
ASSEMBLY BILL NO. 65—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 10, 2003

Referred to Committee on Government Affairs

SUMMARY—Authorizes collective bargaining for certain state employees. (BDR 23-659)

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

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

AN ACT relating to state employees; authorizing collective bargaining for certain state employees; creating a Board for Labor Relations for State Employees; providing for bargaining units and for their representatives; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; authorizing the Superintendent of the State Printing Division of the Department of Administration to make certain labor agreements; 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.** NRS 281.129 is hereby amended to read as follows:
2 281.129 Any officer of the State, except the Legislative Fiscal
3 Officer, who disburses money in payment of salaries and wages of
4 officers and employees of the State may, upon written requests of
5 the officer or employee specifying amounts, withhold those amounts
6 and pay them to:
7 1. Charitable organizations;
8 2. Employee credit unions;
9 3. Insurers, if the Board of the Public Employees' Benefits
10 Program has approved the request;



* A B 6 5 *

1 4. The United States for the purchase of savings bonds and
2 similar obligations of the United States; and

3 5. ~~Employee~~ *Except as otherwise provided in section 32 of*
4 *this act, employee* organizations and labor organizations.

5 The State Controller may adopt regulations necessary to withhold
6 money from the salaries or wages of officers and employees of the
7 Executive Department.

8 **Sec. 2.** NRS 284.013 is hereby amended to read as follows:

9 284.013 1. Except as otherwise provided in subsection 4, this
10 chapter does not apply to:

11 (a) Agencies, bureaus, commissions, officers or personnel in the
12 Legislative Department or the Judicial Department of State
13 Government, including the Commission on Judicial Discipline;

14 (b) Any person who is employed by a board, commission,
15 committee or council created in chapters 590, 623 to 625A,
16 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS;
17 or

18 (c) Officers or employees of any agency of the Executive
19 Department of the State Government who are exempted by specific
20 statute.

21 2. Except as otherwise provided in subsection 3, the terms and
22 conditions of employment of all persons referred to in subsection 1,
23 including salaries not prescribed by law and leaves of absence,
24 including, without limitation, annual leave and sick and disability
25 leave, must be fixed by the appointing or employing authority
26 within the limits of legislative appropriations or authorizations.

27 3. Except as otherwise provided in this subsection, leaves of
28 absence prescribed pursuant to subsection 2 must not be of lesser
29 duration than those provided for other state officers and employees
30 pursuant to the provisions of this chapter. The provisions of this
31 subsection do not govern the Legislative Commission with respect
32 to the personnel of the Legislative Counsel Bureau.

33 4. Any board, commission, committee or council created in
34 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
35 648, 652, 654 and 656 of NRS which contracts for the services of a
36 person, shall require the contract for those services to be in writing.
37 The contract must be approved by the State Board of Examiners
38 before those services may be provided.

39 *5. To the extent that they are inconsistent or otherwise are in*
40 *conflict, the provisions of this chapter do not apply to any terms or*
41 *conditions of employment that are properly within the scope of*
42 *and subject to the provisions of:*

43 *(a) A collective bargaining agreement or supplemental*
44 *bargaining agreement that is enforceable pursuant to the*
45 *provisions of sections 4 to 50, inclusive, of this act; or*



1 ***(b) An agreement concerning the terms and conditions of***
2 ***employment for composers, bindery operators, pressmen and***
3 ***assistants that is made pursuant to section 68 of this act between***
4 ***the Superintendent of the State Printing Division of the***
5 ***Department of Administration and any group or organization that***
6 ***represents such employees.***

7 ***As used in this subsection, “terms and conditions of employment”***
8 ***has the meaning ascribed to it in section 17 of this act.***

9 **Sec. 3.** Chapter 288 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 4 to 50, inclusive, of this
11 act.

12 **Sec. 4.** ***As used in sections 4 to 50, inclusive, of this act,***
13 ***unless the context otherwise requires, the words and terms defined***
14 ***in sections 5 to 17, inclusive, of this act have the meanings***
15 ***ascribed to them in those sections.***

16 **Sec. 5.** ***“Bargaining unit” means a collection of employees***
17 ***that the Board has established as a bargaining unit pursuant to***
18 ***section 27 of this act.***

19 **Sec. 6.** ***“Board” means the Board for Labor Relations for***
20 ***State Employees.***

21 **Sec. 7.** ***“Chief of the Budget Division” means the Chief of***
22 ***the Budget Division of the Department of Administration.***

23 **Sec. 8.** ***“Collective bargaining” means a method to determine***
24 ***the terms and conditions of employment for all employees within a***
25 ***bargaining unit through negotiation, mediation or arbitration***
26 ***between the Executive Department and the exclusive***
27 ***representative of the bargaining unit pursuant to sections 4 to 50,***
28 ***inclusive, of this act.***

29 **Sec. 9.** ***“Confidential employee” means an employee who:***

30 ***1. Assists in the formulation, determination and effectuation***
31 ***of personnel policies or managerial policies concerning collective***
32 ***bargaining or supplemental bargaining;***

33 ***2. Provides administrative support to an employee described***
34 ***in subsection 1; or***

35 ***3. Is employed by the Board.***

36 **Sec. 10. 1. “Employee” means a person who:**

37 ***(a) Is employed in the classified service of the State pursuant***
38 ***to chapter 284 of NRS, including, without limitation, persons***
39 ***employed in the classified service by the University and***
40 ***Community College System of Nevada;***

41 ***(b) Is employed by the Public Employees’ Retirement System***
42 ***and who is required to be paid in accordance with the pay plan for***
43 ***the classified service of the State; and***

44 ***(c) Is employed by any other employer that receives money***
45 ***from the State of Nevada if the National Labor Relations Board***



1 *has refused to assert jurisdiction over the employer because the*
2 *employer lacks the ultimate authority to determine the primary*
3 *terms and conditions of employment and who is in a position*
4 *similar to a position in the classified service of the State.*

5 **2. The term does not include:**

6 (a) *An employee whose position is classified at grade 42 or*
7 *higher under the pay plan in existence on January 1, 2003, or*
8 *whose position is given an equivalent classification under any*
9 *subsequently adopted pay plan;*

10 (b) *An employee who is not in the classified or unclassified*
11 *service of the State pursuant to NRS 223.085;*

12 (c) *A compositor, bindery operator, pressman or assistant who*
13 *is employed pursuant to NRS 344.080 by the Superintendent of the*
14 *State Printing Division of the Department of Administration;*

15 (d) *A confidential employee;*

16 (e) *An employee who is normally scheduled to work 20 hours*
17 *or less per week, unless the employee is hired to avoid the*
18 *provisions of sections 4 to 50, inclusive, of this act; and*

19 (f) *A temporary employee who is employed for a fixed period*
20 *of 4 months or less.*

21 **Sec. 11.** *“Employee organization” means an organization*
22 *that is created, maintained and operated to represent employees*
23 *concerning the terms and conditions of employment for those*
24 *employees.*

25 **Sec. 12.** *“Exclusive representative” means an employee*
26 *organization that, as a result of designation by the Board, has the*
27 *exclusive right to represent all employees within a bargaining unit*
28 *and to negotiate with the Executive Department pursuant to*
29 *sections 4 to 50, inclusive, of this act concerning the terms and*
30 *conditions of employment for those employees.*

31 **Sec. 13.** *“Executive Department” means an agency, board,*
32 *bureau, commission, department, division, elected officer or any*
33 *other unit of the Executive Department of State Government.*

34 **Sec. 14.** *“Mediation” means assistance by an impartial third*
35 *party to reconcile differences between the Executive Department*
36 *and an exclusive representative through interpretation, suggestion*
37 *and advice.*

38 **Sec. 15.** *“Party” includes, without limitation, the Executive*
39 *Department.*

40 **Sec. 16.** *“Supplemental bargaining” means bargaining*
41 *concerning the terms and conditions of employment that is*
42 *conducted pursuant to section 45 of this act.*

43 **Sec. 17.** *Except as otherwise provided in sections 4 to 50,*
44 *inclusive, of this act, “terms and conditions of employment”*
45 *includes, without limitation:*



- 1 1. *Salaries and wages;*
- 2 2. *Hours and working conditions;*
- 3 3. *Benefits other than benefits related to the Public*
- 4 *Employees' Retirement System;*
- 5 4. *Grievances; and*
- 6 5. *Labor disputes.*

7 **Sec. 18.** *The provisions of chapter 241 of NRS do not apply*
8 *to any of the following if conducted for the purposes of sections 4*
9 *to 50, inclusive, of this act:*

- 10 1. *A negotiation or informal discussion between the*
- 11 *Executive Department and an employee organization.*
- 12 2. *A meeting or investigation conducted by a mediator or*
- 13 *arbitrator.*
- 14 3. *A meeting between the Executive Department and its*
- 15 *designated representatives concerning collective bargaining or*
- 16 *supplemental bargaining.*

17 **Sec. 19.** *1. The Board for Labor Relations for State*
18 *Employees is hereby created, consisting of three members*
19 *appointed as follows:*

- 20 (a) *One member appointed by the Governor;*
- 21 (b) *One member appointed by the Majority Leader of the*
- 22 *Senate; and*
- 23 (c) *One member appointed by the Speaker of the Assembly.*

24 2. *The members of the Board must be broadly representative*
25 *of the public and must not be closely allied with any employee*
26 *organization or the Executive Department.*

27 3. *The term of office of each member of the Board is 4 years.*

28 4. *The members of the Board serve at the pleasure of the*
29 *appointing authority in each case.*

30 5. *Any vacancy in the membership of the Board must be filled*
31 *for the remainder of the unexpired term in the same manner as*
32 *the original appointment.*

33 **Sec. 20.** *1. The Board shall annually elect a Chairman and*
34 *a Vice Chairman from among its members. The Vice Chairman*
35 *shall perform the duties of the Chairman during any absence of*
36 *the Chairman.*

37 2. *Two members of the Board constitute a quorum.*

38 3. *The Board may, within the limits of legislative*
39 *appropriations:*

40 (a) *Appoint an Executive Secretary, who is in the classified*
41 *service of the State; and*

42 (b) *Employ such clerical personnel as may be necessary, who*
43 *are in the classified service of the State.*



1 **Sec. 21. 1.** *Each member of the Board is entitled to receive*
2 *a salary of not more than \$80, as fixed by the Board, for each day*
3 *in which the member is engaged in the business of the Board.*

4 **2.** *While engaged in the business of the Board, each member*
5 *and employee of the Board is entitled to receive the per diem*
6 *allowance and travel expenses provided for state officers and*
7 *employees generally.*

8 **Sec. 22. 1.** *The Board shall adopt regulations concerning:*
9 **(a)** *The establishment of bargaining units and the*
10 *classifications of employees within each bargaining unit pursuant*
11 *to section 27 of this act;*

12 **(b)** *The recognition of employee organizations and the*
13 *designation of exclusive representatives pursuant to sections 28 to*
14 *32, inclusive, of this act;*

15 **(c)** *Procedures for mediation;*

16 **(d)** *Procedures for arbitration; and*

17 **(e)** *Hearings and proceedings before the Board, including,*
18 *without limitation, hearings and proceedings conducted pursuant*
19 *to section 48 of this act.*

20 **2.** *The Board may adopt any other regulations that are*
21 *necessary to carry out the provisions of sections 4 to 50, inclusive,*
22 *of this act.*

23 **3.** *The Board may hear and determine any complaint:*

24 **(a)** *Arising out of the interpretation or performance of an*
25 *agreement entered into pursuant to sections 4 to 50, inclusive, of*
26 *this act;*

27 **(b)** *Concerning the classification of an employee within an*
28 *appropriate bargaining unit pursuant to section 27 of this act; or*

29 **(c)** *Concerning a practice that is prohibited by section 47 of*
30 *this act.*

31 **Sec. 23. 1.** *In carrying out the provisions of sections 4 to*
32 *50, inclusive, of this act, the Board may:*

33 **(a)** *Administer oaths or affirmations;*

34 **(b)** *Take testimony; and*

35 **(c)** *Issue subpoenas to compel the attendance and testimony of*
36 *a person and to compel the production of books, papers and other*
37 *items that are relevant to a matter being investigated or considered*
38 *by the Board.*

