

JOINT GOVERNMENT AFFAIRS COMMITTEES

SPECIAL MEETING - April 10, 1975

EMPLOYEE MANAGEMENT NEGOTIATION BILLS

Present:	Chairman Gibson	Assemblyman Murphy
	Senator Walker	Assemblyman Craddock
	Senator Dodge	Assemblyman Harmon
	Senator Foote	Assemblyman May
	Senator Hilbrecht	Assemblyman Moody
	Senator Gojack	Assemblyman Schofield
	Senator Schofield	Assemblyman Ford
	Assemblyman Dini	Assemblyman Young

Also Present: See attached Guest Register

Chairman Gibson called the special joint meeting of the Government Affairs committee to order at 5:15 p.m. with a quorum present. The following bills were discussed during that meeting.

- SB-242 Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1355)
- SB-420 Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1355)
- SB-396 Excludes supervisory and administrative personnel of city from participation in collective bargaining process. (BDR 23-1390)
- SB-452 Requires local government employer to notify employee organization of its desire to negotiate. (BDR 23-1574)
- SB-456 Authorizes factfinder to require local government employer to pay costs incurred by employee organization in factfinding. (BDR 23-1572)
- SB-457 Qualifies definition of "supervisory employee" and amends provision concerning determination of negotiating units of local government employee organization. (BDR 23-1573)
- AB-572 Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1681)

Senator Dodge explained to the committee members and the audience the main points in SB-242 that would change the Employee Management Relations Act.

Bob Warren, Nevada League of Cities, spoke in favor of SB-420 stating that this bill is equal to AB-250. He felt there was a need to get a handle on the costs of salaries and fringe benefits. He went over the main sections of SB-420.

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Assemblyman Dini informed the committee members and the audience of the complexities and changes that are in AB-572. Mr. Dini stated that AB-572 has the same scope of bargaining power that is in SB-242.

Glen Taylor, President of Nevada State School Board Association, spoke in favor of SB-242 and AB-572.

Bob Petroni, Clark County School District, stated that they were in favor of SB-242 and Ab-572. Mr. Petroni prefaced his statement with a few exceptions. Mr. Petroni indicated that both of these bills did not provide a way to fill a vacancy on the Advisory Board. He also indicated that they were against striking, also on page 5 in the definition of scope of negotiations Mr. Petroni feels that it should be more limited. On Page 10, feels that there should be a minimum amount for the penalty for striking to be not less than \$50.00. Mr. Petroni suggested including that striking employees could be replaced in order to keep the work flowing.

Mr. Petroni stated that in SB-456 he feels that the factfinder will not always find for one side or the other but suggest a compromise that doesn't really suit either side.

Ed Pine, Washoe County School Board, stated they were not in favor of SB-242 and SB-420. Mr. Pine indicated that they favored the right to strike. Mr. Pine stated that in the Christian Science Monitor there was an article that indicated there have been fewer walkouts since the right to strike was put into employee agreements.

Dr. Robert McQueen, School Trustee, Washoe County, stated that he is in favor of SB-242. Dr. McQueen feels that binding arbitration has been less than satisfactory and therefore makes the right to strike seem more favorable to them. (See attached testimony)

Bob Cox, Washoe County School District, believes that these bills, SB-242 and SB-420 narrow down the process for bargaining and is in favor of them. Mr. Cox feels that it is a good move to replace the E.M.R.B. with a full time commission. Mr. Cox favors the right to strike as binding arbitration has not worked in the past for either the employer or the employee.

Mr. Cox stated that he is against SB-456 as the bill is too ambiguous.

Senator Dodge questioned Mr. Cox asking if he ever considered having a factfinder in the private sector presiding over the issues for a school area?

Assemblyman Dini also asked if they ever thought of using some other type of person to come in and act as the arbitrator?

Mr. Cox answered by stating that they have tried but no one seems to meet the qualifications.

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Dr. Marvin Picolo, Supt. Washoe County School District, spoke in support of the Negotiation terms. Feels that the strike provision is good as well as putting them in the private sector. Mr. Picolo indicated that SB-456 narrows down the scope of negotiations and that the strike is the only workable alternative. Mr. Picolo concluded his statements by stating that he was in favor of SB-242, SB-420 and SB-456.

Warren Scott, Humboldt County School District, stated that he was in favor of SB-242

John Hawkins, Carson City Supt. of Schools, stated that he was in favor of SB-242.

