 599 was a better bill. He felt the definition of supervisor should be left alone. The idea of a professional board was one which appealed to him very much. Having a professional on staff of the board would also be a good thing. He felt the idea of the employers calling for an election would be very bad.

Chairman Gibson asked if the Labor Management Board Chairman had had any input into this bill. It was decided he had not.

Senator Dodge said he felt that the good faith clause was not perfect, but was a real improvement.

Dick Morgan told the Committee the system now in operation was working quite well. He said there was no appetite for a strike provision among his groups.

Ed Psaltis told the Committee that AB 633 should be amended by deleting lines 13-15 in Section 4; and amend line 5, Section 4 by adding the words "after contractual and administrative remedies have been exhausted". He suggested that the Labor Commissioner be incorporated in AB 762; the idea of a hearing officer is a good one and it would give the people a place to register complaints; the budget would have to be adjusted to provide for a salary of the professional; the final decision should be with the Board.

Mr. Wittenberg told the Committee that the Governor wanted to remain neutral in this matter.

Respectfully submitted,

Marylou Keever, Secretary

DATE: March 26 — Joint Hearing

NAME	DESIRE TO TESTIFY	BILL #	REPRESENTING
Dr. Anne Howard	Yes ✓	453 & 499	A.A.U.P President
Dr Joe Crowley	Yes ✓	453 & 499	U. of Nevada, Reno Faculty Senate Chairman
Robert Warren	Yes ✓	SB 370 AB 600, 433	
Richard Brown	No		Clark County Sch. Dist
Gene C. Fuchs	N/C		" " " "
J R Ashman	Yes ✓	SB 499 370	Dir. Comm. Relations Fin
Richard S. Moreon			NSEA
C McComber	No		WCEAA
R. Brady	No		WCEAA

DATE: 3-26

NAME	DESIRE TO TESTIFY	BILL #	REPRESENTING
Alice M. Waterman			C.C. Sch. Dist. Trustee
Henry Echemendy	✓ yes	AB 600	Carson City
JOHN MEDER	✓ YES	AB 600 AB 633	NACC
Bob Scott	NO		Humboldt Co. Sch. Dist
ELMO. DERICCO	NO		CHURCHILL CO. SCH. DIS
HANK CORNU	NO		" "
TOS CARLINI	NO		Lyon Co. Sch. Dist
[illegible] ANDERSON	NO		Nev Sch Bd Assn Lyon Co School Board
Hugh Mozingo	✓ Yes	453 499	U. of Nevada
Jim Richardson	✓ Yes	453 499	U. of Nevada
JOSEPH CROWLEY	✓ YES	453 499	U. of NEVADA
R. J. Lemmon	?	all	Jt. Comm. Peace Officers-Firefig
R. Ashleman	?	all	" " " "
R. Rose	NO		

GUEST REGISTER

DATE: 3-26

NAME	DESIRE TO TESTIFY	BILL #	REPRESENTING
Douglas Bynngton			Nevada Association of School Administrators
CRAIG BLACKHAM			Asst Supt. Lyon Co. School Dis
Gil Craft	✓ SB370 AB433 AB600 Yes	SB 370 AB 433 AB 600	Trustees Assoc MINERAL CTY
Marvin Picollo	✓ Yes	SB-370 A.B-433 AB-600	Trustees Assoc Washoe Co. School Dist
Bob Maples	No.		" "
Elizabeth Lenz	No		Trustees Assoc. Washoe Co. School Dist.
Bob Best	✓ Yes		Nev. State School Boards A.
Al Seeliger	No		Retired Educator
DICK WRIGHT	No		WCSD
Marjorie B. Neff	✓ Yes	SB 499 - SB46 AB548 - SB453 AB433	Exec. Dir — Nevada Nurses Assn.
Darleen Layton	No		
DOROTHY BUTTONY	No		NEV. NURSES' ASSN
GARY GRAY	NO		CCCTA
Tom Hood	No		CCCTA
K. D. Jessup	✓ Yes	S. B. 455	Univ of Nevada System
G. Exley	✓ Yes	S.B. 453	" "
Neil D Humphrey	✓ Yes	SB 453 & others as appropriate	" " "
Procter Hug Jr.	✓ yes	SB 453 & IL	Univ of Nevada System

