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EMERGENCY REQUEST OF ASSEMBLY MINORITY LEADER

ASSEMBLY BILL NO. 545—ASSEMBLYMEN HETTRICK, KNECHT, GUSTAVSON, ANGLE, BEERS, ANDONOV, BROWN, CARPENTER, CHRISTENSEN, GEDDES, GIBBONS, GOICOECHEA, GRADY, HARDY, MABEY, MARVEL, SHERER AND WEBER

MAY 1, 2003

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to elections conducted to determine which, if any, employee organization represents majority of local government employees in bargaining unit. (BDR 23-1341)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to local government employee organizations; revising provisions relating to elections conducted to determine which, if any, employee organization represents a majority of the local government employees in a particular bargaining unit; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 288 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. With respect to an election conducted pursuant to***  
4     ***subsection 4 of NRS 288.160:***  
5     ***(a) The ballots for the election must be prepared so as to allow***  
6     ***the local government employees who are eligible to vote in the***  
7     ***election to:***



\* A B 5 4 5 \*

1           (1) Choose an employee organization, or choose between or  
2 among employee organizations, as applicable, to represent the  
3 employees as a recognized employee organization; or  
4           (2) Choose not to be represented by an employee  
5 organization.  
6           (b) After the employees have voted, the board shall canvass the  
7 votes. Upon completion of the canvass, the board:  
8           (1) If an employee organization receives a majority of the  
9 total number of valid votes cast, shall certify that employee  
10 organization as being supported by a majority of the local  
11 government employees in the applicable bargaining unit.  
12           (2) If the option not to be represented by an employee  
13 organization receives a majority of the total number of valid votes  
14 cast, shall not certify an employee organization as being supported  
15 by a majority of the local government employees in the applicable  
16 bargaining unit.  
17           (3) If the ballot set forth three or more choices and none of  
18 those choices received a majority of the total number of valid votes  
19 cast, shall conduct a second election in accordance with  
20 subsection 2.  
21           2. With respect to a second election conducted pursuant to  
22 subparagraph (3) of paragraph (b) of subsection 1:  
23           (a) The ballots for the election must be prepared so as to allow  
24 the local government employees who are eligible to vote in the  
25 election to:  
26           (1) If, at the election conducted pursuant to subsection 4 of  
27 NRS 288.160, the choices on the ballot receiving the highest and  
28 next highest number of valid votes cast were both employee  
29 organizations, choose between those employee organizations to  
30 represent the employees as a recognized employee organization; or  
31           (2) If, at the election conducted pursuant to subsection 4 of  
32 NRS 288.160, the choices on the ballot receiving the highest and  
33 next highest number of valid votes cast were an employee  
34 organization and the option not to be represented by an employee  
35 organization, choose between the employee organization to  
36 represent the employees as a recognized employee organization  
37 and the option not to be represented by an employee organization.  
38           (b) After the employees have voted, the board shall canvass the  
39 votes. Upon completion of the canvass, the board:  
40           (1) If an employee organization receives the higher number  
41 of valid votes cast, shall certify that employee organization as  
42 being supported by a majority of the local government employees  
43 in the applicable bargaining unit.  
44           (2) If the option not to be represented by an employee  
45 organization receives the higher number of valid votes cast, shall



1 *not certify an employee organization as being supported by a*  
2 *majority of the local government employees in the applicable*  
3 *bargaining unit.*

4 *3. For the purposes of any election held pursuant to*  
5 *subsection 4 of NRS 288.160 or subparagraph (3) of paragraph*  
6 *(b) of subsection 1 of this section, the board shall determine and*  
7 *certify the results of the election on the basis of the total number*  
8 *of valid votes cast, and not on the basis of the total number of*  
9 *local government employees in the applicable bargaining unit.*

10 **Sec. 2.** NRS 288.160 is hereby amended to read as follows:

11 288.160 1. An employee organization may apply to a local  
12 government employer for recognition by presenting:

- 13 (a) A copy of its constitution and bylaws, if any;
- 14 (b) A roster of its officers, if any, and representatives; and
- 15 (c) A pledge in writing not to strike against the local  
16 government employer under any circumstances.

17 A local government employer shall not recognize as representative  
18 of its employees any employee organization which has not adopted,  
19 in a manner valid under its own rules, the pledge required by  
20 paragraph (c).

21 2. If an employee organization, at or after the time of its  
22 application for recognition, presents a verified membership list  
23 showing that it represents a majority of the employees in a  
24 bargaining unit, and if the employee organization is recognized by  
25 the local government employer, it shall be the exclusive bargaining  
26 agent of the local government employees in that bargaining unit.

27 3. A local government employer may withdraw recognition  
28 from an employee organization which:

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

32 (b) Disavows its pledge not to strike against the local  
33 government employer under any circumstances;

34 (c) Ceases to be supported by a majority of the local government  
35 employees in the bargaining unit for which it is recognized; or

36 (d) Fails to negotiate in good faith with the local government  
37 employer,  
38 if it first receives the written permission of the Board.

39 4. If the Board in good faith doubts whether any employee  
40 organization is supported by a majority of the local government  
41 employees in a particular bargaining unit, it may conduct an election  
42 *in accordance with section 1 of this act* by secret ballot upon the  
43 question. Subject to judicial review, the decision of the Board is  
44 binding upon the local government employer and all employee  
45 organizations involved.



1     5. The parties may agree in writing, without appealing to the  
2 Board, to hold a representative election to determine whether an  
3 employee organization represents the majority of the local  
4 government employees in a bargaining unit. Participation by the  
5 Board and its staff in an agreed election is subject to the approval of  
6 the Board.

7     **Sec. 3.** The amendatory provisions of this act apply  
8 retroactively to any matter relating to an election conducted  
9 pursuant to subsection 4 of NRS 288.160 that was pending before  
10 the Local Government Employee-Management Relations Board on  
11 January 31, 2003.

12     **Sec. 4.** This act becomes effective upon passage and approval.