Angus MacEachern, Clark County, drafter of SB-420 feels that this bill will bring the ability and the desire into the law for the employees. He explained the various sections in the bill and felt that they would alleviate the problems with the labor relations process. Mr. MacEachern gave the committee some proposed amendments to SB-420. (See the attached) Feels that this will clarify some of the language in the bill. He stated that section 32, in his opinion, the most important section in the bill. Mr. MacEachern indicated that most disputes are handled without the strike but it is good to have as a last option.

David C. Williams, Teacher from Clark County School District, stated that he is against SB-242, SB-420 and AB-572 as he feels that they further the decline of the teacher participation in the classroom.

Neal Humphrey, Chancellor at the University of Nevada in Reno, is against SB-456 and SB-420.

Richard Anderson, Las Vegas Valley Water District, Personnel Supervisor, stated that he is in favor of SB-420, noting that the bargaining is clarified and it also provides secret ballot of the election. Prevents department heads and supervisors from belonging to groups for collective bargaining. Mr. Anderson also favors the right to strike. Mr. Anderson stated that SB-420 and AB-572 should have some language regarding the strike provision, as in SB-242.

Ernie Newton, Nevada Taxpayers Association, approves in concept SB-242 and SB-420 as well as AB-572. Mr. Newton would prefer the strike provision in SB-242 be added to the other bills. Feels that a strike for anyone would be more inclusive. Mr. Newton also feels that there should be the power to have an injunction placed if the strike could endanger the community.

Mr. Newton felt that the "last best offer" in section 2 of SB-325 should be considered by the committee as well, especially if they decide against the right to strike. The scope of bargaining should be as limiting as possible. Mr. Newton's comments were brief on SB-420 noting that he is convinced that collective bargaining has no place in the state of Nevada.

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Richard Morgan, N.S.E.A., stated that he didn't think the right to strike will do any good for the bargaining powers of the employee. In 15 cases they have found 9 times for the employee. Mr. Morgan feels that the problems a teacher faces are much different than any other type of employee problem. Mr. Morgan told the committee that there are three school systems that handle their own problems with negotiations and this process is working. He concluded by asking the committee to maintain the current statutes.

Lonnie Shields, President Elect of Nevada Teaching Association, stated that they were against the right to strike.

Ed Saltus, Washoe County Teachers Association, stated that he also was against the right to strike. Mr. Saltus read several cases where the employer was protected in this right to strike situation. He feels that the "Dodge Act" should remain as it is and likes the "last best offer" as proposed by Senator Hilbrecht.

Senator Dodge questioned whether or not the "last best offer" really fits in with the school procedure as this offer is usually geared at a monetary type of situation

Mr. Saltus answered by stating that if this bill were adopted you would have less situations coming to binding arbitration.

Ken Hogan, Public Employees Coalition, Las Vegas, Henderson and all of Clark County, stated that in SB-420 and AB-572, the right to strike would serve no useful purpose. On Page 12, line 25 feels that the language there makes for a difficult situation. Mr. Hogan favors binding arbitration and the "last best offer".

Jim Gist, representing Las Vegas City employees Association, all have the same effect and therefore is against these bills (SB-242, SB-420 and AB-572). Mr. Gist concurred with Mr. Ed Saltus' testimony. Mr. Gist felt that SB-325 would be a very good bill with some limitation to the bargaining items.

Chairman Gibson informed the committee as well as the audience that the right to strike could be an effective avenue for solving the problems that groups are having with negotiations giving a strong inducement to both sectors.

Ed Dodson, Nevada Association of School Administrators, is in favor of SB-242 and noted the following: (1) if the scope of negotiation is not limited you have too many things to deal with when bargaining. (2) If negotiations aren't limited and go to binding arbitration they can disenfranchise themselves.

Senator Raggio stated that in SB-452 it attempts to reach an inequity that exists because the present law is onesided in items to be reached in negotiations. Employee organizations must meet a deadline and the employee doesn't have this deadline. The law should not have such an inequity.

Senator Raggio noted that on SB-456 the bill attempts to reach an inequity that could exist. He further explained that this bill will make a more workable situation between employer and employee during negotiations. Senator Raggio's comments on SB-457 were that it would have limited application for the negotiations of the law enforcement units. The law enforcement units can't join a larger unit but must form their own union.

