

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - March 6, 1975

Present: Chairman Gibson
Senator Foote
Senator Walker
Senator Gojack
Senator Hilbrecht
Senator Dodge
Senator Schofield

Also Present:

See the attached for listings.

Chairman Gibson opened the 16th meeting of the Government Affairs Committee at 3:30 p.m. and indicated to the committee as well as the audience that the intention of this meeting was to begin hearings on the employee negotiation bills on public employees. No action will be taken during this meeting.

SB-207 Enacts State Employee-Management Relations Act.
(BDR 23-807)

Bob Gagnier, S.N.E.A., indicated that they have prepared an amendment to this bill which will put it in conformance with AB-361 which was introduced on 3-5-75 in the Assembly. Feels the bill is more refined and appropriate.

This bill defines the various types of groups within the State service, (classified employees). It exempts certain administrative personnel. Provides for separate negotiations for confidential employees, i.e. attorneys and division heads. It defines a strike and outlaws a strike for state employees. Sets up a list of mandatory scope of bargaining. Provides for management prerogatives; states the impact of those prerogatives will be negotiable, not the particular items but their impact on state employees. Provides for the filing of an employee organization, recognition of this organization and creates bargaining units. Sets up time limits for negotiations. Provides for American Arbitration Association fact finding of arbitration that would be advisory, not final and binding. Sets up the same procedure for the fact finder as far as subpoena power and hearings are concerned. (See attached list of negotiable items between the State and an employee organization representing its employees) Indicated that listing all the issues that are negotiable would be impossible, therefore, they have only listed those key items.

SB-242 Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1059)

Senator Dodge explained to the committee that SB-242 has three major provisions that change it from the existing local government Employee Management Relations Act. (1) Phases out the Employee-Management Relations Board and replaces the board with a professional commission.

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(2) Spells out the subjects of negotiations and the scope of mandatory bargaining. (3) Provides a terminal procedure of a legal strike on the part of all local government employees with the exception of those involved in public safety (police, fire)

Mr. Jim Gist, P.E.A.C. and Mr. Ken Hogan, Acting Chairman for P.E.A.C. classified school employees, spoke in regards to the problems they see in SB-242.

Mr. Ken Hogan stated that he spoke for other employee organizations in feeling that SB-242 was not the answer to the present cumbersome structure of the Employee-Management Relations process. They felt the present laws were more effectual than SB-242. Do not like the present procedure for applying for binding arbitration in the Governor's office. This amounts to presenting an arbitration case in order to be granted binding arbitration. Is against the right to strike.

In regards to the Advisory Committee as suggested in SB-242 Mr. Hogan feels that an advisory committee of 10 could only lead to a deadlock.

Mr. Jim Gist, representing Las Vegas city employees, had the following changes to submit: With regards to the description of a Supervisory employee: Supervisory employee means any individual having authority in the interest in the employer to hire, suspend, layoff, recall, promote or discharge other employees. This description better defines what a Supervisory employee is.

Another concern was on binding arbitration. Mr. Gist felt that the board should first decide whether or not an impass has been reached. If an impass has been reached it should then go to binding arbitration. He also indicated that he is against the right to strike.

SB-43 Requires local government employer to furnish projected budget to employee organization. (BDR 31-479)

Senator Hilbrecht informed the committee and the audience that SB-43 deals with the process of employee bargaining in local government to the extent that it would require the maintenance on an ongoing basis of a projected budget on the part of the local government. They must make the projected budget available during negotiations to a collective bargaining agent for public employees. This derives from the complaints from the employee's that the time table mandated by the local government doesn't give their bargaining agent time to prepare for negotiations.

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Mr. Bob Best, Nevada School Board Association, indicated that there were several people interested in testifying on SB-43

Mr. Harry Dickson, Carson City School District, Director of Operations. Mr. Dickson indicated that the bill as amended asks for a detailed, accurate accounting of receipts and expenditures for 12 months after every quarter. 98% of purchases are projected to them by their agencies. 2% of the projection comes from the school board and the other 98% comes from either the State Department of Education, the Tax Commission or the County Assessor. Their estimates are not very accurate therefore it would be impossible to have an accurate projected budget to use during negotiations.

Senator Dodge questioned whether or not the situation could be corrected by taking out the word "accurate". This way the proper information could be supplied following each quarter.

Mr. George Brighton, Washoe County School District, endorsed Mr. Dickson's statement. Will go into detail in the next meeting.

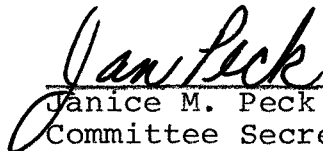
Mr. Tod Carleni, Superintendent for Lyon County Schools, indicated that he also endorsed Mr. Dickson's statement.

Mr. Arlo Funk, Minden County School District, indicated the same feelings as Mr. Dickson.

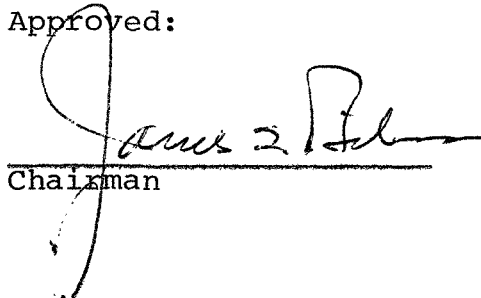
Mr. Best indicated that he would be ready to testify when they wanted to hear from him on SB-43 and others.

Due to the time limit the meeting was adjourned at 4:30 p.m.

Respectfully submitted,


 Janice M. Peck
 Committee Secretary

Approved:


 Chairman

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THOSE PRESENT:

- G. L. Craft, Mineral County School Board
- Hank Clayton, Carson City School Board
- Alro W. Funk, Mineral County School District
- Lee Jackson, Mineral County School District
- Ed Poaltis, Washoe County C.T.A.
- David Williams, Clark County C.T.A.
- Virginia S. Palmer, Washoe County
- Pat Bobay, Washoe County
- Mike Medema, L.C.B. Audit Div.
- Frank Schreck, Clark C.T.A.
- Mary Lee Smith, Douglas Cnty
- Gene Foster, E.S.D.
- Elizabeth Lenz, Washoe School Trustee
- June Dugdale, W.C.E.A.
- George Brighton, Washoe Co. School District
- Lou Hirshman, Churchill Co. School Dist.
- Bob Maples, Washoe Co. School dist.
- John Cervein, Non Uniform, Reno
- Neil D. Humphrey, University of Nevada System
- Alfred W. Stuess, University of Nevada System
- Bob L. Keans, Firefighter & Police
- Wendell K. Newman, N.S.E.A.
- Paul Ghilarducci, S.C.A.T.
- John Britz, N.E.A.
- Chan Griswold, Washoe County
- Pete Allen, W.C.E.A.
- Bill Grundy, W.C.E.A.
- Joe Hamon, interested party
- Dan Dixon, Washoe County
- Margaret Wittenberg, Washoe County
- Don Lealey, State Personnel
- Jim Wittenberg, State Personnel
- Harry Dickson, Carson City Schools
- Jim Gist, P.E.A.C., Las Vegas City employees
- Ken Hougen, P.E.A.C. Classified School employees
- Kerry Rowe, P.E.A.C. (North Las Vegas Employees Assoc.)
- Jim Sallee (P.E.A.C. (City of Henderson)
- Bob Best, Nevada School Boards Assn.
- Henry Etchemendy, Carson City
- John Hawkins, Carson City Schools
- Proctor Hug, J. University of Nevada
- Bob Gagnier, S.N.E.A.

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS
 THURSDAY
 DATE March 6, 1975... TIME... 2:45 P.M. ... ROOM... 345 ...

