MEMBERS PRESENT

Chairman Dini
Mr. Marvel
Mr. Fitzpatrick
Mrs. Westall
Mr. Harmon
Dr. Robinson
Mr. Craddock
Mr. Jeffrey
Mr. Getto
Mr. Bedrosian
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

* * * *

Chairman Dini called the meeting to order at 9 A.M.

AB 570 - REMOVES EXEMPTION OF STATE AND POLITICAL SUBDIVISIONS FROM PAYMENT OF BUILDING PERMIT FEES

BILL HANCOCK, Secretary-Manager, State Public Works Board

Mr. Hancock advised the Committee plan checking capital improvement projects with private practice engineers, as well as school projects, is not only a better way of checking buildings but more cost effective. He said he wasn't sure that if the Bill passed they would not continue to check capital improvement projects the way they have been doing, and there would be an extra cost unless N.R.S. 341 were modified to the point where the Board is not held responsible for it. He said that if the Bill is passed, the School Plan Checking law should also be modified so that they were not required to check schools.

RON JACK, City Manager, City of Las Vegas

Mr. Jack advised the Committee the Bill was brought about by the LPW projects Clark County had which were about $13,000,000, as a result of which the city had to provide a significant amount of building inspection services. Mr. Jack stated they have talked with representatives from a number of counties, school districts, and requested the Bill not be processed.

AB 590 - DELETES REQUIREMENT OF PAYMENT OF PENALTIES, INTERESTS AND COSTS BY LOCAL GOVERNMENTS, AND UNIVERSITY OF NEVADA SYSTEM OF TAX DELINQUENT PROPERTY

RON JACK, City Manager, City of Las Vegas

Mr. Jack advised the Committee the purpose of the Bill was to try to save the city some unfair and unnecessary costs associated with the acquisition of tax delinquent property for rights of way purpose. Mr. Jack read from a prepared text elaborating on applicable statutes, a copy of which is attached hereto and made a part hereof. He concluded by stating that if the Bill is passed the city will be just that much better able to clear up the legal problems associated with the parcels.

AB 137 - PROVIDES FOR COLLECTIVE BARGAINING BY STATE EMPLOYEES

Chairman Dini advised the Committee the Bill was heard some time previous but Mr. Gagnier had proposed some amendments that might make it more palatable.

BOB GAGNIER, Exec. Dir., SNEA

Mr. Gagnier advised the Committee the amendment guts the Bill. He stated if the amendment were adopted what it would do, in effect, would be a statement of policy by the Legislature; the remainder of the Bill would delete the definitions, the matters of negotiation, would remove everything from the Bill except the power to create a new position of an administrative judge and the final section of the amendment would allow the Advisory Personnel Commission to adopt rules to implement collective negotiations for state employees. Mr. Gagnier elaborated on an agreement negotiated and arrived at between SNEA and the Personnel Division of the Dept. of Administration concerning a rule that would be adopted to implement collective negotiations for state employees. He stated that rule was jointly agreed upon and was to be presented to the PAC last September but never adopted, and never presented because of the Legislative Counsel who advised the Personnel Division that they could not legally adopt that rule unless they had statutory permission, particularly the area of creating the position

of Administrative Judge; the rule proposal was withdrawn. He stated all they are attempting to do in the amendment is to legalize what the administration and SNEA attempted to do by rule between the last session and the beginning of this session. Mr. Gagnier distributed the Agreement to the Committee, a copy of which is attached hereto and made a part hereof.

Mr. Craddock questioned how the conflict arises between the agreement and the Bill, and Mr. Gagnier responded the amendment would authorize the PAC to adopt a rule whether they adopted this one or not; it was not mandated they adopt it but this was the one they had already agreed to.

JIM WITTENBERG, Dept. of Admin.

Mr. Wittenberg advised the Committee when the agreement was entered into after the last legislative session to attempt to develop some rules and regulations with reference to formalized structured collective bargaining, it was a result of feeling that legislative or formalized collective bargaining was right around the corner. He stated the feeling has changed in this state and states across the country. He also stated their feeling had changed with regard to the necessity of what had been proposed by Mr. Gagnier as a result of the thinking across the country and in this state. However, he said, they were going to proceed in good faith but they could not based upon advice given to them by Frank Daykin.