R. W. Kellerer, Washoe County Deputy Association, stated that he was in favor of SB-452, 456 and 457. Mr. Kellerer felt that in SB-452 it would provide a courtesy to the employee organization. Only question with SB-456 is he feels that the language throughout the bill is too permissive and does not mandate. He also stated that the costs for binding arbitration are very expensive, especially for the small organization.

Chris Karamanos, E.M.R.B., Board Chairman, stated that he is against the abolishment of the board, as these bills seem to imply in giving the right to strike. Mr. Karamanos feels that their board does settle many cases to the pleasure of all concerned. He stated that their board works very hard, they have common sense, and are getting better at what they do. (See the attached report prepared by Sally Davis)

Nancy Gomez, Member of Washoe County School Board, stated that bargaining should be in good faith and is against the right to strike. Mrs. Gomez concurred with Mr. Saltus' testimony. (see P.4)

Jim Berry, Personnel Director for City of Reno, stated that he was in favor of SB-420 and SB-242. Mr. Berry indicated that this would prove to be an effective way to bargain. Before going into arbitration he would like to see something where the people would know what the offer was in order to review and look over the proposals.

Chan Griswold, Deputy District Attorney, Washoe County, stated that they were in favor of SB-242, SB-420 and AB-572. Mr. Griswold stated that he didn't think the separation between administration and Supervisors in bargaining is useful or necessary.

Pat Bovay, Ormsby County, Carson Schools, feels the present statutes are working well and is against the right to strike. Feels that it will, in the end, hurt the children.

Pat Boulrier, University of Nevada, stated that she was against SB-242. Ms. Boulrier feels these bills are unprofessional and will hurt the young people that are being taught. She requested that the faculty be excluded.

John Cerveri, Non Uniform Group, City of Reno, commented that he did not like the right to strike section in SB-242.

Bob Rusk, Chairman of Nevada City Community in Washoe County, stated that in SB-420 the time table is unrealistic. Mr. Rusk indicated that he did not like the Employee Management Relations Board. (See testimony)

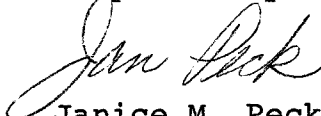
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Mark Saunders, Elko Chamber of Commerce, stated that he was against SB-420 and SB-242. They feel binding arbitration is detrimental to the best interests of the people of Nevada.

Pete Allen, Washoe County Employee Negotiation Team, feels that the arbitrators are well educated people and do the best they can for all concerned. They object to the right to strike. Mr. Allen suggested moving up the time limit for the Governor's decision on binding arbitration.

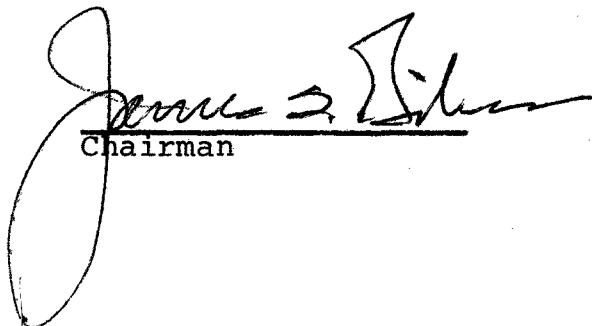
As there was no further business the meeting adjourned at 9:15 p.m.

Respectfully submitted,



Janice M. Peck
Committee Secretary

Approved:



Chairman

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JOINT GOVERNMENT AFFAIRS COMMITTEE - EMPLOYEE NEGOTIATION BILLS
GUEST REGISTER
April 10, 1975
Meeting No. J-3

