

SENATE

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 19, 1977

Present: Chairman Gibson  
Senator Foote  
Senator Faiss  
Senator Gojack  
Senator Hilbrecht  
Senator Raggio  
Senator Schofield

Also Present: See Guest Register

Chairman opened the thirty-seventh meeting of the Government Affairs Committee at 5:20 p.m. with all members present.

SB-242

Enacts State Employee-Management Relations Act. (BDR 23-44)

Jim Wittenberg, Administrator of State Personnel, passed out copies of his suggested amendments that were now aligned with the bill, section by section. (See Attachment #1)

Mr. Wittenberg went over each change and Mr. Gagnier noted after each change if there was any conflict and if so what.

Prior to going over the suggested changes Mr. Wittenberg stated that these changes were to maintain an orderly fashion in the process of negotiations.

Page 1, line 17, Mr. Gagnier felt that this was one of the major points of difference. To change the governing body from the personnel advisory commission, contained in 242, to the local government board would require something over 27 amendments to the bill. We have no philosophical difference with being under them but also require that further on in the bill Section 32 and 33 would require the local government employee, EMRB, to appoint a hearings officer. This would have a fiscal impact upon the EMRB and the Personnel Advisory Commission currently has a hearing officer, so we feel we are not talking about anything new. We would like to suggest that we put this matter in the hands of the Personnel Advisory Commission for the next biennium. If at that time it is the desire of the legislature in 1979 to consolidate it with EMRB we would have no objection to that. In addition, we wonder if we would not also be required to amend 288 to change the local government employee management relations board to just the government. We feel it is just too late in the session to try to make those types of amendments to those changes Mr. Wittenberg suggests.

Page 2, line 1 - Mr. Gagnier had no difficulties with this change.

Page 2, line 14, Mr. Gagnier had no difficulties with this change.

Page 2, line 16 - Mr. Gagnier stated that this term is in too broad

and we prefer the original language in Section 9 of the bill. We have no objections to including all the people in the Personnel Division.

Page 3, line 2 - Mr. Gagnier had no objection to this change.

Page 3, line 5 - Mr. Gagnier had no objection to this change.

Page 3, line 24 - Mr. Gagnier stated that we need to have classification, it is fundamental to salaries. The reason for having examinations is to determine the method of classification.

Mr. Wittenberg felt that it was not necessary.

Page 3, line 38 - Mr. Gagnier agreed with Mr. Wittenberg that this section was not necessary. (Delete Section 16, subsection 2)

Page 3, line 38 - Mr. Wittenberg stated that this was their preference and it would reinforce this area and was necessary.

Mr. Gagnier did not object to this but felt that it was not necessary in the law.

Page 4, line 41 - Mr. Gagnier had no objection to this change.

Page 4, line 42 - Mr. Gagnier stated that their position on this is to have the definition of confidential employee in the bill. With this we will have no problems regarding the remainder of the amendment suggestion for this portion.

Page 4, line 43 (Section 19) - Mr. Gagnier had no objection to this change.

Page 4, line 48 - Mr. Gagnier had no objection to this change.

Page 5, line 4 - Mr. Gagnier had no objection to this change.

Page 5, line 20 - Mr. Gagnier had no objection to this change.

Page 5, line 38 - Mr. Gagnier stated that they do not feel that this change is necessary. Arbitrators do this anyway, we do not object to this being in the the bill but feel it is unnecessary.

Senator Hilbrecht is concerned about the ability of the employer to pay. Feels that the bill should be addressing this subject in terms of the economic factor.

Chairman Gibson questioned the ability to bind the Governor from coming to the Legislature on matters that were resolved against his wishes or recommendations. Mr. Gagnier stated that there is nothing in the bill that would bind the Governor from doing this but felt that in good faith it would not happen. The Chairman also felt that he had problems with the concept of the arbitrator determining the financial ability of the State of Nevada.

Senator Hilbrecht felt that it would be within the appropriation of the agency.

Mr. Gagnier felt that the bill addressed itself to two levels of negotiations. This is similar to a system used in Oregon. Those items that cross agency lines, such as salaries, fringe benefits, these would be negotiated at the executive level and would apply uniformly.