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel Requested*</u>
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COMMENCE HEARINGS ON VARIOUS PUBLIC EMPLOYEE NEGOTIATION BILLS:

SB-43	Requires local government employer to furnish projected budget to employee organization. (BDR 31-479)	
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SB-207	Enacts State Employee-Management Relations Act. (BDR 23-807)	
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SB-242	Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1059)	
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SB-256	Includes faculty of University of Nevada System within scope of Local Government Employee-Management Relations Act. (BDR 23-512)	
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ADDED TO AGENDA - EFFECTIVE 3-3-75

SB-269	Repeals certain sections of chapter 808, Statutes of Nevada, 1973 relating to Las Vegas city charter. (BDR S-1092)	
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~~Notify: Dick Bennett, Legal Counsel~~

SB-270	Eliminates statutory provisions which require state officers and employees to acquire official bonds. (BDR 23-893)	
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~~Notify: John Crossley, Leg. Audit
Howard Barrett, Budget Director~~

SB-271	Abolishes bond trust fund. (BDR 23-669)	
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~~Notify: Same as in SB-270~~

* Please do not ask for counsel unless necessary

The following is a list of items which might be negotiated between the State and an employee organization representing its employees. The list in no way implies that SNEA would want to negotiate all of these issues but that these could be, or have been, problem areas.

Salaries, number of grades, number of steps and percentage between steps and grades.
 Intra and Inter departmental transfers.
 Impact of contracting out of normal state services.
 Methodology of examinations and classifications.
 Per diem and mileage allowances.
 Longevity pay.
 Insurance benefits.
 Rest Rooms and rest periods.
 Safety equipment.
 Uniforms--laundry of uniforms, type, weight.
 Physical examinations.
 Ventilation, light, heat.
 Required use of Government quarters.
 Length of lunch periods (scheduling).
 Cleanliness and sanitation.
 Locker facilities.
 Noise.
 Enforcement of safety rules.
 Responsibility for determining that working conditions are safe.
 Special procedures for hazardous work.
 Special qualifications for participation in hazardous work.
 Provision of required physical examinations.
 Scheduling for holidays and overtime.
 Scheduling for rotation of shifts (notification of changes).
 On-call; standby.
 Posting of schedules in advance.
 Vacation schedules.
 Hours of work--beginning and ending of shifts (notification of changes).
 Leave for union activities.
 Procedures for leave requests.
 Premium pay; hazard pay.
 Schedules changes.
 Time and method of reporting sick leave absence.
 Provisions to assure that employees will be able to use the leave they earn.
 Policies concerning granting of leave without pay.
 Policies concerning "administrative" leave.
 Travel and transportation.
 Doctor's certificate following sick leave.
 Standards of conduct.
 Code of penalties.
 Conduct of hearings.
 Methods of settlement of grievances.
 Severity and appropriateness of penalty.
 Levels of review.
 Provisions to forbid discrimination restraint or reprisal.
 Union representation at hearings.
 Time allowed employee and representative to prepare appeal.
 Record of the hearing.
 Development of standard penalties.
 Reckoning periods.
 Means used for developing merit roll.

Seniority.
Posting of vacancies.
Use of promotion examinations.
Composition of promotion (evaluation) Boards.
Planning for survey.
Selecting appropriate industries (or private hospitals).
Analyzing findings in industries.
Step increases.
Uniform allowances (special clothing).
Method of payment, cash, check, mailing.
Clean-up time.
Tools and equipment.
Frequency of surveys.
Use of surveys conducted by other agencies or organizations.
Development of programs.
Selection for training--selection criteria.
Retraining because of change of work character.
Bulletin boards; messenger service.
Negotiation procedures.
Duration of the agreement.
Determination of management and employee organization representatives in negotiation.
Negotiation on official times.
Procedures to insure enforcement of the agreement.
Membership and participation in union activities.
Determination of the type of positions which disqualify members from holding office in the organization.
Identification of management personnel.
Stewards and representatives.
LWOP for union activities.
Dues withholding.
Listing of employee organizations and organization officials in the building directory and the telephone directory.

testimony

On page 3, line 5 strike Section 15 through line 2 page 4 and insert therein a new Section 15 as follows:

"Sec. 15. 1. Matters subject to mandatory collective bargaining referred to in Sec. 14 of this act are as follows:

- (a) Salaries, wages, and hours of employment; and
- (b) Other terms and conditions of employment including but not limited to, (1) grievance procedures; (2) application of seniority rights as affecting the matters contained herein; (3) work schedules relating to assigned hours and days of the week and shift assignments; (4) scheduling of vacations and other time off; (5) sick leave and use thereof; (6) application and interpretation of established work rules; (7) health and safety practices; (8) intradepartmental transfers; (9) the impact of the contracting out of all or any part of the functions performed by or service furnished by any public employer; (10) such other matters as encompass the various physical dimensions of an employee's working environment; and (11) methodology of examination and classification.

2. Management rights; obligation to negotiate; impact of exercise thereof.

a. Nothing in this act shall interfere with the right of a public employer to:

- (1) Carry out the statutory mandate and goals assigned to a public employer utilizing personnel, methods and means in the most appropriate and efficient manner possible;
- (2) Manage the employees of the agency; to hire, promote, transfer, assign or retain employees in positions within the agency and in that regard to establish reasonable work rules;
- (3) Suspend, demote, discharge or take other appropriate disciplinary action against the employee for just cause; or to lay off employees in the manner provided by NRS 284.380, in accordance with any applicable grievance procedure.

b. It is the obligation of every public employer to negotiate with the recognized employee organization, if any, for each appropriate unit among its employees, the impact of the exercise of its management rights as defined herein, upon its employees' salaries, wages, hours and other terms and conditions of employment."

included in Harry Dickson's testimony

SOURCE OF FUNDS	SOURCE OF INFORMATION	YEAR 1971 - 1972 EST.	ACTUAL	DIFFERENCE	PERCENTAGE
BASIC SUPPORT	SCHOOL DISTRICT	2,146,473.00	2,114,757.10	+ 31,715.90	+ 4.66
AD VOLEREM	ASSESSOR	757,515.00	735,269.40	- 22,245.60	- 2.93
MOTOR VEHICLE	TAX COMMISSION	71,402.00	86,882.06	+ 15,480.06	+ 2.16
LOCAL SUPPORT TAX	TAX COMMISSION	344,300.00	491,381.91	+ 147,081.91	+ 42.71
P.L. 874	STATE DEPT. SCHOOL DISTRICT	80,000.00	98,194.00	+ 18,194.00	+ 22.41

SOURCE OF FUNDS	SOURCE OF INFORMATION	YEAR 1972 - 1973 Est.	Actual	DIFFERENCE	PERCENTAGE
BASIC SUPPORT	SCHOOL DISTRICT	2,243,925.00	2,339,812.00	+ 95,887.40	+ 4.27
AD VALOREM	ASSESSOR	859,245.00	889,510.99	+ 30,265.99	+ 3.52
MOTOR VEHICLE	TAX COMMISSION	85,970.00	107,563.85	+ 21,593.85	+ 25.11
LOCAL SUPPORT TAX	TAX COMMISSION	643,766.00	608,749.53	- 35,016.47	- 5.43
P.L. 874	STATE DEPT. SCHOOL DIST.	63,755.00	7,830.00	- 55,925.00	- 87.71

SOURCE OF FUNDS	SOURCE OF INFORMATION	YEAR 1973 - 1974 EST.	ACTUAL	DIFFERENCE	PERCENTAGE
BASIC SUPPORT	SCHOOL DISTRICT	2,788,103.00	2,795,697.00	+ 7,594.00	+ .07
AD VALOREM	ASSESSOR	1,029,475.00	1,039,362.20	+ 9,887.20	+ .09
MOTOR VEHICLE	TAX COMMISSION	104,309.00	135,428.80	+ 31,119.80	+29.83
LOCAL SUPPORT TAX	TAX COMMISSION	754,500.00	760,029.93	+ 5,529.93	+ .07
P.L. 874	STATE DEPT. SCHOOL DIST.	129,887.00	134,669.00	+ 4,782.00	+ 3.68



Nevada Nurses' Association

346

1450 East 2nd Street Reno, Nevada 89502 (702) 329-5551

March 6, 1975

Senator James I. Gibson, Chairman
Committee on Government Affairs
Nevada Legislature
Carson City, Nevada 89701

Dear Chairman Gibson:

The Nevada Nurses Association Legislative Committee has not, at this time, prepared testimony on SB 207 and SB 242 for the hearing before your committee today. We would like, however, to appear at a later date. Specifically we are concerned about the provisions in Section 15 NRS 288.150 found on page 6 and starting at line 30 which would exclude employees (and we are particularly concerned with nurses) from negotiating on "staffing levels, work performance standards, content of the work day, work load factors, work schedules, the quality and quantity of the services to be offered to the public and the means and methods of offering the services".