Glen Taylor, President Nevada State School Boards
Bob Petroni, Clark County School Dist.
Ed Pine, Washoe County School Board
Dr. Robert McQueen, Washoe School Board
Bob Cox, Washoe School Board
Dr. Marvin Picollo, Washoe School Board
Warren Scott, Humboldt School Board
Bob Warren, Nevada League of Cities
David C. Williams, Teacher
Neil Humphrey, University of Nevada System
John Hawkins, Carson City School District
Alfred Prince Mineral County School District
Stan Cooper, Churchill County School Trustee
Elmo DeRicco, Supt. Churchill County
J. A. MacEachern, Clark County
Richard Anderson, Las Vegas Water Dist.
Henry Etchemendy, Carson City
Jim Lillard Mayor of Sparks
E. L. Newton, N.T.A.
Richard Morgan, N.S.F.A.
Lonnie Shields, N.S.E.A.
Ed Psaltes, Washoe Teachers
Ken Hougen, P.E.A.C.
Jim Gist, P.E.A.C.
Lyle Wilcox, Mayor of Lovelock
E. S. Dodson, Nevada Association of School Administration
Jim Berry, City of Reno
Chan Griswold, Washoe County
Pat Bobay, Ormsby County Teachers Assn.
Nancy Gomes, Teacher
Pat Beaulier, University of Nevada
Chris Karamanos, E.M.R.B. Board Chairman
Bob Rust, Washoe County
Mark Sanders, Elko Chamber
Pat Allen, Washoe County
Senator Raggio
R. W. Kellerer, Washoe County Sheriff's Deputy Association

Note: The above guest register reflects the people who wished to testify. There was not enough time to have all in attendance sign the register.

SPECIAL AGENDA FOR HEARINGS ON EMPLOYEE MANAGEMENT

NEGOTIATION BILLS

NOTE: These hearings will be conducted jointly with the Assembly and Senate Government Affairs committee. The hearings will commence promptly at 5:00 P.M. Tuesday, Wednesday and Thursday, April 8, 9, & 10; in the legislative auditorium.

Those persons who desire to be heard on any of the bills listed on the particular night should notify the committee chairman presiding so he can make sure they are given a place on the agenda. The bills listed below will be heard in the order given.

5:00 P.M. - Tuesday, April 8th - Assemblyman Joe Dini Presiding

- SB-256 (1) Includes faculty of University of Nevada System within scope of Local Government Employee-Management Relations Act. (BDR 23-512)
- SB-325 (2) Amends Local Government Employee-Management Relations Act. (BDR 23-436)
- SB-361 (3) Requires negotiations under Local Government Employee-Management Relations Act to be open to public. (BDR 23-1334)

5:00 P.M. Wednesday, April 9th - Assemblyman Joe Dini Presiding

- SB-207 (1) Enacts State Employee-Management Relations Act. (BDR 23-807)
- AB-361 (2) Enacts State Employee-Management Relations Act. (BDR 23-1029)
- AB-483 (3) Enacts State Employee-Management Relations Act. (BDR 23-1290)

5:00 P.M. Thursday, April 10th - Senator James Gibson presiding.

Over

- SB-396
(1) **Excludes supervisory and administrative personnel of city from participation in collective bargaining process. (BDR 23-1390)**
- SB-242
(2) Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1059)
- SB-420
(3) Makes changes in Local Government Employee-Management Relations Act. (BDR 23-1355)
- AB-572
(4) Makes changes in Local Government Employee-Management relations Act. (BDR 23-1681)
- SB-452
(5) Requires local government employer to notify employee organization of its desire to negotiate. (BDR 23-1574)
- SB-456
(6) Authorizes factfinder to require local government employer to pay costs incurred by employee organization in factfinding. (BDR 23-1572)
- SB-457
(7) Qualifies definition of "supervisory employee" and amends provision concerning determination of negotiating units of local government employee organization. (BDR 23-1573)

DR. ROBERT McQUEEN - SCHOOL TRUSTEE
WASHOE COUNTY SCHOOL BOARD
SPEAKING FOR: S.B. 242

APRIL 10, 1975

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I am Bob McQueen, School Trustee for Washoe County. I would like to speak in favor of Senate Bill No. 242. We feel this Bill would be a substantial improvement over existing legislation. The improvement would come first by markedly restricting the items of negotiability. At the present time the range of negotiations is so broad that for all practical purposes the Board, itself, could be negotiated into total impotence. Nevada School Boards today are faced with a conflict that they are powerless to resolve without legislative help. On the one hand, as elected representatives of the people, Trustees are charged with the responsibility of administering the public schools in a fashion that will give the best possible education to children within the financial capability of local taxpayers. On the other hand, they are continually required to the negotiate the very areas in which their Trustee responsibilities mainly lie. The net effect of this is that School Boards are left with an ever dwindling influence on the schools. More and more, the ~~EMRB~~ arbitrator (who far from being an elected representative of the people is frequently not even a resident of the community or the State) has a weightier impact on the schools than ^{ELECTED} do all the Trustees combined.