Mr. Fitzpatrick asked Mr. Wittenberg to elaborate on the advice from Mr. Daykin, and Mr. Wittenberg responded that Mr. Daykin had given them an opinion that N.R.S. 284 of the Personnel Act does not provide for their proceeding with something like that under regulation and there would have to be enabling legislation.

Chairman Dini commented that he had read the document and asked Mr. Wittenberg if they passed the Bill allowing it to be implemented by regulation would it upset the present bargaining with the state employees which is done in any event. Mr. Wittenberg responded it would definitely complicate it. He stated the system they have now has been effective.

Mr. Jeffrey commented although it was speculation on his part, it appeared that there was no appetite for collective bargaining legislatively and this was the reason for their withdrawal of support. Mr. Wittenberg responded that was reasonably accurate; he stated they

assessed the situation after the last session and felt if it was around the corner, which it appeared to be at that time, it would be a more rational way to move into it. He stated formalized collective bargaining is going to cost more money.

Chairman Dini asked Mr. Wittenberg if he felt the present administration would be opposed to the modification, and Mr. Wittenberg responded he would have to discuss it with the Governor.

Mr. Jeffrey commented it seemed to him that a lot of the good faith aspect Mr. Wittenberg had been talking about during the course of the morning had a lot to do with what is going on politically as far as the administration was concerned. Mr. Wittenberg responded he felt they were trying to be responsive to the feeling of the people.

Mr. Craddock asked Mr. Wittenberg if the State really felt it was in a better position to have latitude rather than have rules to play the game by, and Mr. Wittenberg responded he was saying they don't need the degree of rules contained in the agreement at this point in time.

Chairman Dini asked Mr. Wittenberg about the job re-evaluation presently taking place, when employees are dropped a classification, what appeals do they have, are they grandfathered in, or will they be kept on the job until attrition. Mr. Wittenberg responded they are grandfathered in; there is no affect on their salary for four years.

Dr. Robinson commented it bothered him there would be such a big switch in how much of the document was to be agreed upon because of the outcome of an election or the change in public moods; he stated the problem is still there whether the public mood changes or not or politicians come or go.

Dr. Robinson commented he would like to have Mr. Daykin explain to the Committee why they couldn't go with the agreement. Chairman Dini stated he would request Mr. Daykin to appear before the Committee on Monday and give a briefing on the situation.

COMMITTEE ACTION:

AB 570 - Mr. Fitzpatrick moved INDEFINITELY POSTPONE; seconded by Mr. Getto, and unanimously carried.

AB 590 - Mr. Bergevin moved DO PASS; seconded by Mr. Marvel, and unanimously carried.

Chairman Dini asked for Committee introduction of BDR 221709* (enables local governments to purchase development rights to land); BDR 541727** (abolishes requirement for recording certain professional licenses with County Clerk and County Recorder). Mr. Jeffrey so moved; seconded by Mr. Craddock, and unanimously carried.

AB 503 - Mr. Getto moved to amend the motion that the Committee not refer AB 503 to Committee to go on the floor; seconded by Mr. Jeffrey, and unanimously carried.

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

Respectfully submitted,

Sandra Shatzman
Assembly Attache

*AB 779
**AB 780

EXHIBIT J 4/20/79

TESTIMONY ON AB 590: PENALTIES AND INTEREST ON DELINQUINT TAX PROPERTY

The purpose of this bill is to save the City some unfair and unnecessary costs associated with the acquisition of tax delinquent property for right of way purposes. A little background here first.

NRS 361.565 through 361.620 provides procedures for property tax delinquencies, redemption and sale. A property owner has a two-year redemption period in which to pay delinquent taxes (plus 10% interest) and redeem the land. During this period, the property is assessed annually. If the property is not redeemed, the title then vests in the county, at which time the county may sell the property.

NRS 361.603 provides the manner in which local governments may purchase such tax-delinquent property. The only properties in which the city has an interest are those for street and right of way purposes. The situation arises where developers set aside a portion of a development for streets, and often even pave the street, but, usually simply through forgetfulness, rather than any evil intent they never get around to dedicating them to the city. When they pull out of the area they discontinue tax payments on the street parcels. If the taxes aren't pai title reverts to the county, even when the street is in the City and the City maintains it.