We would appreciate notification of the next hearing on these two bills.

Sincerely,

NEVADA NURSES' ASSOCIATION

Phyllis E. Hansen

Phyllis Hansen
Legislative Representative

PH/bd

S. B. 43

SENATE BILL NO. 43—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 28, 1975

Referred to Committee on Government Affairs

SUMMARY—Requires local government employer to furnish projected budget to employee organization. Fiscal Note: No. (BDR 31-479)



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

AN ACT relating to local government budgets; requiring each local government employer to make quarterly budget projections and to furnish them to an appropriate employee organization; 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 354.602 is hereby amended to read as follows:
2 354.602 1. Within 45 days after September 30, December 31, March
3 31 and within 90 days after June 30 of each year, the governing board
4 of each local government shall cause to be published a report in the form
5 prescribed by the Nevada tax commission showing, for each item of
6 detailed estimate required by NRS 354.600, the amount estimated and
7 the amount actually received or expended. Any approved budget aug-
8 mentation or short-term financing received shall be included and briefly
9 explained in a footnote. A copy of such report shall be filed immediately:
10 [1.] (a) With the Nevada tax commission;
11 [2.] (b) In the case of school districts, with the state department of
12 education; and
13 [3.] (c) In the office of the clerk or secretary of the governing body,
14 as a public record available for inspection by any interested person.
15 2. *In addition to the report required by subsection 1, the local gov-*
16 *erning board of each local government employer shall also cause to be*
17 *made a report showing an accurate, detailed estimate for each item of*
18 *resource and expenditure for the 12 calendar months following the quar-*
19 *ter for which actual receipts and expenditures are reported. A copy of the*
20 *report shall be given to any employee organization representing its*
21 *employees upon the written request of the employee organization. The*
22 *estimates contained in this report shall be superseded as to the period cov-*
23 *ered by any final budget or amendment thereof.*

S. B. 207

SENATE BILL NO. 207—COMMITTEE ON GOVERNMENT
AFFAIRS

FEBRUARY 17, 1975

Referred to Committee on Government Affairs

SUMMARY—Enacts State Employee-Management Relations Act.
Fiscal Note: No. (BDR 23-807)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to labor relations; providing a procedure for collective bargaining for employees in the classified service of the state; providing for creation of employee organizations; providing procedures for arbitration; 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. Title 23 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 36,
3 inclusive, of this act.
- 4 SEC. 2. This chapter may be cited as the State Employee-Management
5 Relations Act.
- 6 SEC. 3. It is the public policy of this state and the purpose of this
7 chapter to promote harmonious and cooperative relationships between
8 state government and its employees and to protect the public by assuring,
9 at all times, the orderly and uninterrupted operations and functions of
10 state government. These policies are best effectuated by:
- 11 1. Granting to classified employees the right of organization and rep-
12 resentation;
- 13 2. Requiring the state and each department, board, commission or
14 agency thereof, and the University of Nevada System, to negotiate with,
15 and enter into written agreements with employee organizations represent-
16 ing classified employees which have been certified or recognized;
- 17 3. Authorizing the advisory personnel commission of the state per-
18 sonnel system to assist in resolving disputes between classified employees
19 and public employers; and
- 20 4. Prohibiting strikes by classified employees and providing remedies
21 for violation of such prohibition.
- 22 SEC. 4. As used in this chapter, unless the context otherwise requires,
23 the words and terms defined in sections 5 to 12, inclusive, of this act
24 have the meanings ascribed to them in such sections.

1 SEC. 5. "Administrative employee" means:

2 1. All unclassified employees in the state personnel system as defined
3 by chapter 284 of NRS; and

4 2. All agency and division heads holding positions in the classified
5 service of the state personnel system as defined by chapter 284 of NRS.

6 SEC. 6. "Bargain collectively" means the performance of the mutual
7 obligation of the public employer and the employee organization to meet
8 at reasonable times and confer in good faith with respect to wages, hours
9 and other conditions of employment, and the execution of a written con-
10 tract incorporating any agreement reached if requested by either party; but
11 such obligation does not compel either party to agree to a proposal or
12 require the making of a concession.

13 SEC. 7. "Classified employee" means an employee in the classified
14 service of the state as defined in NRS 284.150.

15 SEC. 8. "Commission" means the advisory personnel commission of
16 of the state personnel system.

17 SEC. 9. "Confidential employee" means any classified employee whose
18 primary duties consist of work directly related to management policies and
19 includes classified employees who are directly responsible to chief admin-
20 istrative officers, division heads, attorneys, appointive officers, personnel
21 officers or professional personnel staff, other than clerical and accounting,
22 of the state personnel division.

23 SEC. 10. "Employee organization" means any:

24 1. Association, brotherhood, council or federation composed of
25 employees of the State of Nevada; or

26 2. Craft, industrial or trade union whose membership includes
27 employees of the State of Nevada.

28 SEC. 11. "Public employer" means the State of Nevada and each
29 department, board, commission or other agency thereof, including the
30 University of Nevada System.

31 SEC. 12. "Strike" includes the concerted failure to report for duty,
32 the willful absence from one's position, the stoppage of work or the
33 abstinence in whole or in part from the full, faithful and proper perform-
34 ance of the duties of employment by a public employee, for the purpose
35 of inducing, influencing or coercing a change in the conditions, compen-
36 sation, rights, privileges or obligations of employment.

37 SEC. 13. 1. Except as specifically limited by the provisions of this
38 chapter, classified employees have the right to form, join and participate
39 in, or to refrain from forming, joining or participating in any employee
40 organization.

41 2. A public employer shall not discriminate among its employees on
42 account of membership or nonmembership in an employee organization.

43 SEC. 14. It is the duty of the governor or his designated agent, on
44 behalf of every public employer, to negotiate in good faith concerning sal-
45 aries, wages, hours of work and other terms and conditions of employ-
46 ment with the recognized employee organization, if any, for each
47 appropriate unit among its classified employees. If either party requests it,
48 agreements so reached shall be reduced to writing. The negotiating agent
49 for the state is the governor or his designated agent, and the governor may
50 sign and enforce any agreement reached, and such agreement is binding

1 upon all agencies. The governor may delegate to the officer or board
2 administering any state agency the power to negotiate supplemental agree-
3 ments concerning terms and conditions of employment peculiar to that
4 agency.

5 SEC. 15. 1. The mandatory scope of bargaining referred to in section
6 14 of this act and other provisions of this chapter is limited to the follow-
7 ing subject matter:

- 8 (a) Salary or wage rates or other forms of direct monetary compensa-
9 tion;
10 (b) Sick leave;
11 (c) Vacation leave;
12 (d) Holidays;
13 (e) Other paid or nonpaid leaves of absence;
14 (f) Insurance benefits;
15 (g) Total hours of work required of an employee on each work day;
16 (h) Total number of days of work required of an employee in a
17 work year;
18 (i) Discharge and disciplinary procedures;
19 (j) Recognition clause;
20 (k) Classification of employees in the negotiating unit;
21 (l) Procedures for promotion to other classifications within the nego-
22 tiating unit;
23 (m) Deduction of dues for the recognized employee organization;
24 (n) Management rights provision;
25 (o) Provision protecting employees in negotiating unit from discrimi-
26 nation because of participation in recognized employee organization;
27 (p) No-strike provision;
28 (q) Grievance and arbitration procedures for resolution of disputes
29 relating to interpretation or application of collective bargaining agree-
30 ment;
31 (r) General savings clause; and
32 (s) Term or duration of collective bargaining agreement.

33 2. Those subject matters which are not within the scope of mandatory
34 bargaining and are reserved to the public employer without negotiations
35 are:

- 36 (a) The right to hire, direct, assign and transfer any employee;
37 (b) The rights to reduce in force or lay off any employee because of
38 lack of work, lack of funds, or in the interest of economy or efficiency
39 of the governmental operation involved; and
40 (c) The right to determine appropriate staffing levels, work perform-
41 ance standards, content of the work day, including workload factors, work
42 schedules and the quality and quantity of services to be offered to the
43 public and the means and methods of offering those services.

