

JOINT GOVERNMENT AFFAIRS COMMITTEE

SPECIAL MEETING - April 9, 1975

EMPLOYEE MANAGEMENT NEGOTIATION BILLS

Present:	Chairman Dini	Senator Gibson
	Vice-Chairman 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 Young	

Also Present: Mr. Bob Gagnier
 Mr. Chris Carmanies
 Mr. ~~Jim~~ Wittenberg
 Miss Sally Davis

Chairman Dini called the special joint meeting to order at 5:00 P.M., with a quorum present. The following bills were discussed during that meeting:

S.B. 207 Enacts State Employee-Management Relations Act.

A.B. 361 Enacts State Employee-Management Relations Act.

A.B. 483 Enacts State Employee-Management Relations Act.

Mr. Bob Gagnier testified. He suggested that S.B. 207 be killed. It is a mistake of the bill drafters and was corrected by A.B. 361. It is not their proposed legislation.

He informed the committee that he would like to discuss A.B. 361. It is somewhat similar to A.B. 418 of the last session. The state employees cannot be under NRS 288. The time limits of NRS 288 are unworkable. The governor cannot rule on binding arbitration.

Mr. Gagnier stated that he would like to address himself to the question as to why State Employees want collective negotiation. He stated that it would appear that what they were after was economic. He stated that there are hundreds of matters that could be taken care of through the grievance procedure. This procedure takes 45 days. If it is a matter of right, it should be negotiated. He stated that he recently had a discussion with Jim Santini and he indicated to them that in his opinion the federal government will adopt some form of mandate with regard to collective bargaining. They are opposed to that legislation. Only 1/2 of the states have legislation.

He stated that page 1, line 13 was significant. He indicated that they felt it was necessary to specify the University of Nevada because they have claimed that they are autonomous. They retain the prohibition against strikes. They are exempt from 288 except for the strike provision. Administrative employee is defined on page 2, line 6. They have used the standard definition of collective bargaining. They have also defined confidential employee. They would include all personnel officers and all employees. Strike has a similar definition. They have changed that definition because if an employee stayed home and called in sick when he was not, he could be guilty of a strike.

Section 14 is an important part of the bill. It specifies who will negotiate for the employer. In state government we have a number of elected officials.

Mr. Gagnier stated that Section 15 is the heart of the bill. The matter of negotiability. The same language is used as in S.B. 256 of two years ago. They list items that are subject to negotiation.

Management rights are in Section 16.

Mr. Gagnier stated that the rules covering lay-offs should be negotiated. He stated that Section 18 is important to them. It was necessary for them to define negotiation units in state governments - there are two units. One includes administrative employees and there is a separate unit for confidential employees. The more bargaining units that you have, the less you can negotiate. All of their benefits are uniform. They would like to start the negotiating process on July 1st of even numbered years. The decisions of any fact finder would be binding. An arbitrator would be given the same powers as they have under 288.

The provisions are exempt from the open meeting law. The strike sections are pretty much the same as NRS 288. Section 29 permits any employee to present his views.

Mr. Dini asked if the hearing officer would be a full time employee. Mr. Gagnier stated that he did not know. Mr. Gagnier then stated that if an agreement were reached there would have to be a clause to the effect that if the legislature failed to pass it, the parties would agree to work out an acceptable agreement.

The next bill to be discussed by Mr. Gagnier was A.B. 483. Their primary concern is that they made an offer three years ago to work

on a combined bill. Their bill was drafted. They feel that they should go with 361. There are some offensive things in this bill. The offer section is the section that determines bargaining units.

Mr. Chris Carmanies, Chairman of the Board of EMRB, Miss Dorothy Eisenberg and Mr. John Gojack stated that they were here to answer any questions.

Mr. Dini asked if it was felt that the board could handle the employees as well as the state advisory board?

Mr. ~~Al~~ Wittenberg testified on this bill. He indicated that the question was whether or not we needed collective bargaining at the state level. He feels that the employee management relations that exist must be considered. At the state level we do not need it now. They did not introduce their bill for that purpose. They have a viable system in their merit system. It is workable. It allows for binding decision of a third party determination on all grievances.

There is some concern with regard to HR 7766. This would force that legislation on the states. For that reason they have prepared 483. Mr. Wittenberg stated that there was an employee management committee. Their determination is final and binding. The personnel advisory commission would be that body.

There being no further business to come before the meeting, the meeting adjourned.

Respectfully submitted,



Barbara Gomez
Committee Secretary

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

B. 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 283.150:

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

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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

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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.