We favor S.B. 242 also because it abolishes the present EMRB Board and replaces it with a full-time, salaried Commissioner. It is entirely possible that the EMRB board COULD have worked satisfactorily. But ~~our~~ ^{our} ~~experience~~ ^{experience} ~~with it~~ ^{with it} ~~that it~~ ^{disappointing} has been a ~~total~~ failure. It's chief fault has been that it has had a bewildering succession of members who serve so brief a term that they cannot possibly learn their tasks and responsibilities or develop a consistent approach to recurring problems. We think the Commissioner,

LEAD
 as proposed in S.B. 242, will ~~be~~ stability and continuity to negotiations and we applaud the concept as a step in the right direction.

Finally, we note that S.B. 242 permits teachers to strike as a terminal procedure. While the thought of school teachers going out on strike is repugnant to most School Board members, when it is offered as a trade for present binding arbitration the swap appears to be downright attractive. Our repeated experience with binding arbitration has been one where we sit helplessly by while an out-of-state arbitrator imposes harsh conditions on the school district and then ~~leaves~~ ^{SHIPS} quietly out of town never to be seen or heard from again. Though both striking and binding arbitration are two evils School Trustees could gladly do without, striking clearly seems to be the lesser of the two.

It is our hope that you will give S.B. 242 a 'do pass' recommendation and then work to make it law.

Robert M. Queen, P.D.P.

Sec. 30. NRS 288.150 is hereby amended to read as follows:

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

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

- (a) To direct its employees;
- (b) To hire, promote, classify, transfer, assign, retain, suspend, demote, discharge or take disciplinary action against any employee;
- (c) To relieve any employee from duty because of lack of work or for any other legitimate reason;
- (d) To maintain the efficiency of its governmental operations;
- (e) To determine the methods, means and personnel by which its operations are to be conducted; and
- (f) To take whatever actions may be necessary to carry out its responsibilities in situations of emergency.

Any action taken under the provisions of this subsection shall not be construed as a failure to negotiate in good faith. *Except as provided in subsection 4, it is the duty of every government employer to negotiate in good faith through a representative or representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate negotiating unit among its employees. If either party so requests, agreements reached shall be reduced to writing.*

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday.

- (h) Discharge and disciplinary procedures.
- (i) Recognition clause.
- (j) Deduction of dues for the recognized employee organization.
- (k) Protection of employees in negotiating unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

- (l) No-strike provisions consistent with the provisions of this chapter.
- (m) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

- (n) General savings clauses.

None of the subject matters enumerated in this subsection may be negotiated beyond the limits, if any, established under other provisions of NRS or applicable federal laws. An agreement shall not provide more than one procedure relating to discipline or discharge of employees.

OR NON-
PARTICIPATION

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) The right to hire, direct, assign and transfer any employee.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of funds, in the interest of economy or in the interest of the governmental operation involved. In exercising this right, the local government employer shall comply with all other applicable provisions of NRS, if any.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards;

(2) The content of the workday, including without limitation workload factors and work schedules;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Such actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

(b) Contract and subcontract functions and services. Any action taken under the provisions of this paragraph shall not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most economical and efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require the local government employer to negotiate or discuss subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining.

4-10-75

STATEMENT TO THE LEGISLATURE

FROM WASHOE COUNTY

*Bob Clusk
Washoe County Comm.*

(INTRODUCTION)

I believe SB 420 is the most comprehensive bill before the Legislature offering solutions to the major problems encountered by local governments and local governmental employees associations under the existing provisions of Chapter 288. Although they have been previously discussed, I would like to emphasize six major areas contained in SB 420.

1. The existing Time Table for negotiations is unrealistic when compared with the **statutory** ~~Time Table~~ Time Table established for local governmental budgets. In Washoe County the Ad Valorem Tax rate of the local governments historically has been established on May 1st by the Nevada Tax Commission. Until the local governmental rates are set, it is extremely difficult for the parties to negotiate settlements on economic issues.

2. SB 420 provides much needed changes in the composition of

the Employee-Management Relations Board. It has proved to be unworkable if only because of the rapid turnover of the members appointed to the Board.

3. SB 420 provides much needed changes in the mandatory subjects of bargaining, which changes are made necessary by the decisions of the Employee-Management Relations Board and the Nevada Supreme Court. Under the present law as interpreted by the Nevada Supreme Court, it appears that the private sector ~~decisions~~ ^{decisions} established under the Taft-Hartley Act are applicable in the public sector in Nevada, which includes such matters as work rules and crew size, which have always been troubled areas in the private sector.