If the City tries to recover the property, we have to pay the back taxes, plus any penalties and interest due. The amounts of money are generally not all that large, but we have to funds budgetted for acquisition of these parcels, so we often have no money to recover the property. In general, over the last five years, maybe six or eight parcels come up on the delinquent property lists that we need for street rights of way, but we actually acquire only one or two of the because we don't have the money for more.

The City really should be able to acquire these parcels, though, because without public rights of way there are legal problems with providing police and fire services. But since we do not have the money to acquire all such parcels,

we often take them in only when an assessment district is planned for the street. Unless the City has the entire right of way, we can't go forward with the assessment district.

I can give you a few examples now. We just acquired a parcel on Meade Avenue last August because we had to have it for an assessment district. This was a case as described, where the developer had never gotten around to dedicating the street. The cost to the City was $1,354.51:

Taxes	$865.32
Penalties	4.54
Costs and fees	5.40
Interest	479.25
	$1,354.51

If this proposed measure had been on the books, we could have acquired it for $865.32, the amount of the back taxes alone.

Often the penalties and interest are as high or higher then the delinquent taxes. On another parcel we wanted to acquire last year we would have paid $744.06: $379.13 for taxes, and $364.93 for penalties. But we didn't acquire it because of the cost involved.

We don't think that we should have to pay anything in this situation, because this land should have been public right of way all along, but we would at least like to avoid having to pay the interest and penalties, because it is not the fault of the City taxpayers that these costs have accrued. If this measure is passed we will be just that much better able to clear up the legal problems associated with these parcels.

EXHIBIT 4-20-79

EMPLOYEE-MANAGEMENT RELATIONS POLICY

ARTICLE I - GENERAL PROVISIONS

SEC. 1. Statement of Purpose and Definitions.

1. These regulations carry out the general provisions of chapter 284 of NRS by providing orderly procedures for the administration of employee-management relations.

2. The state encourages a relationship of trust, confidence and mutual understanding within an established framework of policy and procedures which will provide a uniform and equitable basis for consideration of the interests of employees, improve communication between management, employees and employee organizations, improve personnel management, provide a uniform basis for employees to exercise their right to join or not to join employee organizations of their choice, and provide for designated representation in employment relationships.

3. These regulations are not intended to supersede other regulations which establish the merit principle and govern the merit system, or which provide for other methods of administering employee-management relations.

4. It is the purpose of these regulations to provide procedures for representatives of the state to meet and confer in good faith with a recognized employee organization and employees of the state regarding matters that directly affect and primarily involve wages, hours and other terms and conditions of employment of the employees.

SEC. 2. Definitions.

As used in these regulations:

1. "Administrative employee" means an employee who is responsible for formulating, administering and managing state policies and programs and whose primary duties consist of work directly related to management policies and programs or any employee at or above a salary grade of 40 (or its equivalent if the system of assigning salary grade numbers is modified after the effective date of these regulations

2. "Agency" means a department, commission, board or major office in

the executive branch of the state government and includes the University of Nevada System.

3. "Appropriate unit" means the unit of employee classes or positions which has been established pursuant to Article IV.

4. "Confidential employees" means employees of the department of administration, personnel officers, analysts and technicians of state agencies, managerial employees and technical supervisory employees of the central data processing division of the department of general services, and employees of the local government employee management relations board.

5. "Consulting in good faith" means communicating for the purpose of presenting and obtaining views or advising of intended actions and, as distinguished from "meeting and conferring in good faith," does not mean exchanging proposals and counter proposals to reach an agreement pursuant to Article IX.

6. "Day" means a calendar day unless expressly stated otherwise.

7. "Employee relations officer" means the chief of the personnel division or his duly authorized representative.

8. "Impasse" means a situation in which representatives of the state and the recognized employee organization, after meeting and conferring on matters regarding which they are required to meet and confer, have differences so substantial and prolonged that further meeting and conferring would be futile.