39 **2.** *If a person named in a subpoena fails or refuses to attend*
40 *or testify before the Board, to answer any questions propounded*
41 *by the Board or to produce the books, papers or other items*
42 *required by the subpoena, the Chairman of the Board may petition*
43 *the district court to enter an order compelling the person to attend*
44 *and testify before the Board, to answer the questions propounded*
45 *by the Board or to produce the books, papers or other items*



1 *required by the subpoena. The petition filed by the Chairman must*
2 *set forth that:*

3 *(a) Due notice has been given to the person named in the*
4 *subpoena of the time and place for his attendance and testimony*
5 *before the Board or for the production of the books, papers or*
6 *other items required by the subpoena;*

7 *(b) The person has been subpoenaed by the Board pursuant to*
8 *this section; and*

9 *(c) The person has failed or refused to attend or testify before*
10 *the Board, to answer certain questions propounded by the Board*
11 *or to produce the books, papers or other items required by the*
12 *subpoena.*

13 *3. Upon such a petition, the court shall enter an order*
14 *directing the person named in the subpoena to:*

15 *(a) Appear before the court at the place and time designated in*
16 *the order. The time designated by the court must be not later than*
17 *10 days after the date of the order.*

18 *(b) Show cause why the person has failed or refused to attend*
19 *or testify before the Board, to answer the questions propounded by*
20 *the Board or to produce the books, papers or other items required*
21 *by the subpoena.*

22 *A certified copy of the order must be served upon the person*
23 *named in the subpoena.*

24 *4. If it appears to the court that the subpoena was regularly*
25 *issued by the Board and properly served, the court shall enter an*
26 *order directing the person named in the subpoena to appear before*
27 *the Board at the place and time designated in the order and to*
28 *testify before the Board, to answer the questions propounded by*
29 *the Board or to produce the books, papers or other items required*
30 *by the subpoena. Failure to obey the order constitutes contempt of*
31 *court.*

32 **Sec. 24. 1.** *A subpoena issued by the Board extends to all*
33 *parts of this state and must be served in accordance with the*
34 *provisions of N.R.C.P. 4(c). The Board may not require a person*
35 *named in a subpoena to attend at a place outside the county in*
36 *which the person resides unless:*

37 *(a) The location of the place is less than 100 miles from the*
38 *person's primary residence; or*

39 *(b) A party, by affidavit, shows that the testimony of the person*
40 *is material and necessary to the proceedings and the Board*
41 *endorses on the subpoena an order requiring the person to attend*
42 *at the place named in the subpoena, regardless of its location in*
43 *this state.*

44 *2. A person who appears before the Board pursuant to a*
45 *subpoena is entitled to receive fees and mileage in the same*



1 *amounts and under the same circumstances as prescribed by law*
2 *for a witness in a civil action in the district court, unless the*
3 *person is a party to the proceeding or an officer or employee of*
4 *this state or any of its political subdivisions. As used in this*
5 *subsection, "employee" includes, without limitation, an employee*
6 *in the classified or unclassified service of the State.*

7 *3. If a person who is entitled to receive fees and mileage*
8 *pursuant to subsection 2 must appear at a hearing before the*
9 *Board at a place located so far from his primary residence that it*
10 *is not reasonable for the person to return to that residence from*
11 *day to day, the person is entitled, in addition to fees and mileage,*
12 *to receive the per diem compensation for subsistence and*
13 *transportation authorized by NRS 281.160 for each day of actual*
14 *attendance at such a hearing and for each day necessarily*
15 *occupied in traveling to and from such a hearing.*

16 *4. Except as otherwise provided in subsection 5, a party who*
17 *requests that the Board issue a subpoena to a person shall pay to*
18 *the Board the amount of any compensation for subsistence and*
19 *transportation that the person is entitled to receive from the Board*
20 *pursuant to subsection 3.*

21 *5. As part of an award of costs to the party who prevails in a*
22 *proceeding, the Board may require the party who did not prevail in*
23 *the proceeding to pay to the Board the amount of any*
24 *compensation for subsistence and transportation that the*
25 *prevailing party would have otherwise been required to pay to the*
26 *Board pursuant to subsection 4.*

27 **Sec. 25. 1.** *For the purposes of collective bargaining,*
28 *supplemental bargaining and other mutual aid or protection,*
29 *employees have the right to:*

30 *(a) Organize, form, join and assist employee organizations,*
31 *engage in collective bargaining and supplemental bargaining*
32 *through exclusive representatives and engage in other concerted*
33 *activities; and*

34 *(b) Refrain from engaging in any such activity.*

35 **2.** *Collective bargaining and supplemental bargaining entail*
36 *a mutual obligation of the Executive Department and an exclusive*
37 *representative to meet at reasonable times and to bargain in good*
38 *faith with respect to:*

39 *(a) The terms and conditions of employment;*

40 *(b) The negotiation of an agreement;*

41 *(c) The resolution of any question arising under an*
42 *agreement; and*

43 *(d) The execution of a written contract incorporating the*
44 *provisions of an agreement, if requested by either party or*
45 *required pursuant to sections 4 to 50, inclusive, of this act.*



1 3. *The provisions of this section must not be construed to*
2 *compel the Executive Department or an exclusive representative to*
3 *agree to a proposal or to make a concession.*

4 **Sec. 26.** *1. Except as otherwise provided in subsection 2,*
5 *the following subjects are not within the scope of collective*
6 *bargaining or supplemental bargaining pursuant to sections 4 to*
7 *50, inclusive, of this act and are reserved to the Executive*
8 *Department without negotiation:*

9 (a) *The right to hire, direct or assign an employee, except the*
10 *right to reassign an employee as a form of discipline;*

11 (b) *The right to determine the minimum qualifications for a*
12 *job or position and the nature and content of any examination*
13 *offered to applicants for that job or position;*

14 (c) *The right to determine the content of the workday,*
15 *including, without limitation, the amount of work that must be*
16 *performed, except for considerations of safety; and*

17 (d) *The right to take whatever action may be necessary to carry*
18 *out the responsibilities of the Executive Department in a situation*
19 *of emergency, including, without limitation, a riot, military action,*
20 *natural disaster or civil disorder.*

21 2. *The Executive Department and an exclusive representative*
22 *may negotiate concerning:*

23 (a) *The procedures that the Executive Department will observe*
24 *in exercising the authority reserved to it pursuant to this section;*
25 *and*

26 (b) *The effect of the exercise of such authority by the*
27 *Executive Department.*

28 **Sec. 27.** *1. The Board shall, by regulation, establish*
29 *bargaining units on a statewide basis, including, without*
30 *limitation, the bargaining units described in subsection 2.*

31 2. *The Board shall establish one bargaining unit for each of*
32 *the following occupational groups and each such bargaining unit*
33 *must include all supervisory employees at the working level of the*
34 *occupational group:*

35 (a) *Labor, maintenance, custodial and institutional employees,*
36 *including, without limitation, employees of penal and correctional*
37 *institutions who are not responsible for security at those*
38 *institutions.*

39 (b) *Administrative and clerical employees, including, without*
40 *limitation, paralegals and employees whose work involves general*
41 *office work, or keeping or examining records and accounts.*

42 (c) *Technical aides to professional employees, including,*
43 *without limitation, computer programmers, tax examiners,*
44 *conservation employees and crew supervisors.*



1 (d) Professional employees, including, without limitation,
2 physical therapists and other employees in medical and other
3 professions related to health.

4 (e) Employees, other than professional employees, who provide
5 health care and personal care, including, without limitation,
6 employees who care for children.

7 (f) Officers of the Nevada Highway Patrol who hold the rank
8 of sergeant or lower.

9 (g) Adult and youth correctional employees, including, without
10 limitation, classification caseworkers, group supervisors in
11 correctional institutions and forensic specialists.

12 (h) Employees, other than officers of the Nevada Highway
13 Patrol and adult and youth correctional employees, who have the
14 powers of a peace officer and whose work includes investigation,
15 the enforcement of statutes, ordinances or regulations, or the
16 preservation of public order, including, without limitation, all
17 such employees of the Public Utilities Commission of Nevada, the
18 Transportation Services Authority and the Taxicab Authority.

19 (i) Supervisory employees not otherwise included in other
20 bargaining units.

21 3. This section does not prohibit the Board from including
22 within an occupational group employees other than those specified
23 for that group.

24 4. The Board shall, by regulation, establish the exact
25 classifications of employees within each bargaining unit. The
26 Board may assign a new classification to a bargaining unit based
27 upon the similarity of the new classification to other
28 classifications within the bargaining unit.

29 5. The Board shall not change an established bargaining unit
30 arbitrarily.

31 6. As used in this section:

32 (a) "Professional employee" means an employee engaged in
33 work that:

34 (1) Is predominantly intellectual and varied in character as
35 opposed to routine mental, manual, mechanical or physical work;

36 (2) Involves the consistent exercise of discretion and
37 judgment in its performance;

38 (3) Is of such a character that the result accomplished or
39 produced cannot be standardized in relation to a given period; and

40 (4) Requires advanced knowledge in a field of science or
41 learning customarily acquired through a prolonged course of
42 specialized intellectual instruction and study in an institution of
43 higher learning, as distinguished from general academic
44 education, an apprenticeship or training in the performance of
45 routine mental or physical processes.



1 (b) "Supervisory employee" means an employee who has
2 authority to:

3 (1) Hire, transfer, suspend, lay off, recall, promote,
4 discharge, assign, reward or discipline other employees, or who
5 has the responsibility to direct such employees; or

6 (2) Adjust the grievances of other employees or effectively
7 recommend such an action, if the exercise of that authority
8 requires the use of independent judgment and is not of a routine
9 or clerical nature.

10 **Sec. 28. 1.** If no employee organization is designated as the
11 exclusive representative of a bargaining unit and an employee
12 organization files with the Board a list of its membership showing
13 that the employee organization represents more than 50 percent of
14 the employees within the bargaining unit, the Board shall
15 designate the employee organization as the exclusive
16 representative of the bargaining unit without ordering an election.

17 2. If the Board designates an employee organization as the
18 exclusive representative of a bargaining unit without ordering an
19 election pursuant to subsection 1 of this section or paragraph (a)
20 of subsection 2 of section 29 of this act, the Board shall:

21 (a) Without ordering an election, remove the employee
22 organization as the exclusive representative of the bargaining unit
23 and designate another employee organization as the exclusive
24 representative of the bargaining unit if, after June 30 and on or
25 before December 31 of an odd-numbered year:

26 (1) Another employee organization files with the Board a
27 list of its membership showing that it represents more than 50
28 percent of the employees within the bargaining unit; and

29 (2) The Board has not ordered an election pursuant to
30 paragraph (b) during that period; or

31 (b) Order an election to be conducted pursuant to section 30 of
32 this act if:

33 (1) After June 30 and on or before December 31 of an odd-
34 numbered year, a group of employees within the bargaining unit
35 files with the Board a written request for an election which
36 includes a list showing that more than 50 percent of the employees
37 within the bargaining unit have requested that an election be
38 conducted to change or discontinue representation;

39 (2) The Board has not, during that period, designated
40 another employee organization as the exclusive representative of
41 the bargaining unit pursuant to paragraph (a); and

42 (3) No other election to choose, change or discontinue
43 representation has been conducted within the bargaining unit
44 during the preceding 12 months.