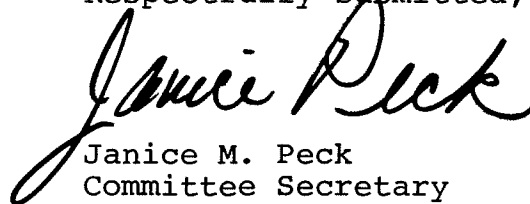
Jim Wittenberg; we still have a preference for four bargaining units and have compromised. We did not feel there would be an appetite for this type of legislation this session. We have tried to work out something in SB-242 that would be workable and acceptable to both us and the SNEA people.

We have also discussed with University representatives, the possibility of having a representative selected by the Board of Regents on the Negotiating team to represent the University and classified employees in that system. We do not oppose that system.

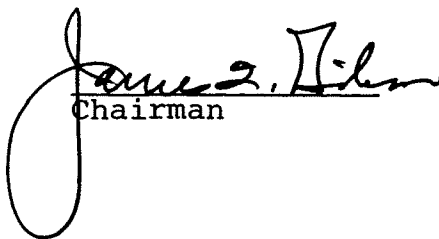
Mr. Gagnier in final comment stated in the supplemental agreements whereby the second level of negotiations with the agencies gets through it is our attempt to not burden the Governor with negotiating little things that pertain to one agency. Our intent in this two level negotiation process was just that.

Chairman stated that with no further business the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

  
Janice M. Peck  
Committee Secretary

Approved:

  
Chairman

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

Date Monday 4-18-77 Time 2 PM Room 243

Bills or Resolutions to be considered	Subject	Counsel requested*
SB-504	Revises provisions on coroner's inquests and investigations of certain deaths. (BDR 20-1662)	
AB-333	Increases distance certain activities must be conducted from polling place during elections. (BDR 24-944)	
AB-568	Authorizes local government to let contracts without competitive bidding if no bids are received.	
AB-579	Provides criteria for property tax refunds from county treasuries. (BDR 31-1232)	
AB-640	Grants emergency powers over water and energy to Governor. (BDR 19-1652)	
AB-569	Clarifies restriction on county commissioners against voting on certain matters extending beyond their term of office.	
AB-618	Permits certain state and local employees to participate in federal Social Security. (BDR 23-1816)	
FOR COMMITTEE ACTION (Committee will consider the various public employee acts.)		
SB-242	Enacts State Employee-Management Relations Act. (BDR 23-44)	
SB-346	Expands subjects of bargaining between local government employers and employees and limits prohibition against strikes to certain employees. (BDR 23-1072)	
SB-440 SB-434	Reorganizes local government employee-management relations board, requires secret ballot elections for recognition of local government employee organization and requires financial reports from organizations. (BDR 23-1535)	
SB-435	Abolishes State Fire Marshall Division in Department of Commerce and reassigns function. (BDR 18-1839)	

\*Please do not ask for counsel unless necessary.



NEVADA

STATE PERSONNEL DIVISION

MIKE O'CALLAGHAN  
GOVERNOR

HOWARD E. BARRETT  
DIRECTOR OF ADMINISTRATION

PERSONNEL ADVISORY  
COMMISSION

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MRS. CONNIE JO PICKING


REV. I. W. WILSON

JAMES F. WITTENBERG  
PERSONNEL ADMINISTRATOR

MEMORANDUM

CARSON CITY

TO: Jim Gibson, Chairman  
Government Affairs Committee

FROM:  Jim Wittenberg, State Personnel Administrator

DATE: April 19, 1977

SUBJECT: SB 242

In accordance with your directive we have redrafted our proposed amendments to SB 242.

The fact that this matter is being heard in detail at this point in the session admittedly makes major revisions difficult.

It is, however, a matter of major significance from the standpoint of the orderly operation of State government and time must be taken to reach a sound middle ground.

Our first position remains one of opposing any State level negotiations act.

We discussed a short version alternative with SNEA leaders last night and it was not considered viable by SNEA at this point in time.