9. "Meet and confer in good faith" means to meet and confer promptly upon request by either party, freely exchanging information, opinions and proposals and endeavoring to reach agreement on matters within the scope of negotiation before adoption of the final executive budget for the ensuing biennium, and to continue the meeting and conferring for a reasonable period which includes adequate time for the resolution of any impasse.

10. "Recognized employee organization" means an employee organization which has been recognized by the state as the organization to represent the employees in the appropriate unit in their employment relations with the state.

11. "Work day" does not include rest or meal periods.

EXHIBIT J

ARTICLE II - ADMINISTRATIVE JUDGE

SEC. 1.

The administrative judge is the final arbitrator on all disputed matters arising out of the administration and interpretation of these regulations. The administrative judge shall be considered a disinterested third party in matters of decisions requiring independent judgment on points of law.

SEC. 2.

The administrative judge must be a resident of the State of Nevada and not an employee of the executive branch of state government.

SEC. 3.

If any dispute concerning the administration or interpretation of these regulations arises before the recognition of an employee organization, a temporary administrative judge appointed by the employee relations officer shall hear the dispute.

SEC. 4

1. Upon recognition of an employee organization, the recognized employee organization and the employee relations officer shall promptly meet and make every reasonable effort mutually to select an administrative judge.

2. If the parties cannot agree, either party may declare an impasse. Upon such declaration, each party shall within 10 days submit to the other a list of three names. If the parties are unable to select a person from the six names within 5 days, the parties shall select the administrative judge by alternately striking names from the combined list. The last remaining name is the administrative judge. The right to strike the first name is determined by the flip of a coin.

SEC. 5.

The administrative judge serves for a term ending January 1 of the first even-numbered year after his selection or reappointment unless both parties agree to his earlier removal. If the administrative judge becomes incapacitated, dies or resigns, the parties shall promptly meet to select another judge as provided in section 4. Otherwise the parties shall meet before December 1 of the odd-numbered year preceding the expiration of the judge's term to

EXHIBIT J

either reappoint him or select a new judge, as provided in section 4.

ARTICLE III - REPRESENTATION PROCEEDINGS

SEC. 1. Filing of Recognition Petition by Employee Organization.

1. An employee organization which seeks to be designated as the recognized employee organization representing the employees in the appropriate unit must file with the employee relations officer a petition containing:

(a) Name and address of the employee organization.

(b) Names and titles of its officers.

(c) Names of the representatives who are authorized to speak on behalf of the employee organization.

(d) A statement that the employee organization will comply with NRS 288.230, which declares that strikes against the state are illegal.

(e) A statement whether or not the employee organization is a chapter of, or affiliated or confederated directly or indirectly with, a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.

(f) Copies of the constitution and by-laws of the employee organization.

(g) A designation of not more than two persons, with their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose related to these regulations.

(h) A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin.

(i) A statement that the employee organization has in its possession proof that a majority of the employees in the unit have designated it to represent them in their employment relations with the state. Written proof of such support must be submitted for confirmation to the employee relations officer or to another person mutually selected by the petitioner and employee relations officer.

(j) A request that the employee relations officer designate the petition-

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er as the recognized employee organization.

2. The petition, including the proof of support by the majority of employees and all accompanying documentation, must be declared true and complete, under penalty of perjury, by the duly authorized officer or officers of the employee organization executing the petition.

SEC. 2.

1. To prove the support of an employee, a petitioner must show:

(a) a recent personally signed and dated authorization card clearly designating the petitioner as the employee's choice to represent him in meeting and conferring with the state

(b) a card for deduction of the petitioner's dues or a card evidencing a dues paying membership, signed by the employee. If cards for more than one employee organization have been signed by the same employee, the cards must not be considered proof of the employee's support for any organization.

2. Only the most recently signed authorization card of the employee, signed by him within 180 days before the filing of the petition, constitutes proof of his support. If different employee organizations present a dues deduction or dues paying membership card and an authorization card for the same employee, the most recently dated card prevails.

3. Only those employees who are employed by the state during the payroll period ending immediately before to the date on which the petition is filed may be counted as proof of employees' support.

SEC. 3. State Response to Recognition Petition.