4. SB 420 would require financial disclosure by employee organizations, which in these times is equated with motherhood and apple pie.

5. SB 420 would exclude administrative and supervisory employees from inclusion in any negotiating unit. AB 361, proposed

for state employees contains an exclusion of "administrative" employees. AB 483, also relating to state employees excludes "managerial" employees. The Taft-Hartley Act, relating to the private sector excludes supervisors. Executive Order 11491, covering federal employees excludes supervisors. Local government employers are placed in the position of having the Collective Bargaining Agreement administered on behalf of the local government by supervisors and administrative personnel who may be members of the employee association and covered, as employees, by the very contract they are administering on behalf of management.

Washoe County has, pursuant to statute, adopted and implemented a Merit Personnel System which is comparable to the State Personnel System. If excluded from coverage in Collective Bargaining Agreements, supervisory employees would still retain the protection afforded by the Merit Personnel System.

6. SB 420 contemplates a procedure for Impasse Resolution that will encourage, rather than discourage, the parties to negotiate Collective Bargaining Agreements.

We believe that binding factfinding in any form is an unacceptable method of Impasse Resolution.

Arbitrators do not always engage in that learned profession for purely altruistic motives. Some derive a significant portion of their incomes from acting as arbitrators. They are selected to act as arbitrators only if they attempt to satisfy in some measure, both of the parties in arbitration. It appears to me that this situation requires the arbitrator, in making his decision, to engage in compromise regardless of the actual merits of the case so that, if not happy with the decision, both parties feel that they could have done worse. It is this continual compromise of the financial and management priorities of local governments which I believe represents the major threat to the effective functioning of local governments.

"Last Best Offer" Arbitration is not the solution to this problem. The arbitrator is still faced with the problem of attempting to satisfy both parties and compromises at unacceptable

levels will continue in a slightly different form. Instead of splitting the difference between a 15% salary demand and a 7% salary offer, the arbitrator will compromise by accepting one party's salary [REDACTED] request and ^{another request of} the other party. [REDACTED]

[REDACTED] The decision may not be on the basis of merit, but for the reason that both parties must receive something if the arbitrator is to continue to be selected to arbitrate cases.

The damage to local governments through binding arbitration will not be evident overnight, nor will it come in one dramatic decision. The public sector does not have the same "built-in" control on labor costs that exists in the private sector. In the private sector, the market place controls efficiency and productivity. The company which is unable to operate at a profit will eventually cease to exist; not so with government. Measures of productivity have not been significantly developed in the public sector. The level of governmental services provided at a given cost is not easy to ascertain, particularly for the taxpayer.

There are no profit figures at the end of the year that the public can examine to determine the efficiency of the governmental operations for that year.

A compromise by the arbitrator on a salary issue which exceeds acceptable limits is not immediately discernible by the public and the taxpayer. The slight reduction in governmental services, the inability to hire additional deputy sheriffs to keep pace with the expanding population, the inability to develop a park is not obvious.

In difficult financial times, it is not unusual to see unions agree to wage-reductions and other benefit reductions in order to preserve the existence of the company and thereby, their jobs.

It is difficult to foresee this happening in the public sector.

There are no profit figures to demonstrate the financial problems of the local governments. The effect is simply the gradual reduction of service, or the inability to expand services to meet the needs of an expanding population. Reduction in work hours or

lay-offs, although methods of reducing salary costs, results in the very thing local governments are attempting to avoid--reduction in necessary services to the public.

(Conclusion)

MEMO TO: MR. CHRIS N. KARAMANOS, BOARD CHAIRMAN

FROM: Sally Davis

RE: STATISTICAL COMPILATION REGARDING THE FUNCTIONING OF THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

A. BOARD MEMBERSHIP - 1969 TO THE PRESENT; NUMBER OF DECISIONS EACH MEMBER PARTICIPATED IN:

Board Member	Number of Items (decisions & orders) participated in
Mark Smith	2
Taylor H. Wines	2
Ciel Georgetta	2
Harry Wallerstein	0
F. Thomas Eck, III	1
Paul H. Dahlberg	9
H.R. (Doc) Knoller	1
Fred Scarpello	7
Dennis Pletzke	11
Harriet Trudell	11
C. Robert Cox	1
John T. Gojack (Present Member)	11
Chris N. Karamanos (Present Member)	11
Dorothy Eisenberg (Present Member)	9