1 **Sec. 29. 1.** *If no employee organization is designated as the*
2 *exclusive representative of a bargaining unit, the Board shall*
3 *order an election to be conducted within the bargaining unit*
4 *pursuant to section 30 of this act if:*

5 *(a) An employee organization files with the Board a written*
6 *request for an election which includes a list of its membership*
7 *showing that it represents at least 30 percent but not more than 50*
8 *percent of the employees within the bargaining unit; and*

9 *(b) No other election to choose, change or discontinue*
10 *representation has been conducted within the bargaining unit*
11 *during the preceding 12 months.*

12 **2.** *If the Board designates an employee organization as the*
13 *exclusive representative of a bargaining unit based upon the*
14 *results of an election ordered pursuant to subsection 1 of this*
15 *section or paragraph (b) of subsection 2 of section 28 of this act,*
16 *the Board shall:*

17 *(a) Without ordering an election, remove the employee*
18 *organization as the exclusive representative of the bargaining unit*
19 *and designate another employee organization as the exclusive*
20 *representative of the bargaining unit if, after June 30 and on or*
21 *before December 31 of an odd-numbered year:*

22 *(1) Another employee organization files with the Board a*
23 *list of its membership showing that it represents more than 50*
24 *percent of the employees within the bargaining unit; and*

25 *(2) The Board has not ordered an election pursuant to*
26 *paragraph (b) during that period; or*

27 *(b) Order an election to be conducted pursuant to section 30 of*
28 *this act if:*

29 *(1) After June 30 and on or before December 31 of an odd-*
30 *numbered year:*

31 *(I) Another employee organization files with the Board a*
32 *written request for an election which includes a list of its*
33 *membership showing that the employee organization represents at*
34 *least 30 percent but not more than 50 percent of the employees*
35 *within the bargaining unit; or*

36 *(II) A group of employees within the bargaining unit*
37 *files with the Board a written request for an election which*
38 *includes a list showing that more than 50 percent of the employees*
39 *within the bargaining unit have requested that an election be*
40 *conducted to change or discontinue representation;*

41 *(2) The Board has not, during that period, designated*
42 *another employee organization as the exclusive representative of*
43 *the bargaining unit pursuant to paragraph (a); and*



1 (3) *No other election to choose, change or discontinue*
2 *representation has been conducted within the bargaining unit*
3 *during the preceding 12 months.*

4 **Sec. 30. 1.** *If the Board orders an election within a*
5 *bargaining unit pursuant to section 28 or 29 of this act, the Board*
6 *shall order that each of the following be placed as a choice on the*
7 *ballot for the election:*

8 (a) *If applicable, the employee organization that requested the*
9 *election pursuant to section 29 of this act and the employee*
10 *organization that is presently designated as the exclusive*
11 *representative of the bargaining unit pursuant to section 28 or 29*
12 *of this act;*

13 (b) *Any other employee organization that, on or before the*
14 *date that is prescribed by the regulations adopted by the Board,*
15 *files with the Board a written request to be placed on the ballot for*
16 *the election and includes with the written request a list of its*
17 *membership showing that the employee organization represents at*
18 *least 20 percent of the employees within the bargaining unit; and*

19 (c) *A choice for "no representation."*

20 2. *If a ballot for an election contains more than two choices*
21 *and none of the choices on the ballot receives a majority of the*
22 *votes cast at the initial election, the Board shall order a runoff*
23 *election between the two choices on the ballot that received the*
24 *highest number of votes at the initial election.*

25 3. *If the choice for "no representation" receives a majority of*
26 *the votes cast at the initial election or at any runoff election, the*
27 *Board shall designate the bargaining unit as being without*
28 *representation.*

29 4. *If an employee organization receives a majority of the*
30 *votes cast at the initial election or at any runoff election, the*
31 *Board shall designate the employee organization as the exclusive*
32 *representative of the bargaining unit.*

33 **Sec. 31. 1.** *The Board shall preside over all elections that*
34 *are conducted pursuant to sections 4 to 50, inclusive, of this act*
35 *and shall determine the eligibility requirements for employees to*
36 *vote in any such election.*

37 2. *An employee organization that is placed as a choice on the*
38 *ballot for an election or any employee who is eligible to vote at an*
39 *election may file with the Board a written objection to the results*
40 *of the election. The objection must be filed not later than 10 days*
41 *after the date on which the notice of the results of the election is*
42 *given by the Board.*

43 3. *In response to a written objection filed pursuant to*
44 *subsection 2 or upon its own motion, the Board may invalidate the*
45 *results of an election and order a new election if the Board finds*



1 *that any conduct or circumstances raise substantial doubt that the*
2 *results of the election are reliable.*

3 **Sec. 32. 1.** *The Board may designate an employee*
4 *organization as the exclusive representative of more than one*
5 *bargaining unit if the employee organization meets the*
6 *requirements set forth in section 28 or 29 of this act to be*
7 *designated as the exclusive representative of each such bargaining*
8 *unit separately.*

9 **2.** *If the Board designates an employee organization as the*
10 *exclusive representative of a bargaining unit pursuant to sections*
11 *4 to 50, inclusive, of this act:*

12 (a) *The employee organization shall be deemed to:*

13 (1) *Be a party to any collective bargaining agreement or*
14 *supplemental bargaining agreement then in effect between the*
15 *Executive Department and the bargaining unit; and*

16 (2) *Assume all the rights and privileges of the previous*
17 *exclusive representative under any such agreement, but the*
18 *employee organization shall not be deemed to assume any costs or*
19 *liabilities incurred by the previous exclusive representative for acts*
20 *that occurred while the previous exclusive representative served in*
21 *that capacity; and*

22 (b) *An officer of the Executive Department may not, pursuant*
23 *to NRS 281.129, withhold any amount of money from the salary or*
24 *wages of an employee within the bargaining unit to pay dues or*
25 *similar fees to an employee organization other than the employee*
26 *organization that is the exclusive representative of the bargaining*
27 *unit.*

28 **Sec. 33. 1.** *Except as otherwise provided in subsection 2, an*
29 *exclusive representative shall:*

30 (a) *Act as the agent and exclusive representative of all*
31 *employees within each bargaining unit that it represents;*

32 (b) *Meet with the Executive Department at reasonable times,*
33 *including, without limitation, meeting with the Executive*
34 *Department reasonably in advance of its budget-making process;*
35 *and*

36 (c) *In good faith and on behalf of each bargaining unit that it*
37 *represents, individually or collectively, negotiate with the*
38 *Executive Department concerning the terms and conditions of*
39 *employment for the employees within each bargaining unit that it*
40 *represents, including, without limitation, any terms and conditions*
41 *of employment that are within the scope of supplemental*
42 *bargaining pursuant to section 45 of this act.*

43 **2.** *If an employee is within a bargaining unit that has an*
44 *exclusive representative, the employee has the right to present*
45 *grievances to the Executive Department at any time and to have*



1 *those grievances adjusted without the intervention of the exclusive*
2 *representative if:*

3 *(a) The exclusive representative is given an opportunity to be*
4 *present at any meetings or hearings related to the adjustment of*
5 *the grievance; and*

6 *(b) The adjustment of the grievance is not inconsistent with the*
7 *provisions of the collective bargaining agreement or any*
8 *supplemental bargaining agreement then in effect.*

9 **Sec. 34.** *The Governor or a person designated by the*
10 *Governor shall, in good faith and on behalf of the Executive*
11 *Department, negotiate with the exclusive representative of each*
12 *bargaining unit concerning the terms and conditions of*
13 *employment for the employees within the bargaining unit,*
14 *including, without limitation, any terms and conditions of*
15 *employment that are within the scope of supplemental bargaining*
16 *pursuant to section 45 of this act.*

17 **Sec. 35.** *1. The Governor shall sign and enforce any*
18 *collective bargaining agreement reached by the Executive*
19 *Department and an exclusive representative on behalf of the*
20 *employees within a bargaining unit that it represents.*

21 *2. Each collective bargaining agreement must be in writing,*
22 *must not authorize any conduct that would violate the provisions*
23 *of NRS 288.230 to 288.260, inclusive, and must include, without*
24 *limitation:*

25 *(a) A procedure to resolve grievances which applies to all*
26 *employees in the bargaining unit and which culminates in final*
27 *and binding arbitration; and*

28 *(b) A provision which provides that an officer of the Executive*
29 *Department may, upon written authorization by an employee*
30 *within the bargaining unit, withhold a sufficient amount of money*
31 *from the salary or wages of the employee pursuant to NRS*
32 *281.129 to pay dues or similar fees to the exclusive representative*
33 *of the bargaining unit.*

34 **Sec. 36.** *In each even-numbered year, the Executive*
35 *Department and an exclusive representative shall begin*
36 *negotiations concerning a collective bargaining agreement not*
37 *sooner than January 1 of the even-numbered year and not later*
38 *than:*

39 *1. March 15 of the even-numbered year or any later date in*
40 *that year which is set by agreement of the parties, if the exclusive*
41 *representative is designated by the Board as the exclusive*
42 *representative of the bargaining unit on or before March 1 of the*
43 *same even-numbered year; or*

44 *2. July 15 of the even-numbered year or any later date in that*
45 *year which is set by agreement of the parties, if the exclusive*



1 *representative is designated by the Board as the exclusive*
2 *representative of the bargaining unit after March 1 of the same*
3 *even-numbered year.*

4 **Sec. 37.** 1. *If the parties do not reach a collective*
5 *bargaining agreement through negotiation on or before July 31 of*
6 *the even-numbered year or any later date in that year which is set*
7 *by agreement of the parties, the Board shall appoint a mediator.*

8 2. *The mediator shall bring the parties together as soon as*
9 *possible after his appointment and shall attempt to settle each*
10 *issue in dispute on or before August 15 of the even-numbered year*
11 *or any later date in that year which is set by the mediator or by*
12 *agreement of the parties.*

13 3. *The mediator and the parties shall apply and follow the*
14 *procedures for mediation that are prescribed by the regulations*
15 *adopted by the Board. During mediation, the parties retain their*
16 *respective duties to negotiate in good faith.*

17 4. *The Executive Department and the exclusive representative*
18 *shall each pay one-half of the cost of mediation.*

19 **Sec. 38.** 1. *If the mediator determines that his services are*
20 *no longer helpful or if the parties do not reach a collective*
21 *bargaining agreement through mediation on or before August 15*
22 *of the even-numbered year or any later date in that year which is*
23 *set by the mediator or by agreement of the parties pursuant to*
24 *section 37 of this act, the mediator shall discontinue mediation*
25 *and the parties shall attempt to agree upon an impartial arbitrator.*

26 2. *If the parties do not agree upon an impartial arbitrator*
27 *within 5 days after the date on which mediation is discontinued*
28 *pursuant to subsection 1 or on or before any later date in that year*
29 *which is set by agreement of the parties, the parties shall request*
30 *from the American Arbitration Association a list of seven potential*
31 *arbitrators. The parties shall select an arbitrator from this list by*
32 *alternately striking one name until the name of only one arbitrator*
33 *remains, and that arbitrator must hear the dispute in question.*
34 *The exclusive representative shall strike the first name.*

35 3. *The arbitrator shall begin arbitration proceedings on or*
36 *before September 15 of the even-numbered year or any later date*
37 *in that year which is set by agreement of the parties.*

38 4. *The arbitrator and the parties shall apply and follow the*
39 *procedures for arbitration that are prescribed by the regulations*
40 *adopted by the Board. During arbitration, the parties retain their*
41 *respective duties to negotiate in good faith.*

42 5. *The arbitrator may administer oaths or affirmations, take*
43 *testimony and issue and seek enforcement of subpoenas in the*
44 *same manner as the Board pursuant to sections 23 and 24 of this*
45 *act and, except as otherwise provided in subsection 6, the*



1 *provisions of sections 23 and 24 of this act apply to subpoenas*
2 *issued by the arbitrator.*

3 *6. The Executive Department and the exclusive representative*
4 *shall each pay one-half of the cost of arbitration, including,*
5 *without limitation, the fees and mileage and any compensation for*
6 *subsistence and transportation that a person is entitled to receive*
7 *pursuant to subsections 2 and 3 of section 24 of this act for*
8 *appearing before the arbitrator pursuant to a subpoena. The*
9 *provisions of subsections 4 and 5 of section 24 of this act do not*
10 *apply to a subpoena issued by the arbitrator.*

11 *Sec. 39. 1. For each separate issue that is in dispute after*
12 *arbitration proceedings are held pursuant to section 38 of this act,*
13 *the arbitrator shall incorporate either the final offer of the*
14 *Executive Department or the final offer of the exclusive*
15 *representative into his decision. The arbitrator shall not revise or*
16 *amend the final offer of either party on any issue.*

17 *2. To determine which final offers to incorporate into his*
18 *decision, the arbitrator shall assess the reasonableness of:*

- 19 *(a) The position of each party as to each issue in dispute; and*
20 *(b) The contractual terms and provisions contained in each*
21 *final offer.*