1. Upon receipt of the petition, the employee relations officer shall determine whether the petitioner:

(a) Has complied with the requirements for submitting such a petition; and

(b) has shown proof that it is supported by a majority of the eligible employees in the appropriate unit.

2. If the employee relations officer determines that the petitioner has met these requirements, the employee relations officer shall so inform the petitioner but shall not take final action on the petition for 15 days there-

after. If either of the requirements has not been met, the employee relations officer shall offer to consult thereon with the petitioner and if the deficiency thereafter remains uncorrected, shall inform the petitioner in writing of the reasons why the petition is deficient.

3. The petitioner may appeal such determination in accordance with Article V.

SEC. 3. Recognition.

1. If, after 15 days, no other employee organization files a petition for recognition with the employee relations officer and if the petitioning employee organization has met all requirements of this article, the employee relations officer shall formally designate the petition as the recognized employee organization.

2. If, during the 15-day period any other employee organization files a petition for recognition the organization which proves that it has the support of a majority of the employees in the appropriate unit be designated the recognized employee organization by the employee relations officer.

SEC. 4. Elections.

1. If there is more than one employee organization requesting recognition and the employee relations officer finds that it is unclear which organization has the support of the majority of the employees, he may hold an election within 45 days.

2. The administrative judge shall not require or prohibit holding of such an election.

SEC. 5. Procedure for Decertification of Recognized Employee Organization.

1. A petition for decertification, alleging that the recognized employee organization no longer represents a majority of the employees in the appropriate unit may be filed with the employee relations officer only during:

(a) January of any year following the first full year of recognition; or

(b) the 30-day period commencing 180 days before the termination of a memorandum of understanding which has then been in effect less than 3 years, whichever occurs later. A petition may be filed by two or more em-

ployees in the appropriate unit or by any employee organization.

2. The petition must contain the following information, which the duly authorized signatory declares, under penalty of perjury, to be true and complete:

(a) The name, address and telephone number of the petitioner and his designated representative authorized to receive any notice or request for further information.

(b) A statement that the recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts.

(c) Proof that a majority of the employees in the established appropriate unit no longer desire to be represented by the recognized employee organization. This proof must be submitted for confirmation to the employee relations officer or to another person who has been mutually selected within the time limits specified in subsection 1.

3. If the petition meets all requirements set forth in this section, the employee relations officer shall serve notice upon the recognized employee organization that he will decertify it 15 days or more after serving the notice.

4. If the petition has been filed by another employee organization which has met all requirements of section 1 and this section and has proved that it has the support of the majority of the employees in the unit, the employee relations officer shall, 15 days or more after the decertification, designate the petitioner as the new recognized employee organization.

5. The employee relations officer may, upon reasonable belief that the recognized employee organization no longer maintains a majority support of the employees in the unit, request the organization to submit proof of such support within the time limits specified in subsection 1. If the organization is unable to show proof of such support, the employee relations officer shall serve written notice decertifying the organization.

6. If the employee relations officer finds that it is unclear which organization has the support of the majority of the employees, he may hold an election within 45 days.

7. The administrative judge shall not require or prohibit such an election.

ARTICLE IV - APPROPRIATE UNIT

SEC. 1. Appropriate Unit.

For the purpose of these regulations, there is only one appropriate unit. It consists of all classified employees, both probationary and permanent, except as provided in subsection 2.

SEC. 2.

The following state employees are excluded from the unit: unclassified employees, administrative employees, confidential employees, employees serving in positions which normally require less than half-time, students who are part-time employees, and employees under the Comprehensive Employment and Training Act.

SEC. 3.

The employee relations officer shall, after consultation with employee groups, determine which positions fall within the exclusions noted in section 2, subject to appeal as provided in Article V.

SEC. 4.

Nothing in these regulations prohibits:

(a) employees who are excluded from the appropriate unit from consulting in good faith with the state or its agencies.

(b) the state or its agencies from extending to all state employees any benefit or condition of employment developed through the provisions of these regulations.

ARTICLE V - APPEALS

SEC. 1.

An employee organization aggrieved by a determination of the employee relations officer on a petition for recognition or decertification or any employee aggrieved by a determination of the employee relations officer that a petition for decertification has not been properly filed, in compliance with Article III, may, within 15 days after notice of the determination, appeal from it to the administrative judge for a final administrative decision.