44 3. Notwithstanding the provisions of subsection 2 or the provisions
45 of any collective bargaining agreement negotiated pursuant to this chapter,
46 the public employer has the right to take whatever actions may be neces-
47 sary to carry out its responsibilities in an emergency.

48 4. The provisions of this chapter and the provisions of this section
49 shall be so construed as to recognize the ultimate right and responsibility
50 of the public employer to manage its operation in the most economical

1 and efficient manner consistent with the best interest of all its citizens, its
2 taxpayers and its employees.

3 SEC. 16. 1. An employee organization may apply to a public
4 employer for recognition by presenting:

- 5 (a) A copy of its constitution and bylaws, if any;
6 (b) A roster of its officers, if any, and representatives; and
7 (c) A pledge in writing not to strike against the public employer under
8 any circumstances. A public employer shall not recognize as representa-
9 tive of its employees any employee organization which has not adopted, in
10 a manner valid under its own rules, the pledge required by this paragraph.

11 2. If an employee organization, at or after the time of its application
12 for recognition, presents a verified list of dues paying members reflecting
13 that it represents a majority of the employees in a negotiating unit, and if
14 such employee organization is recognized by the public employer, it is the
15 exclusive negotiating representative of the classified employees in that
16 negotiating unit.

17 3. The power of a public employer to withdraw recognition from an
18 employee organization is limited as follows:

19 (a) Recognition shall not be withdrawn for a period of 1 year from the
20 time of recognition when at that time the public employer and employee
21 organization were not operating under an agreement negotiated under this
22 chapter.

23 (b) When the public employer and employee organization are operat-
24 ing under an agreement negotiated under this chapter, recognition may be
25 withdrawn only during the last 90 days of the effective period of the agree-
26 ment.

27 (c) Subject to the limitations contained in paragraphs (a) and (b),
28 recognition may be withdrawn only if an employee organization:

29 (1) Fails to present a copy of each change in its constitution or
30 bylaws, if any, or to give notice of any change in the roster of its officers
31 or representatives;

32 (2) Disavows its pledge not to strike against the public employer
33 under any circumstances;

34 (3) Ceases to be supported by a majority of the classified employees
35 in the negotiating unit for which it is recognized; or

36 (4) Fails to negotiate in good faith with the public employer.

37 4. If an employee organization is aggrieved by the refusal or with-
38 drawal of recognition, or by the recognition or refusal to withdraw rec-
39 ognition of another employee organization, the aggrieved employee
40 organization may appeal to the commission. If the commission in good
41 faith doubts whether any employee organization is supported by a major-
42 ity of the classified employees in a particular negotiating unit, it may con-
43 duct an election by secret ballot upon the question. The filing of an appeal
44 by an aggrieved employee organization shall automatically stay the deci-
45 sion of the public employer to refuse or withdraw recognition or to
46 recognize or refuse to withdraw recognition from another employee orga-
47 nization pending the decision of the commission. Subject to judicial
48 review, the decision of the commission is binding upon the public
49 employer and all employee organizations involved.

1 SEC. 17. 1. All classified employees constitute one negotiating unit
2 except as provided in subsections 2 and 3 hereof.

3 2. Administrative employees are excluded from any negotiating unit.

4 3. Confidential employees constitute a separate negotiating unit.

5 SEC. 18. 1. Whenever an employee organization desires to negotiate
6 concerning any matter which is subject to negotiation pursuant to this
7 chapter, it shall give written notice of such desire to the public employer.
8 If the subject of negotiation requires the budgeting of money by the
9 public employer, the public employee organization shall give such notice
10 on or before July 1 of even-numbered years.

11 2. This section does not preclude, but this chapter does not require,
12 informal discussions between a public employee organization and a public
13 employer of any matter which is not subject to negotiation or contract
14 under this chapter. Any such informal discussion is exempt from all
15 requirements of notice or time schedule.

16 3. All items within the agreement shall become effective and binding
17 upon execution except those items which require the approval of other
18 bodies, including but not limited to the commission, the state board of
19 examiners or the legislature. Those items requiring additional approval
20 shall become effective upon approval of the appropriate body, retroactive
21 to the date of execution of the agreement.

22 4. Those items agreed to and requiring a budgetary allocation shall
23 be jointly presented and recommended to the legislature by the public
24 employer and employee organization at the legislative session next follow-
25 ing the execution of the negotiated agreement, and included in the state
26 budget presented to the legislature.

27 SEC. 19. Whenever an employee organization has given written
28 notice of its desire to negotiate as provided in section 18 of this act, the
29 parties shall promptly commence negotiations. During the course of nego-
30 tiations, the parties may mutually agree to utilize the services of a medi-
31 ator to assist them in resolving their dispute.

32 SEC. 20. 1. If by September 30, the parties have not reached agree-
33 ment, either party may submit the dispute to arbitration. The decision of
34 the arbitrator shall be advisory only unless the parties to the dispute agree,
35 prior to the submission of the dispute to arbitration, to make the decision
36 of the arbitrator final and binding.

37 2. The parties may agree upon a mutually acceptable arbitrator or
38 either party request from the American Arbitration Association a list
39 of seven potential arbitrators. The parties shall select their arbitrator from
40 this list by alternately striking one name until the name of only one
41 remains, who will be the arbitrator for the dispute in question. The
42 employee organization shall be entitled to strike the first name.

43 3. The State of Nevada and the employee organization each shall pay
44 one-half of the cost of arbitration. However, each party shall pay its own
45 costs incurred in the preparation and presentation of its case.

46 4. The arbitrator shall report his decision to the parties no later than
47 December 1.

48 SEC. 21. 1. For the purpose of investigating disputes, the arbitrator
49 may issue subpoenas requiring the attendance of witnesses before him,
50 together with all books, memoranda, papers and other documents relative

1 to the matters under investigation, administer oaths and take testimony
2 thereunder.

3 2. The district court in and for the county in which any investigation
4 is being conducted by an arbitrator may compel the attendance of wit-
5 nesses, the giving of testimony and the production of books and papers
6 as required by any subpoena issued by the arbitrator.

7 3. In case of the refusal of any witness to attend or produce any
8 papers required by such subpoena, the arbitrator may report to the district
9 court in and for the county in which the investigation is pending by
10 petition, setting forth:

11 (a) That due notice has been given of the time and place of attend-
12 ance of the witness or the production of books and papers;

13 (b) That the witness has been subpoenaed in the manner prescribed in
14 this chapter; and

15 (c) That the witness has failed and refused to attend or produce the
16 papers required by subpoena before the arbitrator in the investigation
17 named in the subpoena, or has refused to answer questions propounded to
18 him in the course of such investigation,
19 and asking an order of the court compelling the witness to attend and
20 testify or produce the books or papers before the arbitrator.

21 4. The court, upon petition of the arbitrator, shall enter an order
22 directing the witness to appear before the court at a time and place to
23 be fixed by the court in such order and then and there show cause why
24 he has not attended or testified or produced the books or papers before
25 the arbitrator. A certified copy of the order shall be served upon the wit-
26 ness. If it appears to the court that the subpoena was regularly issued by
27 the arbitrator, the court shall thereupon enter an order that the witness
28 appear before the arbitrator at the time and place fixed in the order and
29 testify or produce the required books or papers, and upon failure to obey
30 the order the witness shall be dealt with as for contempt of court.

31 SEC. 22. The following proceedings required by or pursuant to this
32 chapter are not subject to any provision of chapter 241 of NRS:

33 1. Any negotiation or informal discussion between an employer and
34 an employee organization or employees as individuals, whether conducted
35 by the governing body or through a representative or representatives.

36 2. Any meeting of a mediator with either party or both parties to a
37 negotiation.

38 3. Any meeting or investigation conducted by an arbitrator.

39 4. Any meeting of the head of an employer with its management
40 representative or representatives.

41 SEC. 23. No public employer shall engage in a lockout or cause,
42 instigate, encourage or condone a strike.

43 SEC. 24. No classified employee or employee organization shall
44 engage in a strike, and no employee organization shall cause, instigate,
45 encourage or condone a strike.

46 SEC. 25. 1. If a strike occurs against the public employer, the public
47 employer shall, and if a strike is threatened against the public employer,
48 the public employer may, apply to a court of competent jurisdiction to
49 enjoin such strike. The application shall set forth the facts constituting
50 the strike or threat to strike.