22 *3. In assessing reasonableness pursuant to subsection 2, the*
23 *arbitrator shall:*

24 *(a) Compare the terms and conditions of employment for the*
25 *employees within the bargaining unit with the terms and*
26 *conditions of employment for other employees performing similar*
27 *services and for other employees generally:*

- 28 *(1) In public employment in comparable communities; and*
29 *(2) In private employment in comparable communities; and*

30 *(b) Consider, without limitation:*
31 *(1) The average consumer prices for goods and services;*
32 *and*

33 *(2) Such other factors as are normally or traditionally used*
34 *as part of collective bargaining, mediation, arbitration or other*
35 *methods of dispute resolution to determine the terms and*
36 *conditions of employment for employees in public or private*
37 *employment.*

38 *4. The arbitrator shall render a written decision on or before*
39 *October 15 of the even-numbered year or on or before any later*
40 *date which is set by agreement of the parties and which is not later*
41 *than December 31 of the even-numbered year.*

42 *5. Except as otherwise provided in sections 40, 43, 44 and 50*
43 *of this act, each provision that is included in a decision of the*
44 *arbitrator is final and binding upon the parties.*



1 **Sec. 40. 1.** *Except as otherwise provided in this section,*
2 *after an arbitrator renders a decision pursuant to section 39 of this*
3 *act, the parties may agree to open or reopen negotiations*
4 *concerning any terms and conditions of employment, whether or*
5 *not such terms and conditions of employment were included in the*
6 *decision of the arbitrator, and may agree to revise or amend the*
7 *decision of the arbitrator.*

8 2. *The provisions of any agreement by the parties to revise or*
9 *amend the decision of the arbitrator must be in writing.*

10 3. *If the parties reach an agreement to revise or amend the*
11 *decision of the arbitrator before the date on which the decision of*
12 *the arbitrator must be submitted to the Governor and the Chief of*
13 *the Budget Division pursuant to section 41 of this act, the*
14 *provisions of that agreement:*

15 (a) *Shall be deemed to be incorporated into the decision of the*
16 *arbitrator; and*

17 (b) *Must be given effect over any conflicting provision in the*
18 *decision of the arbitrator.*

19 4. *If the parties do not reach an agreement to revise or amend*
20 *the decision of the arbitrator before the date on which the decision*
21 *of the arbitrator must be submitted to the Governor and the Chief*
22 *of the Budget Division pursuant to section 41 of this act, the*
23 *parties shall submit the decision of the arbitrator to the Governor*
24 *and the Chief of the Budget Division without revision or*
25 *amendment.*

26 **Sec. 41. 1.** *On or before December 31 of the even-*
27 *numbered year in which negotiations began, the parties shall*
28 *submit to the Governor and the Chief of the Budget Division:*

29 (a) *If arbitration was not required, the collective bargaining*
30 *agreement reached by the parties through negotiation; or*

31 (b) *If arbitration was required, the decision of the arbitrator*
32 *without revision or amendment or, if applicable, as revised or*
33 *amended by the parties pursuant to section 40 of this act. If so*
34 *submitted, the decision of the arbitrator without revision or*
35 *amendment or, if applicable, as revised or amended, shall be*
36 *deemed to be the collective bargaining agreement between the*
37 *parties.*

38 2. *In the proposed executive budget which is prepared by the*
39 *Chief of the Budget Division pursuant to NRS 353.230 and which*
40 *is submitted to the Legislature pursuant to Section 2 of Article 4 of*
41 *the Constitution of this state, the Chief of the Budget Division and*
42 *the Governor shall include requests for appropriations from the*
43 *Legislature in amounts that are sufficient to give effect to each*
44 *provision of the collective bargaining agreement that requires*
45 *such an appropriation.*



1 **Sec. 42. 1.** *If a provision of a collective bargaining*
2 *agreement does not require an appropriation from the Legislature*
3 *to be given effect, the provision:*

4 (a) *Becomes effective on July 1 of the odd-numbered year*
5 *following the even-numbered year in which negotiations began,*
6 *whether or not the Legislature makes any appropriation in a*
7 *regular or special session to give effect to any other provision of*
8 *the collective bargaining agreement; and*

9 (b) *Expires on June 30 of the next odd-numbered year.*

10 **2.** *Except as otherwise provided in sections 43 and 44 of this*
11 *act, if a provision of the collective bargaining agreement requires*
12 *an appropriation from the Legislature to be given effect, the*
13 *provision:*

14 (a) *Becomes effective on July 1 of the odd-numbered year*
15 *following the even-numbered year in which negotiations began*
16 *only if the Legislature, at a regular session or any special session*
17 *that commences before that date, makes an appropriation that is*
18 *sufficient to give effect to the provision; and*

19 (b) *Expires on June 30 of the next odd-numbered year.*

20 **Sec. 43. 1.** *During the regular session or any special*
21 *session of the Legislature that commences before July 1 of the*
22 *odd-numbered year following the even-numbered year in which*
23 *negotiations began, the parties may agree, in writing, to revise or*
24 *amend any provision of the collective bargaining agreement that*
25 *requires an appropriation from the Legislature to be given effect.*

26 **2.** *If the parties agree to revise or amend such a provision, the*
27 *parties shall submit the revised or amended provision to the*
28 *Legislative Counsel with sufficiently detailed information to*
29 *enable the Legislative Counsel to prepare any necessary legislative*
30 *measures.*

31 **3.** *If the Legislature, in a bill passed at the regular or special*
32 *session, expressly approves the provision as revised or amended*
33 *and makes an appropriation that is sufficient to give effect to the*
34 *provision as revised or amended, the provision as revised or*
35 *amended becomes effective and expires at the same time as other*
36 *provisions in the collective bargaining agreement.*

37 **Sec. 44. 1.** *At any time after the Legislature makes an*
38 *appropriation that is sufficient to give effect to a provision in a*
39 *collective bargaining agreement, whether or not the provision has*
40 *become effective, the Legislature may, in a bill or concurrent*
41 *resolution passed at a regular or special session, suspend the*
42 *operation of the provision in whole or in part and for all or for*
43 *some of its unexpired term.*

44 **2.** *If a provision is suspended pursuant to subsection 1, the*
45 *parties may agree, in writing during the regular or special session,*



1 *to revise or amend the suspended provision or any other provision*
2 *of the collective bargaining agreement for which an appropriation*
3 *has been made by the Legislature, whether or not such a provision*
4 *has been suspended.*

5 *3. If the parties agree to revise or amend such a provision, the*
6 *parties shall submit the revised or amended provision to the*
7 *Legislative Counsel with sufficiently detailed information to*
8 *enable the Legislative Counsel to prepare any necessary legislative*
9 *measures.*

10 *4. If the Legislature, in a bill passed at the regular or special*
11 *session, expressly approves the provision as revised or amended*
12 *and makes an appropriation that is sufficient to give effect to the*
13 *provision as revised or amended, the provision as revised or*
14 *amended becomes effective on the date set in the bill and expires*
15 *at the same time as other provisions in the collective bargaining*
16 *agreement.*

17 **Sec. 45.** *1. Except as otherwise provided in this section, if*
18 *any provision of a collective bargaining agreement is in effect*
19 *between the Executive Department and a bargaining unit*
20 *pursuant to sections 42, 43 and 44 of this act, the Executive*
21 *Department and the exclusive representative of the bargaining*
22 *unit may engage in supplemental bargaining concerning any*
23 *terms and conditions of employment which are peculiar to or*
24 *which uniquely affect fewer than all the employees within the*
25 *bargaining unit if such supplemental terms and conditions of*
26 *employment:*

27 *(a) Are not included in any provision of the collective*
28 *bargaining agreement then in effect between the Executive*
29 *Department and the bargaining unit; and*

30 *(b) Do not require an appropriation from the Legislature to be*
31 *given effect.*

32 *2. The Executive Department and an exclusive representative*
33 *may engage in supplemental bargaining pursuant to subsection 1*
34 *for fewer than all the employees within two or more bargaining*
35 *units that the exclusive representative represents if the*
36 *requirements of subsection 1 are met for each such bargaining*
37 *unit.*

38 *3. If the parties reach a supplemental bargaining agreement*
39 *pursuant to this section, the provisions of the supplemental*
40 *bargaining agreement:*

41 *(a) Must be in writing; and*

42 *(b) Shall be deemed to be incorporated into the provisions of*
43 *each collective bargaining agreement then in effect between the*
44 *Executive Department and the employees who are subject to the*
45 *supplemental bargaining agreement if the provisions of the*



1 *supplemental bargaining agreement do not conflict with the*
2 *provisions of the collective bargaining agreement.*

3 *4. If any provision of the supplemental bargaining agreement*
4 *conflicts with any provision of the collective bargaining*
5 *agreement, the provision of the supplemental bargaining*
6 *agreement is void and the provision of the collective bargaining*
7 *agreement must be given effect.*

8 *5. The provisions of the supplemental bargaining agreement*
9 *expire at the same time as the other provisions of the collective*
10 *bargaining agreement into which they are incorporated.*

11 *6. The Executive Department and an exclusive representative*
12 *may not engage in supplemental bargaining pursuant to this*
13 *section:*

14 *(a) In an even-numbered year, on or after the date on which*
15 *the Executive Department and the exclusive representative begin*
16 *negotiations pursuant to section 36 of this act concerning a*
17 *collective bargaining agreement; and*

18 *(b) In the following odd-numbered year, before July 1.*

19 *7. The Executive Department and an exclusive representative*
20 *may, during collective bargaining conducted pursuant to sections*
21 *36 to 44, inclusive, of this act, negotiate and include in a collective*
22 *bargaining agreement any terms and conditions of employment*
23 *that would otherwise be within the scope of supplemental*
24 *bargaining conducted pursuant to this section.*

25 **Sec. 46. 1. Except as otherwise provided in NRS 284.013:**

26 *(a) If any provision of a collective bargaining agreement*
27 *conflicts with any provision of NRS or a special act, the provision*
28 *of the collective bargaining agreement is void and must not be*
29 *given effect, unless the Legislature expressly acknowledges the*
30 *conflict and approves the provision of the collective bargaining*
31 *agreement in a bill or concurrent resolution passed at a regular or*
32 *special session; and*

33 *(b) If any provision of a supplemental bargaining agreement*
34 *conflicts with any provision of NRS or a special act, the provision*
35 *of the supplemental bargaining agreement is void and must not be*
36 *given effect.*

37 *2. If any provision of a collective bargaining agreement or*
38 *supplemental bargaining agreement conflicts with any rule or*
39 *regulation adopted by an employer, the provision of the collective*
40 *bargaining agreement or supplemental bargaining agreement*
41 *prevails and must be given effect.*

42 *3. The provisions of a collective bargaining agreement or*
43 *supplemental bargaining agreement are severable. If any*
44 *provision of a collective bargaining agreement or supplemental*
45 *bargaining agreement is invalidated on its face or as applied, such*



1 *invalidity does not affect the other provisions of the agreement or*
2 *the application of those provisions if such other provisions can be*
3 *given effect without the invalidated provision.*

4 **Sec. 47. 1. It is a prohibited practice for the Executive**
5 **Department or its designated representative willfully to:**

6 (a) *Refuse to engage in collective bargaining or otherwise fail*
7 *to bargain in good faith with an exclusive representative,*
8 *including, without limitation, refusing to engage in mediation or*
9 *arbitration.*

10 (b) *Interfere with, restrain or coerce an employee in the*
11 *exercise of any right guaranteed pursuant to sections 4 to 50,*
12 *inclusive, of this act.*

13 (c) *Dominate, interfere with or assist in the formation or*
14 *administration of an employee organization.*

15 (d) *Discriminate in regard to hiring, tenure or any terms and*
16 *conditions of employment to encourage or discourage membership*
17 *in an employee organization.*

18 (e) *Discharge or otherwise discriminate against an employee*
19 *because the employee has:*

20 (1) *Signed or filed an affidavit, petition or complaint or has*
21 *provided any information or given any testimony pursuant to*
22 *sections 4 to 50, inclusive, of this act; or*

23 (2) *Formed, joined or chosen to be represented by an*
24 *employee organization.*

25 (f) *Discriminate because of race, color, religion, sex, sexual*
26 *orientation, age, disability, national origin, or political or personal*
27 *reasons or affiliations.*