SEC. 2.

1. The administrative judge shall hear all disputes arising out of the interpretation or application of these regulations. Such disputes may involve, but are not limited to, a determination of excluded persons and classifications, a prohibited practice, the designation of a recognized employee organization, and the resolution of an impasse.

2. In any case where a specific time limit is not prescribed in these regulations, either party may request a hearing within 15 days after the alleged violation or other action has occurred. The request must be directed to the administrative judge and a copy of it sent to the other party. The administrative judge shall schedule a hearing within 15 days after receipt of the request and shall render his decision within 20 days after the hearing.

3. A decision of the administrative judge is a final administrative decision but is subject to judicial review.

ARTICLE VI -- ADMINISTRATION

SEC. 1. Submission of Current Information by Recognized Employee Organizations.

Any change in the information filed by a recognized employee organization, under section 1 of article III, in its petition for recognition must be reported in writing to the employee relations officer within 30 days after the change.

SEC. 2. Employee Organization Activities -- Use of State Resources.

Access to state work locations, the use of state employees during working hours, and the use of state facilities, equipment and other resources by the recognized employee organization or its representives is authorized only to the extent provided for in a memorandum of understanding.

SEC. 3. Administrative Rules and Procedures.

The employee relations officer may establish such procedures as are appropriate to administer the provisions of these regulations, after consultation with affected employee organizations and subject to approval by the advisory personnel commission.

ARTICLE VII - PROHIBITED PRACTICES

SEC. 1.

Employee organizations and their representatives shall not directly or indirectly:

1. Interfere with, restrain, or coerce state employees in the exercise of their rights.

2. Coerce, intimidate or induce any excluded employee or other agent of the state to interfere with employees in the exercise of their rights.

3. Solicit for membership of employees during the work day.

4. Interfere with or disrupt the orderly conduct of state business, nor induce any state employee to absent himself on organizational activity from his place of employment except with prior approval of the employee relations officer or the employee's appointing authority, or pursuant to the terms of a memorandum of understanding.

5. Violate the provisions of section 2, article X.

SEC. 2.

The state and its designated representatives shall not, directly nor indirectly:

1. Intimidate, retaliate, interfere with, restrain or coerce state employees in the exercise of their rights.

2. Dominate any employee organization by any means. This shall not be construed as depriving management from enforcing its administrative responsibilities of excluded employees.

3. Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

4. Discharge or otherwise discriminate against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony pursuant to these regulations, or because he has formed or joined or chosen to be represented by any employee organization.

5. Violate the provisions of any written agreement with respect to salaries, wages, hours or other terms and conditions of employment affecting

classified employees, including an agreement to arbitrate or to accept the terms of an arbitration award where previously the parties have agreed to accept the award as final and binding.

6. Violate the provisions of section 2 of article X.

SEC. 3.

Any employee who is aggrieved by a violation of any prohibited practice set forth in sections 1 and 2 may present his grievance to the employee relations officer, and may appeal from a determination of that officer to the administrative judge, as provided in article V.

ARTICLE VIII - RIGHTS OF EMPLOYEES

SEC. 1.

State employees may form, join and participate in the activities of employee organizations, for the purpose of securing effective representation on matters of employee-management relations.

SEC. 2.

State employees may refuse to join or participate in any employee organization and may represent themselves individually in their employment relations with the state if the results of such representation will not violate the terms of any existing memorandum of understanding.

ARTICLE IX -- MEETING AND CONFERRING

SEC. 1. Meeting and Conferring.

1. The recognized employee organization is the exclusive agent for the employees within the appropriate unit for the purpose of meeting and conferring with the state and its agencies.

2. The state and the recognized employee organization shall, on the request of either party, but not later than the first day of July, of each even-numbered year, meet and confer in good faith with a view to reaching agreement regarding wages, hours and other terms and conditions of employment. The scope of the negotiations must not include any consideration of the right of the state:

(a) To determine the merits or organization of, or the necessity for, any service or activity established by law or executive order;

(b) To determine the mission or the priority of the missions of its departments, divisions, agencies, boards and commissions;

(c) To set standards for service, and determine staff workloads;

(d) To set standards and methodology for employment and classification of employees;

(e) To direct its employees;

(f) To take disciplinary action;

(g) To lay off its employees because of lack of work or funds;

(h) To maintain the efficiency of governmental operations;

(i) To determine the methods, means and personnel by which government operations are to be conducted;

(j) To take all necessary actions to carry out its mission in emergencies; or

(k) To exercise complete control and discretion over its organization and the technology of performing its work.