1 2. If the court finds that an illegal strike has occurred or unless
2 enjoined will occur, it shall enjoin the continuance or commencement of
3 such strike. The provisions of N.R.C.P. 65 and of the other Nevada Rules
4 of Civil Procedure apply generally to proceedings under this section, but
5 the court shall not require security of the public employer.

6 SEC. 26. 1. If a strike is commenced or continued in violation of an
7 order issued pursuant to section 25 of this act, the court may:

8 (a) Punish the employee organization or organizations guilty of such
9 violation by a fine of not more than \$50,000 against each organization for
10 each day of continued violation.

11 (b) Punish any officer of an employee organization who is wholly or
12 partly responsible for such violation by a fine of not more than \$1,000 for
13 each day of continued violation, or by imprisonment as provided in NRS
14 22.110.

15 (c) Punish any employee of the public employer who participates in
16 such strike by ordering the dismissal or suspension of such employee.

17 2. Any of the penalties enumerated in subsection 1 may be applied
18 alternatively or cumulatively, in the discretion of the court.

19 SEC. 27. 1. If a strike or violation is commenced or continued in vio-
20 lation of an order issued pursuant to section 25 of this act, the public
21 employer may:

22 (a) Dismiss, suspend or demote all or any of the employees who par-
23 ticipate in such strike or violation.

24 (b) Cancel the contracts of employment of all or any of the employees
25 who participate in such strike or violation.

26 (c) Withhold all or any part of the salaries or wages which would
27 otherwise accrue to all or any of the employees who participate in such
28 strike or violation.

29 2. Any of the powers conferred by subsection 1 may be exercised
30 alternatively or cumulatively.

31 SEC. 28. Nothing contained in this chapter limits, impairs, or affects
32 the right of any classified employee to the expression of a view, grievance,
33 complaint or opinion on any matter related to the conditions or
34 compensation of public employment or their betterment, if such view,
35 grievance, complaint or opinion is not designed to and does not interfere
36 with the full, faithful and proper performance of the duties of
37 employment.

38 SEC. 29. 1. It is a prohibited practice for a public employer or its
39 designated representative willfully to:

40 (a) Interfere with, restrain or coerce employees in the exercise of any
41 right guaranteed under this chapter.

42 (b) Dominate, interfere or assist in the formation or administration of
43 any employee organization; but a public employer is not prohibited from
44 permitting employees to confer during work hours without loss of time or
45 pay.

46 (c) Discriminate in regard to hiring, tenure or any term or condition
47 of employment to encourage or discourage membership in any employee
48 organization.

49 (d) Discharge or otherwise discriminate against any employee because

1 he has signed or filed an affidavit, petition or complaint or given any infor-
2 mation or testimony under this chapter, or because he has formed, joined
3 or chosen to be represented by any employee organization.

4 (e) Refuse to bargain collectively in good faith with the exclusive rep-
5 resentative as required in section 14 of this act.

6 (f) Violate the provisions of any written agreement with respect to sal-
7 aries, wages, hours and other terms and conditions of employment affect-
8 ing classified employees, including an agreement to arbitrate or to accept
9 the terms of an arbitration award where previously the parties have
10 agreed to accept such award as final and binding.

11 2. It is a prohibited practice for a classified employee or for an
12 employee organization or its designated agent willfully to:

13 (a) Interfere with, restrain or coerce any employee in the exercise of
14 any right guaranteed under this chapter; but this paragraph does not
15 impair the right of an employee organization to prescribe its own rules
16 with respect to the acquisition or retention of membership therein.

17 (b) Refuse to bargain collectively in good faith with the employer,
18 if it is an exclusive representative, as required in section 14 of this act.

19 (c) Restrain or coerce an employer in the selection of his represent-
20 atives for the purpose of collective bargaining or the adjustment of
21 grievances.

22 (d) Violate the provisions of any written agreement with respect to
23 terms and conditions of employment affecting public employees, including
24 an agreement to arbitrate, or to accept the terms of an arbitration award,
25 where previously the parties have agreed to accept such award as final
26 and binding upon them.

27 SEC. 30. The commission shall adopt rules governing proceedings:

28 1. Brought before it under the provisions of this chapter.

29 2. Brought before the hearing officer under this chapter.

30 SEC. 31. The commission shall appoint a hearing officer to conduct
31 hearings and render decisions as provided in section 32 of this act.

32 SEC. 32. A question which arises as to whether an unfair labor prac-
33 tice has been or is being committed by a public employer or employee
34 organization, may be submitted to the commission in accord with the fol-
35 lowing procedure:

36 1. A complaint may be filed with the commission alleging that an
37 unfair labor practice has been or is being committed. The commission
38 shall refer the complaint to the hearing officer within 5 days after its
39 receipt.

40 2. The hearing officer shall transmit such complaint to the public
41 employer or employee organization charged in the complaint within 5
42 days after he receives it.

43 3. The hearing officer shall schedule the matter for hearing within 30
44 days after his transmittal of the complaint to the party charged unless
45 there is a conflict with the hearing calendar of the hearing officer, in which
46 case the hearing shall be scheduled for the earliest possible date after the
47 expiration of the 30 days.

48 4. After the hearing and consideration of the evidence, the hearing
49 officer shall render his decision in writing, setting forth the reasons there-
50 for.

- 1 5. The decision of the hearing officer shall be promptly transmitted to
2 the commission for action consistent with section 33 of this act.
- 3 SEC. 33. 1. If no appeal is taken from the decision of the hearing
4 officer as provided in section 34 of this act, the party committing the
5 unfair labor practice is bound thereby.
- 6 2. The commission shall, in such event, issue and cause to be served
7 upon the party committing the unfair labor practice an order requiring
8 such party to cease and desist from such unfair labor practice, and shall
9 take such further affirmative action as will effectuate the policies of this
10 chapter, including but not limited to:
- 11 (a) Withdrawal of certification of an employee organization established
12 or assisted by any action defined by this chapter as an unfair labor prac-
13 tice;
- 14 (b) Reinstatement of an employee discriminated against in violation of
15 the provisions of this chapter, with or without back pay; or
- 16 (c) Ordering a party who refused to bargain collectively in good faith
17 to pay the full costs of factfinding resulting from the negotiations in which
18 the refusal to bargain collectively in good faith occurred.
- 19 3. Any party may petition the district court in and for Carson City,
20 in and for the county in which the aggrieved party resides, or in and for
21 the county where the act on which the proceeding was based occurred
22 for the enforcement of a commission order entered under this section.
- 23 SEC. 34. 1. Within 30 days after receipt by the commission of the
24 decision of the hearing officer, the public employer or employee organi-
25 zation may request in writing that the commission review such decision.
- 26 2. The review shall be conducted by the commission and shall be
27 confined to the record unless, for good cause shown upon application
28 made prior to hearing on review, leave is granted to present additional
29 evidence. The commission shall, upon request, hear oral argument and
30 receive written briefs.
- 31 3. The commission shall not substitute its judgment for that of the
32 hearing officer as to the weight of evidence on questions of fact. The
33 commission may reverse, affirm or modify the decision of the hearing
34 officer if substantial rights of the party seeking review have been preju-
35 diced because the decision of the hearing officer is:
- 36 (a) In violation of constitutional or statutory provisions;
- 37 (b) In excess of his statutory authority;
- 38 (c) Made upon unlawful procedure;
- 39 (d) Affected by other error of law;
- 40 (e) Clearly erroneous in view of the reliable, probative and substantial
41 evidence on the whole record; or
- 42 (f) Arbitrary, capricious or characterized by an abuse of discretion.
- 43 4. The commission shall render its written decision setting forth the
44 reasons therefor. If the commission affirms the decision of the hearing
45 officer in whole or in part it shall issue and cause to be served upon the
46 party committing the unfair labor practice an order requiring such party
47 to cease and desist from such unfair labor practice and shall take such
48 further affirmative action as is authorized by section 33 of this act.
- 49 5. Any party to the complaint may seek judicial enforcement of
50 such order as provided in section 33 of this act.

1 SEC. 35. 1. For the purpose of hearing and deciding appeals or com-
2 plaints, the commission or hearing officer may issue subpoenas requiring
3 the attendance of witnesses before it, together with all books, memoranda,
4 papers and other documents relative to the matters under investigation,
5 administer oaths and take testimony thereunder.