TOTAL MEMBERS: 14

TOTAL ITEMS FILED: 33

Memo to: Mr. Karamanos
 Re: Statistical Compilation regarding the functioning of the Local Government
 Employee-Management Relations Board

905
905B. ITEMS (DECISIONS AND ORDERS) FILED PER YEAR:

1969	None
1970	2
1971	1
1972	8
1973	None
1974	11
1975	11 (as of 4/9/75)

TOTAL ITEMS FILED: 33

C. RULINGS ON ITEMS SUBMITTED FOR A DETERMINATION OF NEGOTIABILITY PURSUANT TO NRS 288.150:

Item	Ruling
Class Size *	Negotiable
Professional Improvement *	Partially Negotiable
Teacher Employment & Assignment	Pursuant to Stipulation, withdrawn from the Board's consideration
Vacancies & Promotions	Pursuant to Stipulation, withdrawn from the Board's consideration
Student Discipline *	Negotiable
School Calendar *	Negotiable
Positions in Night School, Summer School and under Federal Programs	Pursuant to Stipulation, withdrawn from the Board's consideration
Teacher Performance *	Negotiable
Special Student Programs	Non-Negotiable

Memo to: Mr. Karamanos
Re: Statistical Compilation regarding the functioning of the Local Government Employee-Management Relations Board

C. RULINGS ON ITEMS SUBMITTED FOR A DETERMINATION OF NEGOTIABILITY PURSUANT TO NRS 288.150, CONTINUED:

Item	Ruling
Differentiated Staffing *	Negotiable
Teacher Files	Pursuant to Stipulation, withdrawn from the Board's consideration
Voluntary Change of Assignments	Pursuant to Stipulation, withdrawn from the Board's consideration
Teacher Load *	Negotiable
Instructional Supplies*	Negotiable
Information	Pursuant to Stipulation, withdrawn from the Board's consideration
Preparation Time *	Negotiable
Teacher Hours	Negotiable
Discretionary Instructional Materials Fund	Not Negotiable
Hiring and Assignment of School Nurses	Not Negotiable
Parent-Teacher Conferences	Scheduling same by dismissing classes found negotiable; all other areas of proposal found not negotiable
Field Trips	Not Negotiable
Teacher Evaluation of Evaluators	Not Negotiable
School Libraries	Not Negotiable
Substitute Teachers	Not Negotiable
Reduction in Force	When a reduction in force is necessary and the areas where it shall occur are not negotiable; the order in which individuals will be discharged and any preference with regard to re-employment are negotiable

Memo to: Mr. Karamanos
 Re: Statistical Compilation regarding the functioning of the Local Government
 Employee-Management Relations Board

C. RULINGS ON ITEMS SUBMITTED FOR A DETERMINATION OF NEGOTIABILITY PURSUANT TO
 NRS 288.150, CONTINUED:

Item	Ruling
Leave	Not Negotiable (due to subsequent enactment of NRS 391.180(5))
Class Size	Negotiability reaffirmed (not included in overall statistics)
Teacher Load	Negotiability reaffirmed (not included in overall statistics)
Student Discipline	Negotiability reaffirmed (not included in overall statistics)
Posting of Vacancies	Negotiable
Budgetary Formulas for Instructional Equipment and Library Allocation.	Not Negotiable
Student Placement	Negotiable
Assignment to Curriculum Committees and Compensation therefor	Negotiable
Maintenance of Standards	Negotiable

TOTAL ITEMS CONSIDERED: 31

STIPULATED WITHDRAWN OF ITEM: 6

FOUND NEGOTIABLE: 13

FOUND NOT NEGOTIABLE: 9

FOUND PARTIALLY NEGOTIABLE: 3

* Indicates items appealed to the Nevada Supreme Court

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D. CURRENT BOARD STATUS; PENDING MATTERS:

Matters set for hearing in April, 1975:	4
Matters to be set in May, 1975:	3
Matters which will be ready for hearing upon the filing of the answer:	5
Pending inactive files (awaiting stipulated dismissal):	2
TOTAL MATTERS PENDING:	14

There are no currently pending matters which are ready for decision.