28 (g) *Deny rights accompanying a designation as an exclusive*
29 *representative.*

30 2. *It is a prohibited practice for an employee organization or*
31 *its designated agent willfully to:*

32 (a) *When acting as an exclusive representative, refuse to*
33 *engage in collective bargaining or otherwise fail to bargain in*
34 *good faith with the Executive Department, including, without*
35 *limitation, refusing to engage in mediation or arbitration.*

36 (b) *Interfere with, restrain or coerce an employee in the*
37 *exercise of any right guaranteed pursuant to sections 4 to 50,*
38 *inclusive, of this act.*

39 (c) *Discriminate because of race, color, religion, sex, sexual*
40 *orientation, age, disability, national origin, or political or personal*
41 *reasons or affiliations.*

42 **Sec. 48. 1. To establish that a party has committed a**
43 **prohibited practice in violation of section 47 of this act, the party**
44 **aggrieved by the practice must file a complaint with the Board and**



1 *must prove the allegations contained in the complaint at a hearing*
2 *conducted in accordance with:*
3 *(a) The provisions of chapter 233B of NRS that apply to a*
4 *contested case; and*
5 *(b) The regulations adopted by the Board.*
6 *2. If the Board finds that the party accused in the complaint*
7 *has committed a prohibited practice, the Board:*
8 *(a) Shall order the party to cease and desist from engaging in*
9 *the prohibited practice; and*
10 *(b) May order any other affirmative relief that is necessary to*
11 *remedy the prohibited practice.*
12 *3. The Board may petition the district court for enforcement*
13 *of its orders.*
14 *4. Any order or decision issued by the Board pursuant to this*
15 *section concerning the merits of a complaint is a final decision in*
16 *a contested case and may be appealed pursuant to the provisions*
17 *of chapter 233B of NRS that apply to a contested case, except that*
18 *a party aggrieved by the order or decision of the Board must file a*
19 *petition for judicial review not later than 10 days after being*
20 *served with the order or decision of the Board.*
21 **Sec. 49. 1. Except as otherwise provided by specific statute,**
22 **an employee organization and the Executive Department may sue**
23 **or be sued as an entity pursuant to sections 4 to 50, inclusive, of**
24 **this act.**
25 *2. If any action or proceeding is brought by or against an*
26 *employee organization pursuant to sections 4 to 50, inclusive, of*
27 *this act, the district court for the county in which the employee*
28 *organization maintains its principal office or the county in which*
29 *the claim arose has jurisdiction over any claim brought pursuant*
30 *to sections 4 to 50, inclusive, of this act.*
31 *3. A natural person and his assets are not subject to liability*
32 *for any judgment awarded pursuant to sections 4 to 50, inclusive,*
33 *of this act against the Executive Department or an employee*
34 *organization.*
35 **Sec. 50. 1. Except as otherwise provided in this section, a**
36 **party may seek judicial review in the district court of the decision**
37 **of an arbitrator made pursuant to section 39 of this act based upon**
38 **jurisdictional grounds or upon the grounds that the decision:**
39 *(a) Was procured by fraud, collusion or other similar unlawful*
40 *means; or*
41 *(b) Was not supported by competent, material and substantial*
42 *evidence on the whole record and based upon the factors set forth*
43 *in section 39 of this act.*



1 2. *If a party seeks judicial review pursuant to this section, the*
2 *district court may stay the contested portion of the decision of the*
3 *arbitrator until the court rules on the matter.*

4 3. *The district court may affirm or reverse the contested*
5 *portion of the decision of the arbitrator, in whole or in part, but*
6 *the court may not remand the matter to the arbitrator or require*
7 *any additional fact-finding or decision making by the arbitrator.*

8 4. *If the district court reverses any part of the contested*
9 *portion of the decision of the arbitrator, the court shall enter an*
10 *order invalidating that part of the decision of the arbitrator, and*
11 *that part of the decision of the arbitrator is void and must not be*
12 *given effect.*

13 5. *A party may not seek judicial review of the decision of the*
14 *arbitrator pursuant to this section:*

15 (a) *In the same even-numbered year in which the decision of*
16 *the arbitrator was made; and*

17 (b) *In the following odd-numbered year, before July 1.*

18 **Sec. 51.** NRS 288.020 is hereby amended to read as follows:

19 288.020 As used in ~~[this chapter,]~~ **NRS 288.020 to 288.280,**
20 **inclusive**, unless the context otherwise requires, the words and terms
21 defined in NRS 288.025 to 288.075, inclusive, have the meanings
22 ascribed to them in those sections.

23 **Sec. 52.** NRS 288.110 is hereby amended to read as follows:

24 288.110 1. The Board may make rules governing:

- 25 (a) Proceedings before it;
- 26 (b) Procedures for fact-finding;
- 27 (c) The recognition of employee organizations; and
- 28 (d) The determination of bargaining units.

29 2. The Board may hear and determine any complaint arising
30 out of the interpretation of, or performance under, the provisions of
31 ~~[this chapter]~~ **NRS 288.020 to 288.280, inclusive**, by any local
32 government employer, local government employee or employee
33 organization. The Board shall conduct a hearing within 90 days after
34 it decides to hear a complaint. The Board, after a hearing, if it finds
35 that the complaint is well taken, may order any person to refrain
36 from the action complained of or to restore to the party aggrieved
37 any benefit of which he has been deprived by that action. The Board
38 shall issue its decision within 120 days after the hearing on the
39 complaint is completed.

40 3. Any party aggrieved by the failure of any person to obey an
41 order of the Board issued pursuant to subsection 2, or the Board at
42 the request of such a party, may apply to a court of competent
43 jurisdiction for a prohibitory or mandatory injunction to enforce the
44 order.



1 4. The Board may not consider any complaint or appeal filed
2 more than 6 months after the occurrence which is the subject of the
3 complaint or appeal.

4 5. The Board may decide without a hearing a contested matter:

5 (a) In which all of the legal issues have been previously decided
6 by the Board, if it adopts its previous decision or decisions as
7 precedent; or

8 (b) Upon agreement of all the parties.

9 6. The Board may award reasonable costs, which may include
10 attorneys' fees, to the prevailing party.

11 **Sec. 53.** NRS 288.120 is hereby amended to read as follows:

12 288.120 1. For the purpose of hearing and deciding appeals
13 or complaints, the Board may issue subpoenas requiring the
14 attendance of witnesses before it, together with all books,
15 memoranda, papers and other documents relative to the matters
16 under investigation, administer oaths and take testimony thereunder.

17 2. The district court in and for the county in which any hearing
18 is being conducted by the Board may compel the attendance of
19 witnesses, the giving of testimony and the production of books and
20 papers as required by any subpoena issued by the Board.

21 3. In case of the refusal of any witness to attend or testify or
22 produce any papers required by such a subpoena, the Board may
23 report to the district court in and for the county in which the hearing
24 is pending by petition, setting forth:

25 (a) That due notice has been given of the time and place of
26 attendance of the witness or the production of the books and papers;

27 (b) That the witness has been subpoenaed in the manner
28 prescribed in ~~{this chapter;}~~ *NRS 288.020 to 288.280, inclusive*; and

29 (c) That the witness has failed and refused to attend or produce
30 the papers required by subpoena before the Board in the hearing
31 named in the subpoena, or has refused to answer questions
32 propounded to him in the course of ~~{such}~~ *the* hearing,
33 and asking an order of the court compelling the witness to attend
34 and testify or produce the books or papers before the Board.

35 4. The court, upon petition of the Board, shall enter an order
36 directing the witness to appear before the court at a time and place
37 to be fixed by the court in ~~{such}~~ *the* order, the time to be not more
38 than 10 days ~~{from}~~ *after* the date of the order, and then and there
39 show cause why he has not attended or testified or produced the
40 books or papers before the Board. A certified copy of the order
41 ~~{shall}~~ *must* be served upon the witness. If it appears to the court
42 that the subpoena was regularly issued by the Board, the court shall
43 thereupon enter an order that the witness appear before the Board at
44 the time and place fixed in the order and testify or produce the



1 required books or papers, and upon failure to obey the order , the
2 witness ~~shall~~ **must** be dealt with as for contempt of court.

3 **Sec. 54.** NRS 288.140 is hereby amended to read as follows:

4 288.140 1. It is the right of every local government
5 employee, subject to the limitation provided in subsection 3, to join
6 any employee organization of his choice or to refrain from joining
7 any employee organization. A local government employer shall not
8 discriminate in any way among its employees on account of
9 membership or nonmembership in an employee organization.

10 2. The recognition of an employee organization for negotiation,
11 pursuant to ~~this chapter,~~ **NRS 288.020 to 288.280, inclusive**, does
12 not preclude any local government employee who is not a member
13 of that employee organization from acting for himself with respect
14 to any condition of his employment, but any action taken on a
15 request or in adjustment of a grievance ~~shall~~ **must** be consistent
16 with the terms of an applicable negotiated agreement, if any.

17 3. A police officer, sheriff, deputy sheriff or other law
18 enforcement officer may be a member of an employee organization
19 only if ~~such~~ **the** employee organization is composed exclusively of
20 law enforcement officers.

21 **Sec. 55.** NRS 288.150 is hereby amended to read as follows:

22 288.150 1. Except as **otherwise** provided in subsection 4,
23 every local government employer shall negotiate in good faith
24 through one or more representatives of its own choosing concerning
25 the mandatory subjects of bargaining set forth in subsection 2 with
26 the designated representatives of the recognized employee
27 organization, if any, for each appropriate bargaining unit among its
28 employees. If either party so requests, agreements reached must be
29 reduced to writing.

30 2. The scope of mandatory bargaining is limited to:

31 (a) Salary or wage rates or other forms of direct monetary
32 compensation.

33 (b) Sick leave.

34 (c) Vacation leave.

35 (d) Holidays.

36 (e) Other paid or nonpaid leaves of absence.

37 (f) Insurance benefits.

38 (g) Total hours of work required of an employee on each
39 workday or workweek.

40 (h) Total number of days' work required of an employee in a
41 work year.

42 (i) Discharge and disciplinary procedures.

43 (j) Recognition clause.

44 (k) The method used to classify employees in the bargaining
45 unit.



- 1 (l) Deduction of dues for the recognized employee organization.
- 2 (m) Protection of employees in the bargaining unit from
- 3 discrimination because of participation in recognized employee
- 4 organizations consistent with the provisions of ~~{this chapter.}~~ *NRS*
- 5 *288.020 to 288.280, inclusive.*
- 6 (n) No-strike provisions consistent with the provisions of ~~{this~~
- 7 ~~chapter.}~~ *NRS 288.020 to 288.280, inclusive.*
- 8 (o) Grievance and arbitration procedures for resolution of
- 9 disputes relating to interpretation or application of collective
- 10 bargaining agreements.
- 11 (p) General savings clauses.
- 12 (q) Duration of collective bargaining agreements.
- 13 (r) Safety of the employee.
- 14 (s) Teacher preparation time.
- 15 (t) Materials and supplies for classrooms.
- 16 (u) The policies for the transfer and reassignment of teachers.
- 17 (v) Procedures for reduction in workforce.
- 18 3. Those subject matters which are not within the scope of
- 19 mandatory bargaining and which are reserved to the local
- 20 government employer without negotiation include:
- 21 (a) Except as otherwise provided in paragraph (u) of subsection
- 22 2, the right to hire, direct, assign or transfer an employee, but
- 23 excluding the right to assign or transfer an employee as a form of
- 24 discipline.
- 25 (b) The right to reduce in force or lay off any employee because
- 26 of lack of work or lack of money, subject to paragraph (v) of
- 27 subsection 2.
- 28 (c) The right to determine:
- 29 (1) Appropriate staffing levels and work performance
- 30 standards, except for safety considerations;
- 31 (2) The content of the workday, including , without
- 32 limitation , workload factors, except for safety considerations;
- 33 (3) The quality and quantity of services to be offered to the
- 34 public; and
- 35 (4) The means and methods of offering those services.
- 36 (d) Safety of the public.
- 37 4. Notwithstanding the provisions of any collective bargaining
- 38 agreement negotiated pursuant to ~~{this chapter.}~~ *NRS 288.020 to*
- 39 *288.280, inclusive,* a local government employer is entitled to take
- 40 whatever actions may be necessary to carry out its responsibilities in
- 41 situations of emergency such as a riot, military action, natural
- 42 disaster or civil disorder. Those actions may include the suspension
- 43 of any collective bargaining agreement for the duration of the
- 44 emergency. Any action taken under the provisions of this subsection
- 45 must not be construed as a failure to negotiate in good faith.