6 2. The district court in and for the county in which any hearing is
7 being conducted by the commission or hearing officer may compel the
8 attendance of witnesses, the giving of testimony and the production of
9 books and papers as required by any subpoena issued by the commission or
10 hearing officer.

11 3. In case of the refusal of any witness to attend or testify or produce
12 any papers required by such subpoena, the commission or hearing officer
13 may report to the district court in and for the county in which the hearing
14 is pending by petition, setting forth:

15 (a) That due notice has been given of the time and place of the attend-
16 ance of the witness or the production of the books and papers;

17 (b) That the witness has been subpoenaed in the manner prescribed in
18 this chapter; and

19 (c) That the witness has failed and refused to attend or produce the
20 papers required by subpoena before the commission or hearing officer in
21 the hearing named in the subpoena, or has refused to answer questions
22 propounded to him in the course of such hearing,
23 and asking an order of the court compelling the witness to attend and
24 testify or produce the books or papers before the commission or hearing
25 officer.

26 4. The court, upon petition of the commission or hearing officer, shall
27 enter an order directing the witness to appear before the court at a time
28 and place to be fixed by the court in such order, the time to be not more
29 than 10 days from the date of the order, and then and there shall show
30 cause why he has not attended or testified or produced the books or
31 papers before the commission or hearing officer. A certified copy of the
32 order shall be served upon the witness. If it appears to the court that
33 the subpoena was regularly issued by the commission or hearing officer, the
34 court shall thereupon enter an order that the witness appear before the
35 commission or hearing officer at the time and place fixed in the order and
36 testify or produce the required books or papers, and upon failure to obey
37 the order the witness shall be dealt with as for contempt of court.

38 SEC. 36. The decision of the commission is a contested case within
39 the meaning of chapter 233B of NRS and is subject to judicial review as
40 provided in chapter 233B of NRS.

S. B. 242

SENATE BILL NO. 242—SENATORS DODGE AND GIBSON

FEBRUARY 21, 1975

Referred to Committee on Government Affairs

SUMMARY—Makes changes in Local Government Employee-Management Relations Act. Fiscal Note: No. (BDR 23-1059)

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

AN ACT relating to employee-management relations; providing for the appointment of a commissioner to replace the local government employee-management relations board; permitting strikes in certain cases; providing for mandatory bargaining on certain subjects; 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. Chapter 288 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. "Advisory committee" means the government employee-
4 management relations advisory committee established under this chapter.
- 5 SEC. 3. "Commissioner" means the government employee-manage-
6 ment relations commissioner.
- 7 SEC. 4. 1. The position of government employee-management rela-
8 tions commissioner is hereby created.
- 9 2. The commissioner shall:
- 10 (a) Be appointed by the governor on the basis of recommendations of at
11 least eight members of the advisory committee.
- 12 (b) Be in the unclassified service of the state pursuant to the provisions
13 of chapter 284 of NRS.
- 14 (c) Receive an annual salary in an amount determined pursuant to the
15 provisions of NRS 284.182.
- 16 (d) Not engage in any other gainful employment or occupation or hold
17 any other office for profit.
- 18 (e) Serve for a term of 4 years.
- 19 (f) Have a substantial background in labor relations or labor law.
- 20 (g) Not be closely allied exclusively with either management or labor.
- 21 3. The governor may:
- 22 (a) Reappoint the commissioner to serve from term to term.
- 23 (b) Remove the commissioner from office at any time upon the recom-
24 mendation of eight members of the advisory committee.

1 4. The commissioner and all persons working in his office or on his
2 staff shall not belong to any employee organization and shall be excluded
3 from any negotiating unit provided for in this chapter.

4 SEC. 5. 1. The employee-management relations advisory committee
5 is hereby created, to consist of 10 members, five of whom shall be repre-
6 sentatives or designees of employee organizations and five of whom shall
7 be representatives or designees of government employers. The commis-
8 sioner shall be an additional, ex officio, nonvoting member of the advisory
9 committee.

10 2. The governor shall appoint the members of the advisory committee
11 on the basis of recommendations of employee organizations and govern-
12 ment employers who are affected by the provisions of this chapter. No
13 employee organization and no government employer may have more than
14 one representative or designee appointed as a member of the advisory
15 committee.

16 SEC. 6. 1. The advisory committee shall solicit applications and inter-
17 view applicants for the position of commissioner. The advisory committee
18 shall then submit to the governor a list of those applicants receiving a vote
19 of at least eight of its members, from which list the appointment shall be
20 made.

21 2. The advisory committee shall meet at least semiannually to review
22 the procedures provided for in this chapter, advise the board or the com-
23 missioner in any manner requested, and file a report with the legislature at
24 the next session of the legislature regarding procedures under the provi-
25 sions of this chapter and making recommendations for desirable legisla-
26 tion affecting this chapter.

27 SEC. 7. 1. Participation in a strike is unlawful for:

28 (a) Law enforcement officers or firemen employed by a local govern-
29 ment employer.

30 (b) Any local government employee who:

31 (1) Is not included in a recognized employee organization; or

32 (2) Is included in a recognized employee organization for which
33 process for resolution of a dispute is by referral to final and binding fact-
34 finding.

35 2. A local government employee, who is not prohibited from striking
36 under subsection 1 and who is in the recognized employee organization
37 involved in the dispute, may participate in a strike after:

38 (a) The requirements of NRS 288.200 relating to the resolution of dis-
39 putes have been complied with in good faith;

40 (b) 30 days have elapsed since the factfinder reported his findings and
41 recommendations to the parties to the dispute; and

42 (c) The representative of the employee organization involved in the dis-
43 pute has given a ten-day notice of intent to strike to the board or the com-
44 missioner and the local government employer.

45 SEC. 8. 1. Where the strike occurring or about to occur, endangers
46 the public health or safety, the local government employer concerned may
47 petition the board or commissioner to make an investigation.

48 2. If the board or the commissioner finds that there is imminent or
49 present danger to the health and safety of the public, the board or the

1 commissioner shall set requirements that must be complied with to avoid
2 or remove any such imminent or present danger.

3 SEC. 9. 1. An employee organization shall not declare or authorize a
4 strike of employees, which is or would be in violation of sections 7 and 8
5 of this act.

6 2. Where it is alleged by the local government employer that an
7 employee organization has declared or authorized a strike of employees
8 which is or would be in violation of sections 7 and 8 of this act, the local
9 government employer may apply to the board or the commissioner for a
10 declaration that the strike is or would be unlawful and the board or the
11 commissioner, after affording an opportunity to the employee organiza-
12 tion to be heard on the application, may make such a declaration.

13 SEC. 10. NRS 288.080 is hereby amended to read as follows:

14 288.080 1. The local government employee-management relations
15 board is hereby created, to consist of three members, broadly representa-
16 tive of the public and not closely allied with any employee organization
17 or local government employer, not more than two of whom shall be
18 members of the same political party. [Except as provided in subsection 2,
19 the term of office of each member shall be 4 years.]

20 2. The governor shall appoint the members of the board. [Of the first
21 three members appointed, the governor shall designate one whose term
22 shall expire at the end of 2 years. Whenever a vacancy occurs on the
23 board other than through the expiration of a term of office, the governor
24 shall fill such vacancy by appointment for the unexpired term.]

25 3. The members of the board shall elect one of their number as
26 chairman and one as vice chairman. Any two members of the board
27 constitute a quorum.

28 4. The board shall cease to function upon the appointment of the
29 commissioner or on December 31, 1975, whichever event first occurs.

30 SEC. 11. NRS 288.090 is hereby amended to read as follows:

31 288.090 [1. The members of the board shall annually elect one of
32 their number as chairman and one as vice chairman. Any two members
33 of the board constitute a quorum.

34 2.] The board or the commissioner may, within the limits of legis-
35 lative appropriations:

36 [(a)] 1. Appoint a secretary, who shall be in the unclassified serv-
37 ice of the state; and

38 [(b)] 2. Employ such additional clerical personnel as may be neces-
39 sary, who shall be in the classified service of the state.

