

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting - April 10, 1973

The fortieth meeting of the Committee on Federal, State and Local Governments was held on the 10th day of April, 1973, at 7:00 P.M.

Committee members present: Chairman James Gibson
Stan Drakulich
Coe Swobe
Carl Dodge
Chic Hecht
John Foley

Also present were:

Clinton Wooster, Legislative Counsel Bureau
Mas Christiansen
John Meder, County Commissioners
Bill Adams, City of Las Vegas
Bob Warren, Nevada Municipal Association
Kermit Waters, Attorney
George Franklin
Bob Van Wagoner, Attorney
Sam Dibitonto,
Assemblyman Torvinen
Richard Morgan, NSEA
Ed Psaltis
Bob Petroni, Clark County School District
Keith Hendrikson, Firefighters
Jim Richardson, University of Nevada
Bob Gagnier, NSEA
Jim Wittenberg, State Personnel Division
Tom Exley, University of Nevada
Proctor Hug, University of Nevada
Bob Maples, Washoe County School District
Press

AB-740 Provides guidelines for retaining certain funds under public works contracts.

Max Christiansen, Southern Nevada Sheet Metal Contractors testified in support of the bill. Urged passage of the bill as it is written.

AB-62 Amends the new charter of the City of Las Vegas.

Bill Adams, Assistant City Manager of the city of Las Vegas, testified regarding problems in the amendment, going over all the proposed changes with the committee. Kermit Waters, Las Vegas City Attorney's Office, testified in regards to page 3, section 6, subsection 3 (a) and (b), stating that the City Attorney's office opposes that particular part of the bill. He felt it was unconstitutional and stated that the committee that studied the charter recommended that the city attorney be permitted to have a private practice. The original bill had no such restrictions. George Franklin, Las Vegas City Commissioner, testified that the city commission would prefer to raise the salary of the city attorney and eliminate the private practice.

AB-142 Amends new charter of the City of Reno, making substantive as well as technical changes and additions.

Bob Van Wagoner, Reno City Attorney, stated that AB-142 consists of amendments proposed by the city of Reno, and they strongly urged passage of this bill.

AB-10 Redefines the constitution of local government units.

Clinton Wooster of the Legislative Counsel Bureau, testified before the committee on AB-10, explaining that this is an attempt to clean up the reapportionment law in certain areas. He discussed the different sections of the bill with the committee. John Meder noted for the record that the county commissioners do support this legislation.

AB-545 Changes permissible meeting times for precinct political conventions.

Wait until the committee can hear from Assemblyman Foote on this bill.

AB-474 Extends certain provisions relating to fair and recreation boards to all counties.

Assemblyman Torvinen gave the background on this bill and discussed the provisions with the committee. Senator Swobe moved "Do Pass," seconded by Senator Dodge. Motion carried.

- AB-740 Senator Drakulich moved "Do Pass."
Seconded by Senator Hecht.
Motion carried.
- AB-447 Senator Swobe moved to "Hold Indefinitely."
Seconded by Senator Drakulich.
Motion carried.
- AB-142 Senator Dodge moved to "Amend and Do Pass."
Seconded by Senator Drakulich.
Motion carried.
- AB-10 Senator Dodge moved "Do Pass."
Seconded by Senator Swobe.
Motion carried.

Chairman Gibson stated that he had asked the committee to look over a draft that had been drawn up which would incorporate various suggestions into one bill. He also had asked the representatives of the different entities involved in the Public Employees Negotiations Act to look at the draft.

Dick Morgan, Nevada State Education Association, testified that he agreed that there was a necessity to have a professional hearing officer. He stated that he supports the concept of a commissioner, but that he had questions about three aspects of the proposal as it would relate to that commissioner's power: (1) Although the Governor would appoint a ten-person advisory committee to screen applicants for the job of commissioner, the executive control that is customary in staffing high classified positions in state government is really absent because the Governor, whoever he might be at the time, is bound to accept the opinion of six people as to who should be appointed to the position of commissioner. Would prefer that more than one nominee be given to the Governor. (2) The Employee Management Relation Board in large measure is a voice of the people. Would like to retain EMRB. (3) Feels that the proper relationship for a professional commissioner is as a staff member to recommend to the lay board.