1 5. The provisions of ~~[this chapter.]~~ *NRS 288.020 to 288.280,*
2 *inclusive,* including , without limitation , the provisions of this
3 section, recognize and declare the ultimate right and responsibility
4 of the local government employer to manage its operation in the
5 most efficient manner consistent with the best interests of all its
6 citizens, its taxpayers and its employees.

7 6. This section does not preclude, but ~~[this chapter does]~~ *NRS*
8 *288.020 to 288.280, inclusive, do* not require , the local government
9 employer to negotiate subject matters enumerated in subsection 3
10 which are outside the scope of mandatory bargaining. The local
11 government employer shall discuss subject matters outside the scope
12 of mandatory bargaining , but it is not required to negotiate those
13 matters.

14 7. Contract provisions presently existing in signed and ratified
15 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

16 **Sec. 56.** NRS 288.155 is hereby amended to read as follows:
17 288.155 Agreements entered into between local government
18 employers and employee organizations pursuant to ~~[this chapter]~~
19 *NRS 288.020 to 288.280, inclusive,* may extend beyond the term of
20 office of any member or officer of the local government employer.

21 **Sec. 57.** NRS 288.180 is hereby amended to read as follows:

22 288.180 1. Whenever an employee organization desires to
23 negotiate concerning any matter which is subject to negotiation
24 pursuant to ~~[this chapter.]~~ *NRS 288.020 to 288.280, inclusive,* it
25 shall give written notice of that desire to the local government
26 employer. If the subject of negotiation requires the budgeting of
27 money by the local government employer, the employee
28 organization shall give notice on or before February 1.

29 2. Following the notification provided for in subsection 1, the
30 employee organization or the local government employer may
31 request reasonable information concerning any subject matter
32 included in the scope of mandatory bargaining which it deems
33 necessary for and relevant to the negotiations. The information
34 requested must be furnished without unnecessary delay. The
35 information must be accurate, and must be presented in a form
36 responsive to the request and in the format in which the records
37 containing it are ordinarily kept. If the employee organization
38 requests financial information concerning a metropolitan police
39 department, the local government employers which form that
40 department shall furnish the information to the employee
41 organization.

42 3. The parties shall promptly commence negotiations. As the
43 first step, the parties shall discuss the procedures to be followed if
44 they are unable to agree on one or more issues.



1 4. This section does not preclude, but ~~[(this chapter does)]~~ *NRS*
2 *288.020 to 288.280, inclusive, do* not require, informal discussion
3 between an employee organization and a local government
4 employer of any matter which is not subject to negotiation or
5 contract ~~[(under this chapter.)]~~ *pursuant to NRS 288.020 to 288.280,*
6 *inclusive.* Any such informal discussion is exempt from all
7 requirements of notice or time schedule.

8 **Sec. 58.** NRS 288.210 is hereby amended to read as follows:

9 288.210 1. For the purpose of investigating disputes, the fact
10 finder may issue subpoenas requiring the attendance of witnesses
11 before him, together with all books, memoranda, papers and other
12 documents relative to the matters under investigation, administer
13 oaths and take testimony thereunder.

14 2. The district court in and for the county in which any
15 investigation is being conducted by a fact finder may compel the
16 attendance of witnesses, the giving of testimony and the production
17 of books and papers as required by any subpoena issued by the fact
18 finder.

19 3. In case of the refusal of any witness to attend or testify or
20 produce any papers required by such *a* subpoena, the fact finder
21 may report to the district court in and for the county in which the
22 investigation is pending by petition, setting forth:

23 (a) That due notice has been given of the time and place of
24 attendance of the witness or the production of the books and papers;

25 (b) That the witness has been subpoenaed in the manner
26 prescribed in ~~[(this chapter.)]~~ *NRS 288.020 to 288.280, inclusive;*

27 (c) That the witness has failed and refused to attend or produce
28 the papers required by subpoena before the fact finder in the
29 investigation named in the subpoena, or has refused to answer
30 questions propounded to him in the course of ~~[(such)]~~ *the*
31 investigation,
32 and asking an order of the court compelling the witness to attend
33 and testify or produce the books or papers before the fact finder.

34 4. The court, upon petition of the fact finder, shall enter an
35 order directing the witness to appear before the court at a time and
36 place to be fixed by the court in ~~[(such)]~~ *the* order, the time to be not
37 more than 10 days ~~[(from)]~~ *after* the date of the order, and then and
38 there show cause why he has not attended or testified or produced
39 the books or papers before the fact finder. A certified copy of the
40 order ~~[(shall)]~~ *must* be served upon the witness. If it appears to the
41 court that the subpoena was regularly issued by the fact finder, the
42 court shall thereupon enter an order that the witness appear before
43 the fact finder at the time and place fixed in the order and testify or
44 produce the required books or papers, and upon failure to obey the



1 order , the witness ~~[shall]~~ *must* be dealt with as for contempt of
2 court.

3 **Sec. 59.** NRS 288.220 is hereby amended to read as follows:
4 288.220 The following proceedings, required by or pursuant to
5 ~~[this chapter.]~~ *NRS 288.020 to 288.280, inclusive*, are not subject to
6 any provision of NRS which requires a meeting to be open or
7 public:

8 1. Any negotiation or informal discussion between a local
9 government employer and an employee organization or employees
10 as ~~[individuals,]~~ *natural persons*, whether conducted by the
11 governing body or through a representative or representatives.

12 2. Any meeting of a mediator with either party or both parties
13 to a negotiation.

14 3. Any meeting or investigation conducted by a fact finder.

15 4. Any meeting of the governing body of a local government
16 employer with its management representative or representatives.

17 5. Deliberations of the Board toward a decision on a complaint,
18 appeal or petition for declaratory relief.

19 **Sec. 60.** NRS 288.270 is hereby amended to read as follows:

20 288.270 1. It is a prohibited practice for a local government
21 employer or its designated representative willfully to:

22 (a) Interfere, restrain or coerce any employee in the exercise of
23 any right guaranteed ~~[under this chapter.]~~ *pursuant to NRS 288.020*
24 *to 288.280, inclusive.*

25 (b) Dominate, interfere or assist in the formation or
26 administration of any employee organization.

27 (c) Discriminate in regard to hiring, tenure or any term or
28 condition of employment to encourage or discourage membership in
29 any employee organization.

30 (d) Discharge or otherwise discriminate against any employee
31 because he has signed or filed an affidavit, petition or complaint or
32 given any information or testimony ~~[under this chapter.]~~ *pursuant to*
33 *NRS 288.020 to 288.280, inclusive*, or because he has formed,
34 joined or chosen to be represented by any employee organization.

35 (e) Refuse to bargain collectively in good faith with the
36 exclusive representative as required in NRS 288.150. Bargaining
37 collectively includes the entire bargaining process, including
38 mediation and fact-finding, provided for in ~~[this chapter.]~~ *NRS*
39 *288.020 to 288.280, inclusive.*

40 (f) Discriminate because of race, color, religion, sex, *sexual*
41 *orientation*, age, ~~[physical or visual handicap,]~~ *disability or* national
42 origin , or because of political or personal reasons or affiliations.

43 (g) Fail to provide the information required by NRS 288.180.

44 2. It is a prohibited practice for a local government employee
45 or for an employee organization or its designated agent willfully to:



1 (a) Interfere with, restrain or coerce any employee in the
2 exercise of any right guaranteed ~~[under this chapter.]~~ *pursuant to*
3 *NRS 288.020 to 288.280, inclusive.*

4 (b) Refuse to bargain collectively in good faith with the local
5 government employer, if it is an exclusive representative, as
6 required in NRS 288.150. Bargaining collectively includes the entire
7 bargaining process, including mediation and fact-finding, provided
8 for in ~~[this chapter.]~~ *NRS 288.020 to 288.280, inclusive.*

9 (c) Discriminate because of race, color, religion, sex, *sexual*
10 *orientation*, age, ~~[physical or visual handicap,]~~ *disability or* national
11 origin, or because of political or personal reasons or affiliations.

12 (d) Fail to provide the information required by NRS 288.180.

13 **Sec. 61.** NRS 62.1266 is hereby amended to read as follows:

14 62.1266 1. The board of county commissioners may provide
15 for the appointment of one or more probation officers and assistant
16 probation officers and such other employees as may be necessary to
17 carry out the duties of the department.

18 2. Probation officers, assistant probation officers and other
19 employees authorized pursuant to this section are employees of the
20 county, subject to the provisions of the merit personnel system
21 unless exempt pursuant to NRS 245.216, and are local government
22 employees for the purposes of ~~[chapter 288 of NRS.]~~ *NRS 288.020*
23 *to 288.280, inclusive.* Probation officers, assistant probation officers
24 and other employees hired before the effective date of the ordinance
25 establishing the department may be dismissed only for cause.

26 3. All information obtained in the discharge of duty by a
27 probation officer, assistant probation officer or other employee of
28 the department is privileged and must not be disclosed to any person
29 other than the director of the department, the judges and the
30 employees of the judicial district, such officers, employees and
31 agents of the district court as the judges of the judicial district direct
32 and other persons entitled pursuant to this chapter to receive that
33 information, unless otherwise authorized by the director of the
34 department.

35 **Sec. 62.** NRS 245.210 is hereby amended to read as follows:

36 245.210 1. The board of county commissioners of each of the
37 several counties shall, by ordinance or agreement pursuant to
38 ~~[chapter 288 of NRS.]~~ *NRS 288.020 to 288.280, inclusive,* provide
39 for annual, sick and disability leave for elected and appointed
40 county officers and county employees. The provisions of such an
41 ordinance or agreement may be more restrictive but not more
42 extensive than the provisions set forth in this section.

43 2. The ordinance or agreement must include provisions in
44 substance as follows:



1 (a) A provision that all elected and appointed officers and
2 employees are entitled to annual leave with pay of 1 1/4 working
3 days for each month of service, which may be cumulative from year
4 to year not to exceed 30 working days.

5 (b) A provision that the board of county commissioners may by
6 order provide for additional annual leave for long-term appointed
7 officers and employees and for prorated annual leave for part-time
8 employees.

9 (c) A provision that if an appointed officer or employee dies and
10 was entitled to accumulated annual leave under the provisions of the
11 ordinance, the heirs of the deceased officer or employee who are
12 given priority to succeed to his assets under the laws of intestate
13 succession of this state, or the executor or administrator of his
14 estate, upon submitting satisfactory proof to the board of county
15 commissioners of their entitlement, are entitled to be paid an amount
16 of money equal to the number of days earned or accrued annual
17 leave multiplied by the daily salary or wages of the deceased officer
18 or employee.

19 (d) A provision that an elected county officer must not be paid
20 for accumulated annual leave upon termination of his service.

21 (e) A provision that during the first 6 months of employment of
22 any appointed officer or employee, annual leave accrues as provided
23 in paragraph (a), but annual leave must not be taken during this
24 period.

25 (f) A provision that an appointed officer or employee must not
26 be paid for accumulated annual leave upon termination of
27 employment unless he has been employed for 6 months or more.

28 (g) A provision that all elected and appointed officers and
29 employees are entitled to sick and disability leave with pay of 1 1/4
30 working days for each month of service, which may be cumulative
31 from year to year.

32 (h) A provision that the board of county commissioners may by
33 order provide for additional sick and disability leave for long-term
34 employees and for prorated sick and disability leave for part-time
35 employees.

36 (i) A provision that any appointed officer or employee may be
37 granted a leave of absence without pay.

38 3. Such an ordinance or agreement may include a provision
39 that upon termination of employment, retirement or death , all
40 elected and appointed officers and employees are entitled to
41 payment for their unused sick leave at their rate of salary at the time
42 of termination, retirement or death.