40 SEC. 12. NRS 288.110 is hereby amended to read as follows:

41 288.110 1. The board or the commissioner may make rules govern-
42 ing proceedings before it and procedures for factfinding and may issue
43 advisory guidelines for the use of local government employers in the
44 recognition of employee organizations and determination of negotiating
45 units.

46 2. The board or the commissioner may hear and determine any com-
47 plaint arising out of the interpretation of, or performance under, the
48 provisions of this chapter by any local government employer or employee
49 organization. The board [.] or the commissioner, after a hearing, if [it
50 finds] they find that the complaint is well taken, may order any person to

1 refrain from the action complained of or to restore to the party aggrieved
2 any benefit of which he has been deprived by such action.

3 3. Any party aggrieved by the failure of any person to obey an order
4 of the board *or the commissioner* issued pursuant to subsection 2 may
5 apply to a court of competent jurisdiction for a prohibitory or mandatory
6 injunction to enforce such order.

7 Sec. 13. NRS 288.120 is hereby amended to read as follows:

8 288.120 1. For the purpose of hearing and deciding appeals or com-
9 plaints, the board *or the commissioner* may issue subpoenas requiring the
10 attendance of witnesses before it, together with all books, memoranda,
11 papers and other documents relative to the matters under investigation,
12 administer oaths and take testimony thereunder.

13 2. The district court in and for the county in which any hearing is
14 being conducted by the board *or the commissioner* may compel the
15 attendance of witnesses, the giving of testimony and the production of
16 books and papers as required by any subpoena issued by the board [.]
17 *or the commissioner*.

18 3. In case of the refusal of any witness to attend or testify or produce
19 any papers required by such subpoena, the board *or the commissioner*
20 may report to the district court in and for the county in which the hearing
21 is pending by petition, setting forth:

22 (a) That due notice has been given of the time and place of attendance
23 of the witness or the production of the books and papers;

24 (b) That the witness has been subpoenaed in the manner prescribed in
25 this chapter;

26 (c) That the witness has failed and refused to attend or produce the
27 papers required by subpoena before the board *or the commissioner* in the
28 hearing named in the subpoena, or has refused to answer questions pro-
29 pounded to him in the course of such hearing,
30 and asking an order of the court compelling the witness to attend and
31 testify or produce the books or papers before the board [.] *or the com-*
32 *missioner*.

33 4. The court, upon petition of the board [.] *or the commissioner*,
34 shall enter an order directing the witness to appear before the court at a
35 time and place to be fixed by the court in such order, the time to be not
36 more than 10 days from the date of the order, and then and there show
37 cause why he has not attended or testified or produced the books or papers
38 before the board [.] *or the commissioner*. A certified copy of the order
39 shall be served upon the witness. If it appears to the court that the sub-
40 pena was regularly issued by the board [.] *or the commissioner*, the
41 court shall thereupon enter an order that the witness appear before the
42 board *or the commissioner* at the time and place fixed in the order and
43 testify or produce the required books or papers, and upon failure to obey
44 the order the witness shall be dealt with as for contempt of court.

45 Sec. 14. NRS 288.130 is hereby amended to read as follows:

46 288.130 Every hearing and determination of an appeal or complaint
47 by the board *or the commissioner* is a contested case within the meaning
48 of chapter 233B of NRS. Every such determination is subject to judicial
49 review as provided in chapter 233B of NRS.

1 SEC. 15. NRS 288.150 is hereby amended to read as follows:

2 288.150 1. [It is the duty of every local government employer,
3 except as limited in subsection 2, to negotiate in good faith through a
4 representative or representatives of its own choosing concerning wages,
5 hours, and conditions of employment with the recognized employee
6 organization, if any, for each appropriate unit among its employees. If
7 either party requests it, agreements so reached shall be reduced to writing.
8 Where any officer of a local government employer, other than a member
9 of the governing body, is elected by the people and directs the work of
10 any local government employee, such officer is the proper person to
11 negotiate, directly or through a representative or representatives of his
12 own choosing, in the first instance concerning any employee whose work
13 is directed by him, but may refer to the governing body or its chosen
14 representative or representatives any matter beyond the scope of his
15 authority.

16 2. Each local government employer is entitled, without negotiation
17 or reference to any agreement resulting from negotiation:

18 (a) To direct its employees;

19 (b) To hire, promote, classify, transfer, assign, retain, suspend,
20 demote, discharge or take disciplinary action against any employee;

21 (c) To relieve any employee from duty because of lack of work or for
22 any other legitimate reason;

23 (d) To maintain the efficiency of its governmental operations;

24 (e) To determine the methods, means and personnel by which its
25 operations are to be conducted; and

26 (f) To take whatever actions may be necessary to carry out its respon-
27 sibilities in situations of emergency.

28 Any action taken under the provisions of this subsection shall not be
29 construed as a failure to negotiate in good faith. [Except as provided in
30 subsection 4, it is the duty of every government employer to negotiate
31 in good faith through a representative or representatives of its own
32 choosing concerning the mandatory subjects of bargaining set forth in
33 subsection 2 with the designated representatives of the recognized
34 employee organization, if any, for each appropriate negotiating unit
35 among its employees. If either party so requests, agreements reached shall
36 be reduced to writing. Where any officer of a government employer, other
37 than a member of the governing body, is elected by the people and
38 directs the work of any government employee, such officer is the proper
39 person to negotiate, directly or through a representative or representa-
40 tives of his own choosing, in the first instance concerning any employee
41 whose work is directed by him, but may refer to the governing body or
42 its chosen representative or representatives any matter beyond the scope
43 of his authority.

44 2. The scope of mandatory bargaining is limited to:

45 (a) Salary or wage rates or other forms of direct monetary compen-
46 sation.

47 (b) Sick leave.

48 (c) Vacation leave.

49 (d) Holidays.

50 (e) Other paid or nonpaid leaves of absence.

- 1 (f) Insurance benefits.
 2 (g) Total hours of work required of an employee on each workday.
 3 (h) Total number of days' work required of an employee in a work
 4 year.
 5 (i) Discharge and disciplinary procedures.
 6 (j) Recognition clause.
 7 (k) The method used to classify employees in the negotiating unit.
 8 (l) Deduction of dues for the recognized employee organization.
 9 (m) Protection of employees in negotiating unit from discrimination
 10 because of participation in recognized employee organizations consistent
 11 with the provision of this chapter.
 12 (n) No-strike provisions consistent with the provisions of this chapter.
 13 (o) Grievance and arbitration procedures for resolution of disputes
 14 relating to interpretation or application of collective bargaining agree-
 15 ments.
 16 (p) General savings clauses.
 17 (q) Duration of collective bargaining agreements.
 18 None of the subject matters enumerated in this subsection may be
 19 negotiated beyond the limits, if any, established under other provisions
 20 of NRS or applicable federal laws. Employees shall not have available
 21 to them more than one procedure relating to discipline or discharge.
 22 3. Those subject matters which are not within the scope of manda-
 23 tory bargaining and which are reserved to the government employer
 24 without negotiation include:
 25 (a) The right to hire, direct, assign and transfer any employee.
 26 (b) The right to reduce in force or layoff any employee because of lack
 27 of work, lack of funds, in the interest of economy or in the interest of the
 28 governmental operation involved. In exercising this right, the government
 29 employer shall comply with all other applicable provisions of NRS, if any.
 30 (c) The right to determine appropriate staffing levels, work perform-
 31 ance standards, content of the workday, including without limitation
 32 workload factors, work schedules, the quality and quantity of services to
 33 be offered to the public and the means and methods of offering those
 34 services.
 35 4. Notwithstanding the provisions of any collective bargaining agree-
 36 ment negotiated pursuant to this chapter, a government employer is
 37 entitled to take whatever actions may be necessary to carry out its respon-
 38 sibilities in an emergency.
 39 5. The provisions of the chapter, including without limitation the
 40 provisions of this section, shall be construed to recognize the ultimate
 41 right and responsibility of the government employer to manage its opera-
 42 tion in the most economical and efficient manner consistent with the
 43 best interest of all its citizens, its taxpayers and its employees.
 44 6. This section does not preclude, but this chapter does not require
 45 the government employer to negotiate or discuss subject matters enu-
 46 merated in subsection 3, which are outside the scope of mandatory bar-
 47 gaining.
 48 SEC. 16. NRS 288.160 is hereby amended to read as follows:
 49 288.160 1. An employee organization may apply to a local govern-
 50 ment employer for recognition by presenting:

- 1 (a) A copy of its constitution and bylaws, if any; *and*
 2 (b) A roster of its officers, if any, and representatives. **[**; and
 3 (c) A pledge in writing not to strike against the local government
 4 employer under any circumstances.