Our third position is represented by the attached proposed amendments which are a result of a session last night and this morning with SNEA leaders.

We have narrowed the areas of difference to those specified in the attachment and will confine our testimony to those areas unless it is the desire of the Committee to expand the testimony.

One matter of extreme importance should a State level negotiating bill be passed is the effective date. We would ask that the legislation not become effective prior to January 1, 1978. This will allow for preparation and orderly transition which is in the public interest.

JFW:akb

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## AMENDMENTS TO SB 242

- Page 1, line 17: Authorizing the Local Government Employee Management Relations Board to assist in resolving disputes between classified employees and public employers, and...
- Page 2, line 1: SEC. 5. "Administrative employee" means:
1. Every employee in the unclassified service of the state; and
  2. Any employee having significant responsibilities for formulating and administering agency policies and programs.
- Page 2, line 14: Delete line 14 and 15. Add: "Board" means the Local Government Employee-Management Relations Board as defined in NRS 288.
- Page 2, line 16: "Confidential employee" means any classified employee whose primary duties consist of work directly related to his employer's employee relations, or through regular access, possesses information directly related to his employer-employee relations.
- Page 3, line 2: ...is binding upon all agencies, except those items which require the approval of other bodies which shall become binding on approval.
- Page 3, line 5: The Governor may designate a representative to assist in such negotiations.
- Page 3, line 24: Delete all of K.
- Page 3, line 38: Delete all of SEC 16, subsection 2.
- Page 3, line 38: The employer and exclusive representative shall not agree to any proposal which would be inconsistent with merit principles or the principle of equal pay for equal work.
- Page 4, line 41: Administrative employees are excluded from any negotiating unit except the employees are entitled to "meet and confer" with the employer on matters of wages, hours and other terms and conditions of employment.
- Page 4, line 42: 3. Confidential employees constitute a separate unit, and are entitled to "meet and confer" with the employer on matters of wages, hours, and other terms and conditions of employment.
- Page 4, line 43: SEC. 19. 1. Whenever an employee organization, or the employer desires to negotiate.....
- Page 4, line 48: Change to June 1st.
- Page 5, line

Page 2-

Page 5, line 4:

3. All items within the agreement become effective and binding upon execution by the parties and ratification in a manner consistent with its constitution and by-laws by the employee organization, except those items which require the approval of other bodies, including but not limited to the personnel advisory commission, the state board of examiners or the legislature. Those items requiring additional approval become effective upon approval of the appropriate body, and may be retroactive to the date of execution of the agreement.

Page 5, line 15: Add "or employer".

Page 5, line 20: SEC. 21. Add "or employer has given notice."

Page 5, line 38: ....limit. In arriving at their findings and recommendations, the arbitrator shall consider, weigh, and be guided by the following criteria:

A. The lawful authority of the employer.

B. Stipulation of the parties.

C. The interests and welfare of the public and the financial ability of the employer to meet those costs.

D. Comparison of the wages, hours, and conditions of employment of the employees involved in the fact-finding proceeding with the wages, hours, and conditions of employment of other employees performing similar services and with other employees generally:

(1) in public employment in Nevada.

(2) in public employment in the western

states.

(3) in comparable private employment in

Nevada.

E. The average consumer prices for goods and services, commonly known as the Consumer Price Index.

F. The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits; the continuity and stability of employment; and all other benefits received.

G. Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of employment, including any other matters agreed to by the parties as a subject of bargaining, through voluntary collective bargaining, mediation, arbitration or otherwise between the parties, in public or private employment.

↑  
comparable

Page 3-

Page 5, line 26: Ask for clarification of supplemental.

Change all reference from Commission to Board throughout the bill.

The bill and these amendments to become effective January 1, 1978.

:akb



**SENATE**

AGENDA FOR COMMITTEE ON Government Affairs

Date April 19, 1977 Time 5 PM Room 243

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

SB-242

SUMMARY—Enacts State Employee-Management Relations Act. (BDR 23-44)  
FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: Yes.

1418

\*Please do not ask for counsel unless necessary.