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CLARK COUNTY CLASSROOM TEACHERS ASSOCIATION

AN EQUAL OPPORTUNITY EMPLOYER

March 21, 1973

Comments to the Joint Committee of the Senate Federal, State, and Local Governments Committee and the Assembly Governmental Affairs Committee

By: Tom Hood, Negotiations Commissioner

The issue of negotiability as brought up by Senator Dodge in his questioning of the gentleman from the City of Las Vegas requires some comment regarding this issue. In bargaining with the Clark County School District, we are confronted with the position that some topics are mandatory subjects of bargaining and nonmandatory subjects of bargaining with the School District declaring many items non-negotiable under N.R.S. 288.152. Items such as transfer policy, substitute teachers, posting of vacancies, and instructional supplies allocation have been declared non-negotiable under this interpretation. As a result of the School District's position on this issue, there is a long list of issues pending before the E.M.R.B.

The present bill under consideration, S.B. 370, would effectively place all topics in the class of "nonmandatory" subjects for bargaining and destroy collective bargaining in the public sector. The changes recommended in N.R.S. 288.151-2 which are embodied in A.B. 600 would open the door for true good faith bargaining in the public sector. The management rights outlined in this bill would surely allow the public employer to manage its affairs efficiently and in the public interest.

I feel some additional comments are in order at this time, however, regarding the strategy used by the School Districts in preventing negotiations on issues which are clearly negotiable as being part of wages, hours, and conditions of employment. Some fifteen or so issues have been declared negotiable by the E.M.R.B. over the last four years, but not one of them has ever been negotiated at the table because the School Districts have kept them in the courts and have indicated in no uncertain terms that they will refuse to bargain on any subject they declared non-negotiable until ordered to do so by the Nevada Supreme Court. This position, while sensible to some people, causes unnecessary frustration to public school teachers and wastes thousands of tax dollars fighting issues that are clearly negotiable under any sensible interpretation of N.R.S. 288.

The teachers in Clark County would vastly prefer A.B. 600 over S.B. 370, however, the current language of N.R.S. 288 would be a workable compromise since many of the issues before the courts are nearing resolution and the scope of bargaining should begin to expand as a result though it will be many more years before the scope is broadened to any signigicant degree.

MINERAL COUNTY SCHOOL DISTRICT

ARLO K. FUNK, COUNTY SUPERINTENDENT
P. O. BOX 1547 -:- PHONE 945-2403
HAWTHORNE, NEVADA 89415

OFFICE OF
COUNTY
SUPERINTENDENT

Salaries	$1,446,923
State Retirement System	86,500
Social Security	1,050
Insurance	24,800
In-service training Programs	3,000
Travel and Per Diem	2,500
Total Cost Attributal to salaries	$1,564,773
Total Budget	1,936,577
Per cent of Budget to salaries	80.8%

I urge the passage of SB370. With Broad liberal ~~latitude~~ attitude on What is negotiable That has been given in the past It won't be long Until the elected official will have no say in the policy of the School System. If this trend continues with Binding abritration I can foresee that before long the parents will have to be asked to pick up the cost of School books & Supplies

I am against binding abritration, I feel that Nevada Schools should be the responsibility of Nevadans. In my experience I have found that Abritrators do not care what the financial burden of a school district. I would like to quote the statements of the abritrator we had last year in mind. This is on Salaries which was considered binding by the Governor. See attached

Gil Craft
NSSBA

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OFFICE OF
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Excerpt from Factfinding Report - April 4, 5, 1972

There is one income that the District has that at the time of this award is truly an unknown. That is what is referred to as "874 Funds". There are indications that 874 Funds may be curtailed in the 1972-73 school year and the Congress has made no appropriation for these funds, at least to the knowledge of the arbitrator.

However, the audit reports (A Exhibit 23) do show a closing balance for the year ending June 30, 1971 of $152,220.41. This arbitrator is personally aware of substantially the same condition existing at the 1970-71 negotiations. The recommendations of the 1971-72 factfinding proceedings have been carefully reviewed and it is noted that those recommendations (which were not adopted by the Board) were for a $7,900 together with increments.

A review of (A Exhibit 32) which is a comparison of Nevada School Districts reflects the median increments to be approximately 4% vertical increment and 4%+ horizontal increments.