Mr. Morgan also proposed that it is desirable to keep lay people involved in decisions affecting the public service in this measure. He has three criticisms of the proposal: executive control that is not there -- there are several items in the Act which might be better done by a commissioner in a lay board rather than be in the law. He further felt that there were several conflicts in the bill. Supports the hearing officer concept, but has some reservations about the proposal.

Ed Psaltis testified regarding changes that he felt should be made in the bill.

Bob Petroni, Clark County School Districts, testified. Read Clark County Classroom Teachers Agreement which is made up of 26 items.

Keith Hendrikson, Firefighters, testified regarding problems on page 9 of the bill. Read a list of eight things that should be listed that are not now included: (1) Education benefits, (2) On the job injury, (3) Uniform allowances, (4) Detailed assignments, (5) Seniority benefits, (6) Safety and health, (7) Work rules, (8) Retirement. He further recommended that two additional paragraphs be added at the end of that list. No. 1. to read: "And any other subject matters mutually agreed upon by the respective parties or that may be ruled to be negotiable by the board or the commissioner." Would also like to see some type of grandfather clause that would say that all items in present contracts would be valid and would continue to be negotiable. Felt that the words "work schedules" on page 10, number 3 were in direct conflict with other parts of the bill.

Jim Richardson, vice president of NSP chapter at University of Nevada, Reno, testified that there are some things about the bill that they like. He agrees with Dick Morgan and Ed Psaltis concerning professionalization of the board. Supports the concept of a paid officer that would serve as a hearing officer to expedite the handling of these kinds of matters. He said that he felt binding arbitration would facilitate amicable relationships between the faculty and administration in the university system, and that a third party is necessary to help intervene in matters of dispute. One problem in the bill is that of the department chairmen being excluded from the bargaining unit as this would delete five out of nine members of the university membership. Also there is a problem with the definition of units. He also said that they would like to be included in the present Dodge Act.

Bob Gagnier, N.S.E.A., submitted proposed amendments to the act and gave an explanation of each amendment.

Jim Wittenberg, State Personnel Director, testified that they are concerned about the items that are negotiable on page 9 of the bill.

Proctor Hug, general counselor at the University, testified in support of SB-568, stating that it would best preserve the interests of the citizens and students of the state and the rights and responsibilities of the Board of Regents. This bill is the University's preference with respect to collective bargaining legislation for application at the University.

Tom Exley, Chancellor's office at the University, testified that the proposed compromise bill removes many significant and important provisions that are necessary in establishing and maintaining the proper negotiating relationship and a proper balance between the university and the faculty. He had prepared a summary of provisions which had been removed from the compromise legislation which the university felt should be kept in: No. 1, felt that there is virtue in separate legislation applicable to the university. No. 2, felt that scope of bargaining in the proposed bill is considerably expanded over that which is felt to be in the best interest of the university. Felt that the expansion of the subject of mandatory bargaining as represented in the compromise act goes much beyond what the university feels is appropriate and tends to produce a bill that is rather permissive in terms of what must be negotiated rather than leaving some of these items up to the discretion of the negotiating parties. No. 3, the definition on page 1 of supervisory employees. No. 4, deletion in the section pertaining to recognition petition (page 8, section 27). Did not like the omission in the bill. No. 5, concerned about the deletion from the bill of the procedure by which a representation election takes place. Proposes that an independent state agency oversee and supervise the election and would certify the results. Provision that requires that in every election opportunity that one option on the ballot would be for no union should be put in. In summary, felt that the compromise proposal falls short of what the university feels collective bargaining legislation should be for the university of Nevada system. Would prefer SB-568, and agreed with the concept of a professional commissioner who would in essence perform the functions performed by EMRB. He agreed with the process whereby the commissioner would be selected.