5 A local government employer shall not recognize as representative of its
 6 employees any employee organization which has not adopted, in a manner
 7 valid under its own rules, the pledge required by paragraph (c).**]**

8 2. If an employee organization, at or after the time of its application
 9 for recognition, presents a verified membership list showing that it repre-
 10 sents a majority of the employees in a negotiating unit, and if such
 11 employee organization is recognized by the local government employer,
 12 it shall be the exclusive negotiating representative of the local govern-
 13 ment employees in that negotiating unit.

14 3. A local government employer may withdraw recognition from an
 15 employee organization which:

16 (a) Fails to present a copy of each change in its constitution or bylaws,
 17 if any, or to give notice of any change in the roster of its officers, if any,
 18 and representatives;

19 (b) **[**Disavows its pledge not to strike against the local government
 20 employer under any circumstances; or

21 (c) **]** Ceases to be supported by a majority of the local government
 22 employees in the negotiating unit for which it is recognized **[.**]; *or*

23 **[**(d) **]** (c) Fails to negotiate in good faith with the local government
 24 employer.

25 4. If an employee organization is aggrieved by the refusal or with-
 26 drawal of recognition, or by the recognition or refusal to withdraw
 27 recognition of another employee organization, the aggrieved employee
 28 organization may appeal to the board **[.**] *or the commissioner*. If the
 29 board *or the commissioner* in good faith doubts whether any employee
 30 organization is supported by a majority of the local government
 31 employees in a particular negotiating unit, **[it]** *they may* conduct an
 32 election by secret ballot upon the question. Subject to judicial review, the
 33 decision of the board is binding upon the local government employer and
 34 all employee organizations involved.

35 SEC. 17. NRS 288.170 is hereby amended to read as follows:

36 288.170 1. Each local government employer which has recognized
 37 one or more employee organizations shall determine, after consultation
 38 with such recognized organization or organizations, which group or
 39 groups of its employees constitute an appropriate unit or units for nego-
 40 tiating purposes. The primary criterion for such determination shall be
 41 community of interest among the employees concerned. A principal,
 42 assistant principal or other school administrator below the rank of super-
 43 intendent, associate superintendent or assistant superintendent shall not
 44 be a member of the same negotiating unit with public school teachers
 45 unless the school district employs fewer than five principals but may join
 46 with other officials of the same specified ranks to negotiate as a separate
 47 negotiating unit. A local government department head, administrative
 48 employee or supervisory employee shall not be a member of the same
 49 negotiating unit as the employees under his direction. Any dispute
 50 between the parties as to whether an employee is a supervisor shall be

1 submitted to the board [.] or the commissioner. In all cases, confidential
2 employees of the local government employer shall be excluded from any
3 negotiating unit.

4 2. If any employee organization is aggrieved by determination of a
5 negotiating unit, it may appeal to the board [.] or the commissioner.
6 Subject to judicial review, the decision of the board or the commissioner
7 is binding upon the local government employer and employee organiza-
8 tions involved. The board shall apply the same criterion as specified in
9 subsection 1.

10 SEC. 18. NRS 288.180 is hereby amended to read as follows:

11 288.180 1. [Whenever an employee organization desires to negotiate
12 concerning any matter which is subject to negotiation pursuant to this
13 chapter, it shall give written notice of such desire to the local government
14 employer. If the subject of negotiation requires the budgeting of money
15 by the local government employer, the employee organization shall give
16 such notice on or before December 1.] *An employee organization which*
17 *has been recognized by a local government employer and desires to nego-*
18 *tiate concerning any matter within the scope of mandatory bargaining*
19 *shall give written notice of such desire to the local government employer*
20 *on or before December 1 of the fiscal year prior to the fiscal year in which*
21 *such provisions are to be effective.*

22 2. This section does not preclude, but this chapter does not require,
23 informal discussion between an employee organization and a local govern-
24 ment employer of any matter which is not [subject to negotiation or
25 contract under this chapter.] *not within the scope of mandatory bar-*
26 *gaining.* Any such informal discussion is exempt from all requirements
27 of notice or time schedule.

28 SEC. 19. NRS 288.200 is hereby amended to read as follows:

29 288.200 1. If by March 1, the parties have not reached agreement,
30 either party, at any time up to April 1, may submit the dispute to an
31 impartial factfinder for his findings and recommendations. These findings
32 and recommendations are not binding on the parties except as provided
33 in [subsections 6 and 7.] *subsection 6 and paragraph (a) of subsection 7.*

34 2. If the parties are unable to agree on an impartial factfinder
35 within 5 days, either party may request from the American Arbitration
36 Association a list of seven potential factfinders. The parties shall select
37 their factfinder from this list by alternately striking one name until the
38 name of only one factfinder remains, who will be the factfinder to hear
39 the dispute in question. The employee organization shall strike the first
40 name.

41 3. The local government employer and employee organization each
42 shall pay one-half of the cost of factfinding. However, each party shall
43 pay its own costs of factfinding incurred in the preparation and presenta-
44 tion of its case in factfinding.

45 4. The factfinder shall report his findings and recommendations to
46 the parties to the dispute within 30 days after the conclusion of the fact-
47 finding hearing. Such report shall be made no later than May 5 except as
48 modified by the provisions of subsection 5.

49 5. In a regular legislative year, the factfinding hearing shall be
50 stayed:

1 2. If the court finds that an illegal strike has occurred or unless
 2 enjoined will occur, it shall enjoin the continuance or commencement of
 3 such strike. **]** *If any employee organization or any employee is found to*
 4 *be violating or failing to comply with the requirements of sections 7 to 9,*
 5 *inclusive, or if there is reasonable cause to believe that an employee*
 6 *organization or an employee is violating or failing to comply with such*
 7 *requirements, the board or the commissioner shall institute proceedings*
 8 *in a court of competent jurisdiction to enjoin the performance of any acts*
 9 *or practices forbidden by sections 7 to 9, inclusive, of this act, or to*
 10 *require the employee organization or employees to comply with the*
 11 *requirements of sections 7 to 9, inclusive, of this act.*

12 2. The provisions of N.R.C.P. 65 and of the other Nevada Rules of
 13 Civil Procedure apply generally to proceedings under this section, but the
 14 court shall not require security of the state or of any local government
 15 employer.

16 SEC. 21. NRS 288.250 is hereby amended to read as follows:

17 288.250 1. If **[**a strike is commenced or continued in violation of**]**
 18 *an employee or employee organization violates* an order issued pursuant
 19 to NRS 288.240, the court may:

20 (a) Punish the employee organization or organizations guilty of such
 21 violation by a fine of not more than \$50,000 against each organization for
 22 each day of continued violation.

23 (b) Punish any officer of an employee organization who is wholly or
 24 partly responsible for such violation by a fine of not more than \$1,000
 25 for each day of continued violation, or by imprisonment as provided in
 26 NRS 22.110.

27 (c) Punish any employee of the state or of a local government
 28 employer who participates in such strike by ordering the dismissal or
 29 suspension of such employee.

30 2. Any of the penalties enumerated in subsection 1 may be applied
 31 alternatively or cumulatively, in the discretion of the court.

32 SEC. 22. NRS 288.260 is hereby amended to read as follows:

33 288.260 1. If **[**a strike or violation is commenced or continued in
 34 violation of**]** *an employee or employee organization violates* an order
 35 issued pursuant to NRS 288.240, the state or the local government
 36 employer may:

37 (a) Dismiss, suspend or demote all or any of the employees who par-
 38 ticipate in such strike or violation.

39 (b) Cancel the contracts of employment of all or any of the employees
 40 who participate in such strike or violation.

41 (c) Withhold all or any part of the salaries or wages which would
 42 otherwise accrue to all or any of the employees who participate in such
 43 strike or violation.

44 2. Any of the powers conferred by subsection 1 may be exercised
 45 alternatively or cumulatively.

46 SEC. 23. NRS 288.230 is hereby repealed.