43 4. Such an ordinance or agreement may include a provision
44 that elected and appointed county officers and employees may
45 donate portions of their accumulated annual and sick leave to other



1 elected and appointed county officers and employees. If such a
2 provision is adopted, donated time must be converted into money at
3 the hourly rate of salary of the donor and the money must be
4 converted into sick leave at the hourly rate of salary of the recipient.

5 **Sec. 63.** NRS 245.211 is hereby amended to read as follows:

6 245.211 1. The board of county commissioners of any county
7 may establish, by contract or otherwise, and administer a disability
8 pension plan or disability insurance program for the benefit of the
9 county sheriff, any sheriff's deputy or fireman who is disabled, to
10 any degree, by an injury arising out of and in the course of his
11 employment.

12 2. The board of county commissioners may adopt ordinances,
13 rules, regulations, policies and procedures necessary to establish and
14 administer the plan or program specified in subsection 1.

15 3. If a county elects to consider implementation of a plan or
16 program specified in subsection 1, or to change the benefits
17 provided by an existing plan or program, the persons affected by the
18 proposed plan or program, or proposed change, may negotiate with
19 the county concerning the nature and extent of ~~[such]~~ *the proposed*
20 *plan, program or change. [Chapter 288 of NRS applies] The*
21 *provisions of NRS 288.020 to 288.280, inclusive, apply* to
22 negotiations for this purpose.

23 4. The plan or program authorized by this section must be
24 supplemental or in addition to and not in conflict with the coverage,
25 compensation, benefits or procedure established by or adopted
26 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of
27 NRS.

28 5. The benefits provided for in this section are supplemental to
29 other benefits an employee is entitled to receive on account of the
30 same disability. In no event ~~[shall]~~ *may* the benefits provided for in
31 this section, when added to benefits provided for or purchased by
32 the expenditure of public money, exceed the maximum amount of
33 benefits an employee is entitled to receive if he has been a member
34 of the department or agency for 10 years or more.

35 **Sec. 64.** NRS 245.215 is hereby amended to read as follows:

36 245.215 1. The board of county commissioners shall adopt
37 regulations for any merit personnel system established pursuant to
38 the provisions of NRS 245.213 to 245.216, inclusive. The
39 regulations must provide:

40 (a) For the classification of all county positions, not exempt
41 from the merit personnel system, based on the duties, authority and
42 responsibility of each position, with adequate provision for
43 reclassification of any position whatsoever whenever warranted by
44 changed circumstances.



1 (b) A pay plan for all county employees, including exempt
2 employees other than elected officers that are covered in other
3 provisions of NRS or by special legislative act.

4 (c) Policies and procedures for regulating reduction in force and
5 the removal of employees.

6 (d) Hours of work, attendance regulations and provisions for
7 sick and vacation leave.

8 (e) Policies and procedures governing persons holding
9 temporary or provisional appointments.

10 (f) Policies and procedures governing relationships with
11 employees and employee organizations.

12 (g) Policies concerning employee training and development.

13 (h) Grievance procedures.

14 (i) Other policies and procedures necessary for the
15 administration of a merit personnel system.

16 2. Regulations adopted pursuant to this section for a merit
17 personnel system established by a board of county commissioners
18 pursuant to subsection 2 of NRS 245.213 must not exempt any
19 employees other than those who are specifically exempted from
20 such a merit personnel system pursuant to NRS 245.216.

21 3. In the event of a conflict between the policies and
22 procedures adopted pursuant to this section and the provisions of a
23 collective bargaining agreement entered into pursuant to ~~chapter~~
24 ~~288 of NRS.] NRS 288.020 to 288.280, inclusive,~~ the provisions of
25 the agreement prevail.

26 **Sec. 65.** NRS 268.406 is hereby amended to read as follows:

27 268.406 1. The governing board of any incorporated city may
28 establish, by contract or otherwise, and administer a disability
29 pension plan or disability insurance program for the benefit of any
30 city police officer or fireman who is disabled, to any degree, by an
31 injury arising out of and in the course of his employment.

32 2. The governing board may adopt ordinances, rules,
33 regulations, policies and procedures necessary to establish and
34 administer the plan or program specified in subsection 1.

35 3. If an incorporated city elects to consider implementation of a
36 plan or program specified in subsection 1 or to change the benefits
37 provided by an existing plan or program, the persons affected by the
38 proposed plan or program, or proposed change, may negotiate with
39 the city concerning the nature and extent of ~~[such]~~ *the proposed*
40 plan, program or change. ~~[Chapter 288 of NRS applies]~~ *The*
41 *provisions of NRS 288.020 to 288.280, inclusive, apply* to
42 negotiations for this purpose.

43 4. The plan or program authorized by this section must be
44 supplemental or in addition to and not in conflict with the coverage,
45 compensation, benefits or procedure established by or adopted



1 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of
2 NRS.

3 5. The benefits provided for in this section are supplemental to
4 other benefits an employee is entitled to receive on account of the
5 same disability. In no event ~~shall~~ *may* the benefits provided for in
6 this section, when added to benefits provided for or purchased by
7 the expenditure of public money, exceed the maximum amount of
8 benefits an employee is entitled to receive if he has been a member
9 of the department or agency for 10 years or more.

10 **Sec. 66.** NRS 280.305 is hereby amended to read as follows:

11 280.305 1. The committee may establish, by contract or
12 otherwise, and administer a disability pension plan or disability
13 insurance program for the benefit of any police officer of the
14 department who is disabled, to any degree, by an injury arising out
15 of and in the course of his employment. The cost of the plan or
16 program may be charged, in whole or in part, against the annual
17 operating budget for the department.

18 2. The committee may adopt rules, policies and procedures
19 necessary to establish and administer the plan or program specified
20 in subsection 1.

21 3. If the committee elects to consider implementation of a plan
22 or program specified in subsection 1, or to change the benefits
23 provided by an existing plan or program, the persons affected by the
24 proposed plan or program, or proposed change, may negotiate with:

- 25 (a) The committee or two or more persons designated by it; and
26 (b) The sheriff or a person designated by him,
27 concerning the nature and extent of the plan, program or change.

28 ~~[Chapter 288 of NRS applies]~~ *The provisions of NRS 288.020 to*
29 *288.280, inclusive, apply* to negotiations for this purpose.

30 4. The plan or program authorized by this section must be
31 supplemental or in addition to and not in conflict with the coverage,
32 compensation, benefits or procedure established by or adopted
33 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of
34 NRS.

35 5. The benefits provided for in this section are supplemental to
36 other benefits an employee is entitled to receive on account of the
37 same disability. In no event may the benefits provided for in this
38 section, when added to benefits provided for or purchased by the
39 expenditure of public money, exceed the maximum amount of
40 benefits an employee is entitled to receive if he has been a member
41 of the department or agency for 10 years or more.

42 **Sec. 67.** NRS 280.320 is hereby amended to read as follows:

43 280.320 1. A department is a local government employer for
44 the purpose of ~~the Local Government Employee Management~~



1 ~~Relations Act~~ *NRS 288.020 to 288.280, inclusive*, and a public
2 employer for the purpose of the Public Employees' Retirement Act.

3 2. In negotiations arising ~~under~~ *pursuant to* the provisions of
4 ~~chapter 288 of NRS;~~ *NRS 288.020 to 288.280, inclusive*:

- 5 (a) The committee or two or more persons designated by it; and
- 6 (b) The sheriff or a person designated by him,
- 7 shall represent the department.

8 3. In negotiations arising ~~under~~ *pursuant to* the provisions of
9 ~~chapter 288 of NRS;~~ *NRS 288.020 to 288.280, inclusive*, a school
10 police unit must be considered a separate bargaining unit.

11 **Sec. 68.** Chapter 344 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *1. The Superintendent may negotiate and make agreements*
14 *with any group or organization that represents compositors,*
15 *bindery operators, pressmen and assistants concerning the terms*
16 *and conditions of employment for those employees.*

17 *2. As used in this section, "terms and conditions of*
18 *employment" has the meaning ascribed to it in section 17 of this*
19 *act.*

20 **Sec. 69.** NRS 344.080 is hereby amended to read as follows:

21 344.080 1. The Superintendent shall employ such
22 compositors, assistant compositors, bindery operators, assistant
23 bindery operators, pressmen and assistant pressmen as the exigency
24 of the work from time to time requires, and he may at any time
25 discharge those employees. He shall not, at any time, employ more
26 compositors, assistant compositors, bindery operators, assistant
27 bindery operators, pressmen and assistant pressmen than the
28 necessities of the Division may require.

29 2. ~~The~~ *Except as otherwise provided in NRS 284.013 and*
30 *section 68 of this act, the* compensation of the compositors,
31 assistant compositors, bindery operators, assistant bindery operators,
32 pressmen and assistant pressmen must be fixed by the Department
33 of Personnel, but these employees are not entitled to receive a
34 higher rate of wages than is recognized by the employing printers of
35 the State of Nevada or than the nature of the employment may
36 require.

37 3. All employees of the Division other than compositors,
38 assistant compositors, bindery operators, assistant bindery operators,
39 pressmen and assistant pressmen must be in the classified service of
40 the State.

41 **Sec. 70.** NRS 353.230 is hereby amended to read as follows:

42 353.230 1. The Chief shall review the estimates, altering,
43 revising, increasing or decreasing the items of the estimates as he
44 may deem necessary in view of the needs of the various
45 departments, institutions and agencies in the Executive Department



1 of the State Government and the total anticipated income of the
2 State Government and of the various departments, institutions and
3 agencies of the Executive Department during the next fiscal year. In
4 performing the duties required by this subsection, the Chief shall use
5 the projections and estimates prepared by the Economic Forum
6 pursuant to NRS 353.228.

7 2. The Chief shall meet with a fiscal analyst of the Legislative
8 Counsel Bureau or his designated representative and personnel of
9 the various departments, institutions and agencies of the Executive
10 Department to discuss:

11 (a) The budgetary requests of each department, institution and
12 agency; and

13 (b) The budgetary recommendations of the budget division for
14 each department, institution and agency,
15 for the next 2 fiscal years. The Chief shall allow the fiscal analyst of
16 the Legislative Counsel Bureau or his designated representative full
17 access to all materials connected with the review.

18 3. The Chief shall then prepare a final version of the proposed
19 budget, in accordance with *section 41 of this act and* NRS 353.150
20 to 353.246, inclusive, and shall deliver it to the Governor. The final
21 version of the proposed budget must include *any requests for*
22 *appropriations that are required pursuant to section 41 of this act*
23 *and* the adjusted base budget for each department, institution and
24 agency of the Executive Department, the costs for continuing each
25 program at the current level of service and the costs, if any, for new
26 programs, recommended enhancements of existing programs or
27 reductions for the departments, institutions and agencies of the
28 Executive Department for the next 2 fiscal years. All projections of
29 revenue and any other information concerning future state revenue
30 contained in the proposed budget must be based upon the
31 projections and estimates prepared by the Economic Forum pursuant
32 to NRS 353.228.

33 4. The Governor *shall include in the proposed budget any*
34 *requests for appropriations that are required pursuant to section*
35 *41 of this act and* shall, not later than 14 calendar days before the
36 commencement of the regular legislative session, submit the
37 proposed budget to the Director of the Legislative Counsel Bureau
38 for transmittal to the Legislature. The Governor shall simultaneously
39 submit, as a separate document:

40 (a) An analysis of any new programs or enhancements of
41 existing programs being recommended; and

42 (b) Any increase in or new revenues which are being
43 recommended in the proposed budget.

44 The document must specify the total cost by department, institution
45 or agency of new programs or enhancements, but need not itemize



1 the specific costs. All projections of revenue and any other
2 information concerning future state revenue contained in the
3 document must be based upon the projections and estimates
4 prepared by the Economic Forum pursuant to NRS 353.228.

5 5. On or before the 19th calendar day of the regular legislative
6 session, the Governor shall submit to the Legislative Counsel
7 recommendations for each legislative measure which will be
8 necessary to carry out the final version of the proposed budget or to
9 carry out the Governor's legislative agenda. These
10 recommendations must contain sufficient detailed information to
11 enable the Legislative Counsel to prepare the necessary legislative
12 measures.