Proctor Hug gave further testimony that it seemed everyone agreed that it would be good to have a professionalized board or commission. Concerned that the draft did not provide for any term for the commissioner or advisory board. Did not feel that the definition of what a commission is to do was clear in the bill (page 4, section 17B). With respect to Section 17(b) on page 4, suggested that the following language be substituted for the present paragraph:

"The board or the commissioner shall hear and determine consistent with the provisions of this chapter any questions concerning the interpretation of this chapter and any contested complaint by any government employer or employee organization concerning prohibited practices, election disputes, or unit determinations arising out of the provisions of this chapter. The board or commissioner after hearing, if they find the complaint is well taken they can order any person to refrain from the action, complaint, or restore to the party aggrieved any benefit of which it has been deprived by such action."

He further stated that the major change in this paragraph is that it defines the duty of the commissioner. Suggested that a new section 50 be incorporated that deals with the part that pertains to the university the purpose being one of clarification. Should be as follows:

"Nothing in this chapter shall be construed so as to require the University of Nevada to be subject to compulsory binding arbitration or compulsory binding fact finding."

The University is concerned about section 19 for the reason that it refers to the Administrative Procedure Act and most of the involved agencies do not come under that act. Felt that the language should be changed in 233B so that the provisions would be in the act itself. There is some merit in the idea that if there were an election that it would receive some type of approval from the commissioner, but does not feel that there should be an advisory board.

Angus MacEachern asked if he could testify at a later date.

Mr. Psaltis stated that to his understanding most states that had a commissioner also had a board.

Bob Maples, assistant personnel director of the Washoe County School District, testified as to changes he would like to see in the bill. The definition of supervisory employee on page 1, section 4, is not workable. Felt that the idea of professionalization of a body to replace EMRB is desirable. Felt that wording on page 5, section 20 be changed to the effect that such services provided by the government employers are of such a nature that they should not be duplicated from other sources. Suggested that the word illegal be deleted from page 5, section 21B as it implies that there are legal and illegal strikes of public employees. Supports Mr. Petroni's statement with respect to scope of mandatory bargaining. Would agree to a grandfather

clause. Suggested consideration of a clause that would urge that the parties meet and confer and discuss mutual problems in the hopes of solving them. Urged that if authority is removed from the school districts that the arbitrator come from Nevada instead of coming from the American Arbitration Association in San Francisco.

Senator Swobe moved that "the University come under the provisions of the local governing section of the omnibus bill or under 499, which is the compulsory arbitration provision," seconded by Senator Drakulich. Motion carried.

Bob Gagnier indicated that the committee should be receiving AB-418 from the Assembly, and stated that their preference (N.S.E.A.) is for binding arbitration.

Proctor Hug stated that even though he would prefer one of the two bills the university had proposed, that they would go along with the draft.

The committee then discussed various aspects of the bill, and specifically a three-man board versus a commissioner. Senator Swobe moved that "they have a commissioner," seconded by Senator Hecht. Motion carried.

Senator Foley made a remark regarding the grandfathering in agreements in Section 30 of the draft bill. Felt that the law should be left as it is. Felt that section 150 should be left as it is at present, and would like the commissioner to work with it for one year and see where it goes.

SB-519 Authorizes conveyance of certain land by state land register to City of Reno.

Senator Swobe moved to "Concur in Assembly Amendment to SB-519," seconded by Senator Hecht. Motion carried.

AB-76 Authorizes 4-day work week of 10 hours per day for public employees.

Bob Gagnier and Jim Wittenberg testified that they would like the committee to re-consider on AB-76. They need this on the statutes to enable them to go ahead and experiment in Nevada as they are doing in other areas in the county. Application would be limited to start with to possibly highway maintenance and field auditors. Angus MacEachern also said that this would be especially important for city governments. Chairman Gibson said they would act on this when the full committee is present.

AB-458 Removes restriction on carrying forward accumulated unused sick leave for employees in public service.

Jim Wittenberg, State Personnel Division, and Bob Gagnier, Nevada State Employees Association, both testified on AB-458. This is the prevailing practice throughout the country, and something that they both support. Chairman Gibson asked that Mr. Wittenberg supply the committee with records on previous requests for sick leave so they would have some statistics to work with.

Chairman Gibson then handed out a proposed Elected County Officers Salary Act, and asked the committee to review the provisions of the bill. After discussion, Senator Swobe moved "we introduce the bill," seconded by Senator Dodge. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi,
Committee Secretary