However, nothing in this subsection precludes an employee or employee organization from filing a petition for relief of a grievance (under existing grievance adjustment procedures) which has occurred in the state's exercise of these rights or from appealing to the administrative judge for an interpretation of these rights.

3. The state will be represented in its employment relations with the recognized employee organization by the governor's designee and such other state officials as the governor deems appropriate. This subsection does not preclude the employee relations officer from contracting with or employing a person or firm which is competent in labor relations.

SEC. 2.

1. The recognized employee organization may also meet and confer with a state agency on employment practices peculiar to that agency for the purpose of reaching a supplemental agreement if the recognized employee organization represents a majority of the employees of the agency who are in the appropriate unit. The agency shall not meet and confer with any employee organization other than the recognized employee organization. A meeting and

conferring to reach such a supplemental agreement is not subject to the time requirements prescribed in subsection 2 of section 1.

2. Such a supplemental agreement must not conflict with these regulations or any master memorandum of understanding between the state and the recognized employee organization, and the employee relations officer shall determine whether or not a conflict exists. Such a supplemental agreement must not exceed the budgetary limitations of the agency.

3. A copy of any proposed supplemental agreement reached between a state agency and the employee organization must be sent to the employee relations officer at least 20 days before the agreement is signed.

4. The employee relations officer may represent any state agency in negotiating for a supplemental agreement. The agency shall periodically advise the employee relations officer of the issues and progress of any meeting which he does not attend as the agency's representative.

SEC. 3.

The head of an agency may delegate the responsibility for conducting its negotiations to the head of a major division of the agency.

ARTICLE X - MEMORANDA OF UNDERSTANDING

SEC. 1.

1. Upon agreement being reached by the parties, the agreement must be reduced to writing in the form of a memorandum of understanding. The memorandum must be signed by the parties.

All items within the agreement shall become effective and binding upon execution except for any item which requires the approval of another body, such as the advisory personnel commission, the state board of examiners or the legislature. Items requiring the additional approval become effective upon the approval of the appropriate body and may be made retroactive to the date of execution of the agreement.

3. Those items agreed to and requiring a budgetary allocation must be included in the state budget and jointly presented and recommended to the legislature by the state employer and the recognized employee organization at the legislative session next following the execution of the negotiated

agreement.

SEC. 2.

1. The employer and the employee organization shall support the proposals agreed upon in every way possible at the legislature. Neither party may engage in any activity at the legislature which is contrary to their agreement.

2. Subsection 1 does not prohibit either party from pursuing any objective before the legislature which was not agreed upon, even though the parties followed the procedure for resolving an impasse concerning that objective, except that neither party may pursue before the legislature any item which was voluntarily dropped during the negotiations or was not included in the proposals for negotiation.

3. This section does not preclude either party from lobbying on any subject excluded from negotiation by subsection 4 of article I or on any issue over which the parties have no control under their agreement.

4. Except as provided for in subsections 2 and 3, neither party may lobby on any issue that will substantially change the economic costs to the state or the employees from the costs included in the agreement unless the legislature modifies or rejects an item of the agreement.

ARTICLE XI - IMPASSE PROCEDURES

SEC. 1. Initiation of Impasse Procedures.

1. If the negotiations have reached an impasse, either party may initiate procedures for solving the impasse by filing with the other party and the administrative judge a written request for a meeting, together with a statement of the initiating party's position on all disputed issues. The administrative judge shall schedule the meeting promptly.

2. The purpose of the meeting is:

(a) To identify and specify in writing the issue or issues that remain in dispute.

(b) To review the position of the parties in a final effort to resolve the disputed issue or issues; and

(c) If the dispute is not resolved in the meeting, to discuss arrange-

ments for using the procedures provided in sections 2 to 4, inclusive.