The arbitrator is of the opinion after reviewing all the exhibits, reading and rereading the transcript relating to the wage and salary issue that there is and will be sufficient funds available to meet the following award. To the best of his ability this arbitrator has followed the intent of the Governor's letter and the requirement of subsection 8 of NRS 288.200.

AWARD

$100 increase to the base of $7,700 and this $100 increase to apply to all teacher personnel.

4% vertical increment for longevity.

4% horizontal increment for advanced training, both increments based on a $7,800 base structure.

Approx $35,000 over Budget.

The National Society of Professors

UNIVERSITY OF NEVADA RENO CHAPTER
P. O. BOX 8005
RENO, NEVADA 89507

March 26, 1973

The National Society of Professors, Reno Chapter, an affiliate of NSEA, would like to publicly express itself regarding some bills that would include University professional personnel into the current Government Employee-Management Relations Act, or would allow limited collective bargaining through a new act. We favor S.B. 499 (Swobe, Wilson, and Bryan), which simply adds University personnel to the present act, an approach that seems both equitable and workable. We are opposed to S.B. 453, which sets up a separate act concerned only with University professional personnel. This bill contains several onerous provisions which would have an extremely chilling effect on the eventual successful application of the act to employee-employer relations within the University of Nevada System. We think S.B. 453 would have a deleterious effect on higher education in Nevada. Also, the bill is in general too specific and inflexible, and appears slanted toward the interests of the employer, at the expense of employee interests. We will briefly outline major objections to certain issues included in S.B. 453.

1. Lack of meaningful arbitration procedures (Sec. 34).

Provisions of S.B. 453 do not offer improvement over the present problematic advisory system. The duties of the factfinder appear to be limited to recommendations only, and it is not clear that a procedure exists to implement the recommendations. The present Local Government Employee-Management Relations Act seems considerably superior in its definition of the factfinder's responsibilities and his ability to resolve where required, in binding fashion, on an equitable basis, the more contentious issues.

2. Definition of Administrators (Sec. 5) and Supervisors (Sec. 17), relative to exclusion from negotiating unit (Sec. 25.2).

"Administrator"in a move that may have been deliberately planned to cripple employee units, is so defined as to include department chairmen. Approximately fifteen members of the N.S.P.-U.N.R. chapter would be excluded from membership by this definition, including five officers and members of the Executive Board. N.L.R.B. decisions at Fordham, S.U.N.Y., C.U.N.Y., and University of Detroit confirm the philosophy that the department chairmen act primarily as agents of their faculty units. In the case of Detroit, the N.L.R.B. found that "it is apparent that decisions as to appointment, promotion, and tenure are in fact made not by the chairman alone, but by the faculty of the department acting as a group." In addition, the position of chairman is most typically a rotating one, with limited terms. In short, we do not believe the department chairman should be considered an administrator. The definition of "supervisor," particularly lines 45 and 46, "...effectively to recommend such action," is similarly objectionable.

3. Delineation of negotiable and non-negotiable items (Sec. 30 and Sec. 31), the definition of "conditions of employment" (Sec. 10).

We believe the inclusion of a definition of "conditions of employment" to be unnecessary, and, further, that the specific definition given in S.B. 453 is unrealistically limited. University faculties have traditionally been interested in such things as University codes, including rights and responsibilities of faculty, grievance procedures, staffing levels, work assignments, student/faculty ratios, curriculum, admissions criteria and other such things of profound importance to the University governance. An acceptable definition of negotiable items for the University would not exclude such items.

4. Criteria for recognition of employee organization (Sec. 21, 22, 23).

These provisions are unduly arbitrary and rigid, and lack the flexibility of the present act.

5. Delineation of negotiation units (Sec. 25).

We believe it unnecessary to define by law the makeup of negotiation units. This task has traditionally been left to the Employee-Management Relations Board, which follows precedent and common sense in designating the units. Such an approach would allow flexibility for both the employee units and employer involved.

6. Publication of fiscal statement and budget (Sec. 20).

This requirement is contrary to overwhelming prevailing opinion elsewhere, i.e., that the employee organization is legally and financially responsible to its membership under its articles of incorporation. Its private fiscal affairs are not and ought not to be a matter of interest to University management.

