

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- April 18, 1973

The forty-seventh meeting of the Committee on Federal, State and Local Governments was held on the 18th day of April, 1973, at 7:00 P.M.

Committee members present: Chairman James Gibson
Lee Walker
Coe Swobe
Stan Drakulich
Carl Dodge

Also present were:

Gary Gray, Clark County
Neil Humphrey, University of Nevada
Dr. Richardson, University of Nevada
Ed Psaltis, Washoe County
Jim Wittenberg, State Personnel
Gordon Cronenberger, State Personnel
Tom Exley, University of Nevada
Proctor Hug, University of Nevada
Bob Petroni, Clark County
N. Ed Miller, University of Nevada
Richard Morgan, Nevada State Education Association
Press

Chairman Gibson called the meeting to order at 7:00 P.M. and asked both the people present and the committee members to give their reactions to the proposal on the Public Employees Negotiations Act which had been handed out at the previous meeting.

Chancellor Neil Humphrey of the University of Nevada stated that they had reviewed the document. On the problem of the role of department chairmen and in trying to effect a compromise that would be acceptable, they suggested an amendment to the proposal. This amendment was as follows:

"Section 44: (Pg. 20) Administrators, supervisors, confidential employees, graduate assistants, graduate fellows, adjunct faculty members and clinical faculty members shall not be included in any negotiating unit; provided, however, that in the case of

academic department chairmen the commissioner shall decide, based upon the facts presented, whether or not such positions shall be included within the appropriate negotiating unit. The commissioner shall make this decision based upon generally accepted community of interest concepts and after review of pertinent cases decided by the National Labor Relations Board."

The issue is whether or not department chairmen would be in the negotiating unit, and there are two different viewpoints. It is basically a factual situation, so they proposed that Section 44 be amended as shown above. This is a way of effecting a compromise and solving the situation.

Dr. Richardson of the University of Nevada stated that he had made his position clear on other occasions, but would reiterate that they are still disappointed that the mandatory bargaining procedures for the University faculty have been deleted. They also continue to be concerned about the scope of bargaining and would prefer to see a more general section that allowed the EMRB or the commissioner to take into account tradition and history in terms of what would be negotiable. They are also concerned that in this version the committee continues to see fit to continue to define the state units by state law -- they would like to see the commissioner make these decisions on the community of interest basis.

Dr. Richardson also spoke on the problem concerned with the department chairmen -- their preference would be that all department chairmen be included in the unit.

Proctor Hug referred to the University Code which was adopted on July 7, 1972, provides a definition of administrators and provides for how they are appointed and how their various duties and responsibilities are defined. (Mr. Hug then read part of the Code.)

President N. Ed Miller of the University also reiterated what Mr. Hug had testified with reference to the department chairman and administrators. The department chairmen are "administrators" of a departmental unit.

Richard Morgan, Nevada State Education Association, again testified on the new proposal for public employees negotiations legislation. He first referred to Section 13, and said that they feel a hearing officer is desirable, but part-time is all that is necessary, under the present situation in Nevada today. They also believe the EMRB should be maintained. He noted that the parties should not have to seek injunctive relief -- the commissioner should be empowered to do this.

Mr. Morgan continued through the proposal making suggested changes and discussing them with the committee.

Mr. Wittenberg, State Personnel Division, referred to page 1, section 5, Definition of Supervisory Employee. He asked that they insert new language "having authority to recommend." He also asked that on page 12 under scope of negotiability, item no. 12 be deleted as a negotiable item -- this should remain a management prerogative. He indicated further that they could see some problems with the time frame as set up in the proposal.

The public then left the committee room. The Chairman asked the committee for their opinions on what should be done with the public employee negotiations proposal before them. They agreed to accept the compromise proposal and delete Item 12 as Mr. Wittenberg had requested.

Senator Drakulich then moved "Do Pass as Amended," seconded by Senator Walker. Motion carried.

They also agreed to ask the bill drafter to use SB-499 as a vehicle for the compromise proposal.

SB-370 Includes employees of State of Nevada and certain other government employees within scope of government employee-management relations procedures.

Senator Swobe moved to "Hold Indefinitely."
Seconded by Senator Walker.
Motion carried.

SB-453 Regulates relations between the University of Nevada System and its employees.

Senator Swobe moved to "Hold Indefinitely."
Seconded by Senator Walker.
Motion carried.

SB-466 Establishes collective bargaining provisions for state employees.

Senator Swobe moved to "Hold Indefinitely."
Seconded by Senator Walker.
Motion carried.

SB-568 Regulates relations between the University
 of Nevada System and its employees.

Senator Swobe moved to "Hold Indefinitely."
Seconded by Senator Walker.
Motion carried.

AB-418 Enacts State Employee-Management Relations
 Act.

Senator Drakulich moved to "Hold Indefinitely."
Seconded by Senator Walker.
Motion carried.

AB-960 Increases constables' travel allowances
 and establishes uniform schedule of fees
 for constables' services.

Senator Drakulich moved "Do Pass."
Seconded by Senator Dodge.
Motion carried.

AB-199 Provides for advance notice of meetings of
 public bodies and for public access to
 meetings and records thereof.

After brief committee discussion, it was agreed that they
would wait for further testimony before taking any action
on this bill.

AB-342 Reorganizes state department of conservation
 and natural resources.

Senator Walker moved to "Amend and Do Pass."
Seconded by Senator Drakulich.
Motion carried, with Senator Hecht voting "no."

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi,
Committee Secretary