SEC. 2. Impasse Procedures.

1. The procedures for resolving an impasse are as follows:

(a) If the parties agree to submit the dispute to mediation and agree on the selection of a mediator, the dispute must be submitted to mediation. The mediator shall not make any public recommendation or take any public position at any time concerning the issues.

(b) If the parties do not agree to submit the dispute to mediation, do not agree on the selection of a mediator, or do not resolve the dispute through mediation within 15 days after the mediator begins to meet with them, either party may seek to resolve the impasse by factfinding.

(c) If the parties agree on the appointment of one or more factfinders, the factfinders may proceed in accordance with subsection 2. If the parties fail to agree on one or more factfinders, a factfinding panel of three must be appointed in the following manner: One member of the panel is appointed by the employee relations officer, one member is appointed by the recognized employee organization, and the two members name a third, who shall serve as the chairman of the panel. If the first two members are unable to agree upon a third, they may agree to select the third member from one or more lists of names provided by the American Arbitration Association.

2. The following constitute the jurisdictional and procedural requirements for factfinding:

(a) The factfinders shall consider and be guided by applicable federal and state laws.

(b) Subject to the stipulations of the parties, the factfinders shall use, along with the normal criteria for resolving a dispute, the following methods and criteria in arriving at their findings and recommendations:

(1) If relevant to the issues, a comparison of the total compensation, hours and conditions of employment of the employees involved in the factfinding with the total compensation, hours and conditions of employment of other employees performing similar services in public and private employment within the State of Nevada and western states. As used in this subpara-

graph, "total compensation" means all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, pension and welfare benefits and changes in cost of living.

(2) The factfinders may then adjust the results of those comparisons, based on but not limited to the following factors:

(i) The pattern of change that has occurred in the total compensation of the employees in the unit at impasse as compared to the pattern of change in the average consumer price index for goods and services;

(ii) The benefits of job stability and continuity of employment; and

(iii) The difficulty, or lack thereof, in recruiting and retaining qualified personnel.

(3) The financial resources of the state to carry out the proposals, as shown by any documentary evidence and testimony of the parties regarding the state's projected revenues and budget.

3. The factfinders shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations described in paragraph (b) of subsection 2. Any member of a factfinding panel may file dissenting findings of fact and recommendations. The factfinder or chairman of the factfinding panel shall serve the findings and recommendations on the employee relations officer and the designated representative of the recognized employee organization. If the parties have not resolved the impasse within 10 days after service of the findings and recommendations upon them, the factfinder or the chairman of the factfinding panel shall submit the findings and recommendations to the administrative judge, who shall make them public.

SEC. 3. The parties may agree to submit the impasse directly to the administrative judge.

SEC. 4. Any such findings and recommendations by factfinders or the

administrative judge are advisory only and are not binding upon either party.

ARTICLE XII - COST OF IMPASSE RESOLUTION AND ADMINISTRATIVE JUDGE

The costs for the services of the administrative judge (acting either in the capacity of a factfinder under article XI or as an arbitrator under article V), or for the services of any mediator, factfinder or chairman of a factfinding panel used by the parties and any other mutually incurred costs of mediation or factfinding must be borne equally by the state and the recognized employee organization. The cost of the member separately selected by a party for a factfinding panel and other costs separately incurred by a party must be borne by that party.

ARTICLE XIII - MISCELLANEOUS PROVISIONS

SEC. 1. Severability.

If any provision of these regulations or any application of such a provision to any person or circumstance is held invalid, the remaining provisions, or the application of such a provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

RL:akb

9/8/78

EXHIBIT

4-20-79

AB 137

AMENDED TO READ AS FOLLOWS:

It shall be an unfair labor practice to require any individual, who has religious convictions against joining or financially supporting any labor organization, to join or financially support a labor organization -- or to fine, penalize or threaten or cause to lose employment because of refusing to join these organizations on basis of religious convictions.

4-20-79

GUEST LIST

NAME (Please print)	REPRESENTING	IF YOU WISH TO SPEAK Pro	Con
Pastor Robert Rockwell	Southside Church		
Pastor H.E. Dozier	" " " "		"
[illegible]	" " " "		"
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