7. Withdrawal of recognition (Sec. 24).

Withdrawal of recognition by the board of regents, "for good cause" seems quite vague.

These are some of the more major objections that the N.S.P., U.N.R. group has to S.B. 453. Because of these and other more minor problems, we request that S.B. 453 <u>not</u> be supported, and that S.B. 499 be supported instead.

The officers and Executive Board members
of N.S.P. Reno

I am Anne Howard, Associate Professor of English and Director of Freshman English at the University of Nevada-Reno, and I come to testify wearing three hats--not exactly simultaneously--First, as president of the UNR chapter of the American Association of University Professors; second, as one concerned with the welfare of graduate students; and third, as an individual faculty member concerned about the rights and privileges of myself and my colleagues.

I wish to support Senate Bill 499 introduced by Senators Swobe, Bryan, and Wilson and to oppose Senate Bill 453. I have not heard all the previous testimony this afternoon and so I hope you will bear with me if I repeat others--I will be short in any case.

Senate Bill 453 seems to me to offer nothing to our faculty that we do not already have with considerably less trouble. More than that, it weakens the position of faculty bargaining--such as it is--under present regulations. The changes--which SB 453 would have enacted into iron-clad law--demonstrate a lack of understanding of the way this University functions at the faculty level.

First, it removes department chairmen from the bargaining unit, and, if what it says and what it intends are the same, it could remove many other faculty members from the bargaining unit.

Department chairmen enjoy none of the privileges of management--salaries negotiable beyond the set scale, secure appointment from above rather than below, final determination of personnel decisions, semi-permanent tenure dependent upon getting along with the higher-ups--and to deny them representation as mere

faculty is to deprive them of their rights. Department chairmen are considered in most departments as delegated authorities who speak for the department, who are appointed on the recommendation of the department for a limited time, who may be removed by the department. Many of them receive no extra compensation for their administrative duties. They have traditionally participated as faculty in salary and welfare negotiations.

Section 17 of SB 453 defines a "supervisor" in such a way that it could be interpreted to mean any faculty member who directs the work of any non-professional staff: this includes not only secretaries, but could include work-study students--If he can "effectively. . .recommend" ANY action over any of these people, requiring "independent judgment."

When I check a box that indicates that my secretary's work is satisfactory, I am exercising "independent judgment." Does that make me a supervisor? When I report that a graduate fellow is not a satisfactory teacher, I "effectively recommend" his discharge, whether or not I sign the official papers that deny him renewal. Yet I am not properly a supervisor in any other sense of the word, being accountable to my chairman, to my dean, and quite a few others up the line.

I oppose this bill as one concerned with graduate students as well. The determination of bargaining units--an act which does not seem to me to be the state's business but the business of University faculty--in the bill makes a separate unit of graduate assistants and fellows who would do far better to be included with the faculty in any bargaining. Many of the graduate fellows spend two years or less on campus. They are not even considered in most policy documents. Two years is a short time

for learning the intricacies of the system, for organizing effectively, for developing leaders to organize effectively: these assistants would do far better under the direction of the faculty unit.

SB 453 spends many words outlining a bargaining process that might be quite useful to University faculty if it were directed toward binding arbitration--but without binding arbitration, the process is only more complicated and more expensive and no more effective than our present methods--final decision still remains with the Board of Regents, without binding arbitration. The faculty is merely subjected to more complex arrangements to the same end--if the regents say so, we gain; if they say no, we lose. Yet in the meantime, traditional faculty leaders and many others are removed from effective participation.

There are other small problems: the time limit in Sec. 22 is much too short, especially since Regents customarily meet on Fridays and Saturdays, depriving faculty of two effective days of the five day limits; the requirement of a fiscal statement from the bargaining units; the vagueness of the "good cause" (in section 24) for which an organization may be disqualified; Section 31 D, which removes from negotiation such vital matters as staffing levels, student to faculty ratios, work assignments, and work performance standards.

Essentially, the bill outlines a company union that offers no improvement over current modes of negotiation but which could involve more complicated procedures than exist now. I feel that SB 499 is a better bill. I am not entirely in favor of treating faculty exactly like other state employees, but if that is the practice--as it most certainly has been--then I feel that we

should share the same rights as those covered in the Dodge act.