13 6. During the consideration of the general appropriation bill
14 and any special appropriation bills and bills authorizing budgeted
15 expenditures by the departments, institutions and agencies operating
16 on money designated for specific purposes by the Constitution or
17 otherwise, drafted at the request of the Legislature upon the
18 recommendations submitted by the Governor with the proposed
19 budget, the Governor or his representative ~~have~~ *has* the right to
20 appear before and be heard by the appropriation committees of the
21 Legislature in connection with the appropriation bill or bills, and to
22 render any testimony, explanation or assistance required of him.

23 **Sec. 71.** NRS 354.6241 is hereby amended to read as follows:

24 354.6241 1. The statement required by paragraph (a) of
25 subsection 5 of NRS 354.624 must indicate for each fund set forth
26 in that paragraph:

27 (a) Whether the fund is being used in accordance with the
28 provisions of this chapter.

29 (b) Whether the fund is being administered in accordance with
30 generally accepted accounting procedures.

31 (c) Whether the reserve in the fund is limited to an amount that
32 is reasonable and necessary to carry out the purposes of the fund.

33 (d) The sources of revenues available for the fund during the
34 fiscal year, including transfers from any other funds.

35 (e) The statutory and regulatory requirements applicable to the
36 fund.

37 (f) The balance and retained earnings of the fund.

38 2. Except as otherwise provided in NRS 354.59891, to the
39 extent that the reserve in any fund set forth in paragraph (a) of
40 subsection 5 of NRS 354.624 exceeds the amount that is reasonable
41 and necessary to carry out the purposes for which the fund was
42 created, the reserve may be expended by the local government
43 pursuant to the provisions of ~~chapter 288 of NRS.~~ *NRS 288.020 to*
44 *288.280, inclusive.*



1 **Sec. 72.** NRS 354.695 is hereby amended to read as follows:
2 354.695 1. As soon as practicable after taking over the
3 management of a local government, the Department shall, with the
4 approval of the Committee:
5 (a) Establish and implement a management policy and a
6 financing plan for the local government;
7 (b) Provide for the appointment of a financial manager for the
8 local government who is qualified to manage the fiscal affairs of the
9 local government;
10 (c) Provide for the appointment of any other persons necessary to
11 enable the local government to provide the basic services for which
12 it was created in the most economical and efficient manner possible;
13 (d) Establish an accounting system and separate accounts in a
14 bank or credit union, if necessary, to receive and expend all money
15 and assets of the local government;
16 (e) Impose such hiring restrictions as deemed necessary after
17 considering the recommendations of the financial manager;
18 (f) Negotiate and approve all contracts entered into by or on
19 behalf of the local government before execution and enter into such
20 contracts on behalf of the local government as the Department deems
21 necessary;
22 (g) Negotiate and approve all collective bargaining contracts to
23 be entered into by the local government, except issues submitted to a
24 fact finder whose findings and recommendations are final and
25 binding pursuant to the provisions of ~~the Local Government~~
26 ~~Employee Management Relations Act;~~ *NRS 288.020 to 288.280,*
27 *inclusive;*
28 (h) Approve all expenditures of money from any fund or account
29 and all transfers of money from one fund to another;
30 (i) Employ such technicians as are necessary for the
31 improvement of the financial condition of the local government;
32 (j) Meet with the creditors of the local government and formulate
33 a debt liquidation program;
34 (k) Approve the issuance of bonds or other forms of
35 indebtedness by the local government;
36 (l) Discharge any of the outstanding debts and obligations of the
37 local government; and
38 (m) Take any other actions necessary to ensure that the local
39 government provides the basic services for which it was created in
40 the most economical and efficient manner possible.
41 2. The Department may provide for reimbursement from the
42 local government for the expenses the Department incurs in
43 managing the local government. If such reimbursement is not
44 possible, the Department may request an allocation by the Interim



1 Finance Committee from the Contingency Fund pursuant to NRS
2 353.266, 353.268 and 353.269.

3 3. The governing body of a local government which is being
4 managed by the Department pursuant to this section may make
5 recommendations to the Department or the financial manager
6 concerning the management of the local government.

7 4. Each state agency, board, department, commission,
8 committee or other entity of the State shall provide such technical
9 assistance concerning the management of the local government as is
10 requested by the Department.

11 5. The Department may delegate any of the powers and duties
12 imposed by this section to the financial manager appointed pursuant
13 to paragraph (b) of subsection 1.

14 6. Except as otherwise provided in NRS 354.723 and 450.760,
15 once the Department has taken over the management of a local
16 government pursuant to the provisions of subsection 1, that
17 management may only be terminated pursuant to NRS 354.725.

18 **Sec. 73.** NRS 386.365 is hereby amended to read as follows:

19 386.365 1. Except as *otherwise* provided in subsection 3,
20 each board of trustees in any county having a population of 100,000
21 or more shall give 15 days' notice of its intention to adopt, repeal or
22 amend a policy or regulation of the board concerning any of the
23 subjects set forth in subsection 4. The notice must:

24 (a) Include a description of the subject or subjects involved and
25 must state the time and place of the meeting at which the matter will
26 be considered by the board; and

27 (b) Be mailed to the following persons from each of the schools
28 affected:

29 (1) The principal;

30 (2) The president of the parent-teacher association or similar
31 body; and

32 (3) The president of the classroom teachers' organization or
33 other collective bargaining agent.

34 A copy of the notice and of the terms of each proposed policy or
35 regulation, or change in a policy or regulation, must be made
36 available for inspection by the public in the office of the
37 superintendent of schools of the school district at least 15 days
38 before its adoption.

39 2. All persons interested in a proposed policy or regulation or
40 change in a policy or regulation must be afforded a reasonable
41 opportunity to submit data, views or arguments, orally or in writing.
42 The board of trustees shall consider all written and oral submissions
43 respecting the proposal or change before taking final action.

44 3. Emergency policies or regulations may be adopted by the
45 board upon its own finding that an emergency exists.



1 4. This section applies to policies and regulations concerning:
2 (a) Attendance rules;
3 (b) Zoning;
4 (c) Grading;
5 (d) District staffing patterns;
6 (e) Curriculum and program;
7 (f) Pupil discipline; and
8 (g) Personnel, except with respect to dismissals and refusals to
9 reemploy covered by contracts entered into ~~as a result of the Local~~
10 ~~Government Employee Management Relations Act,~~ *pursuant to*
11 *the provisions of NRS 288.020 to 288.280, inclusive*, as provided in
12 NRS 391.3116.

13 **Sec. 74.** NRS 386.595 is hereby amended to read as follows:

14 386.595 1. All employees of a charter school shall be deemed
15 public employees.

16 2. Except as otherwise provided in this subsection, the
17 provisions of the collective bargaining agreement entered into by the
18 board of trustees of the school district in which the charter school is
19 located apply to the terms and conditions of employment of
20 employees of the charter school who are on a leave of absence from
21 the school district pursuant to subsection 5, including, without
22 limitation, any provisions relating to representation by the employee
23 organization that is a party to the collective bargaining agreement of
24 the school district in a grievance proceeding or other dispute arising
25 out of the agreement. The provisions of the collective bargaining
26 agreement apply to each employee for the first 3 years that he is on
27 a leave of absence from the school district. After the first 3 years
28 that the employee is on a leave of absence:

29 (a) If he is subsequently reassigned by the school district
30 pursuant to subsection 5, he is covered by the collective bargaining
31 agreement of the school district.

32 (b) If he continues his employment with the charter school, he is
33 covered by the collective bargaining agreement of the charter
34 school, if applicable.

35 3. Except as otherwise provided in subsection 2, the governing
36 body of a charter school may make all employment decisions with
37 regard to its employees pursuant to NRS 391.311 to 391.3197,
38 inclusive, unless a collective bargaining agreement entered into by
39 the governing body pursuant to ~~chapter 288 of~~ *NRS 288.020 to*
40 *288.280, inclusive*, contains separate provisions relating to the
41 discipline of licensed employees of a school.

42 4. Except as otherwise provided in this subsection, if the
43 written charter of a charter school is revoked or if a charter school
44 ceases to operate as a charter school, the employees of the charter
45 school must be reassigned to employment within the school district



1 in accordance with the applicable collective bargaining agreement.
2 A school district is not required to reassign an employee of a charter
3 school pursuant to this subsection if the employee:

4 (a) Was not granted a leave of absence by the school district to
5 teach at the charter school pursuant to subsection 5; or

6 (b) Was granted a leave of absence by the school district and did
7 not submit a written request to return to employment with the school
8 district in accordance with subsection 5.

9 5. The board of trustees of a school district that is a sponsor of
10 a charter school shall grant a leave of absence, not to exceed 6 years,
11 to any employee who is employed by the board of trustees who
12 requests such a leave of absence to accept employment with the
13 charter school. After the first school year in which an employee is
14 on a leave of absence, he may return to his former teaching position
15 with the board of trustees. After the third school year, an employee
16 who is on a leave of absence may submit a written request to the
17 board of trustees to return to a comparable teaching position with
18 the board of trustees. After the sixth school year, an employee shall
19 either submit a written request to return to a comparable teaching
20 position or resign from the position for which his leave was granted.
21 The board of trustees shall grant a written request to return to a
22 comparable position pursuant to this subsection even if the return of
23 the employee requires the board of trustees to reduce the existing
24 workforce of the school district. The board of trustees may require
25 that a request to return to a teaching position submitted pursuant to
26 this subsection be submitted at least 90 days before the employee
27 would otherwise be required to report to duty.

28 6. An employee who is on a leave of absence from a school
29 district pursuant to this section shall contribute to and be eligible for
30 all benefits for which he would otherwise be entitled, including,
31 without limitation, participation in the Public Employees'
32 Retirement System and accrual of time for the purposes of leave and
33 retirement. The time during which such an employee is on leave of
34 absence and employed in a charter school does not count toward the
35 acquisition of permanent status with the school district.

36 7. Upon the return of a teacher to employment in the school
37 district, he is entitled to the same level of retirement, salary and any
38 other benefits to which he would otherwise be entitled if he had not
39 taken a leave of absence to teach in a charter school.

40 8. An employee of a charter school who is not on a leave of
41 absence from a school district is eligible for all benefits for which he
42 would be eligible for employment in a public school, including,
43 without limitation, participation in the Public Employees'
44 Retirement System.

45 9. For all employees of a charter school:



1 (a) The compensation that a teacher or other school employee
2 would have received if he were employed by the school district must
3 be used to determine the appropriate levels of contribution required
4 of the employee and employer for purposes of the Public
5 Employees' Retirement System.

6 (b) The compensation that is paid to a teacher or other school
7 employee that exceeds the compensation that he would have
8 received if he were employed by the school district must not be
9 included for the purposes of calculating future retirement benefits of
10 the employee.

11 10. If the board of trustees of a school district in which a
12 charter school is located manages a plan of group insurance for its
13 employees, the governing body of the charter school may negotiate
14 with the board of trustees to participate in the same plan of group
15 insurance that the board of trustees offers to its employees. If the
16 employees of the charter school participate in the plan of group
17 insurance managed by the board of trustees, the governing body of
18 the charter school shall:

19 (a) Ensure that the premiums for that insurance are paid to the
20 board of trustees; and

21 (b) Provide, upon the request of the board of trustees, all
22 information that is necessary for the board of trustees to provide the
23 group insurance to the employees of the charter school.

24 **Sec. 75.** NRS 391.180 is hereby amended to read as follows:

25 391.180 1. As used in this section, "employee" means any
26 employee of a school district or charter school in this state.

27 2. A school month in any public school in this state consists of
28 4 weeks of 5 days each.

29 3. Nothing contained in this section prohibits the payment of
30 employees' compensation in 12 equal monthly payments for 9 or
31 more months' work.

32 4. The per diem deduction from the salary of an employee
33 because of absence from service for reasons other than those
34 specified in this section is that proportion of the yearly salary which
35 is determined by the ratio between the duration of the absence and
36 the total number of contracted workdays in the year.

37 5. Boards of trustees shall either prescribe by regulation or
38 negotiate pursuant to ~~chapter 288 of NRS,~~ **NRS 288.020 to**
39 **288.280, inclusive,** with respect to sick leave, accumulation of sick
40 leave, payment for unused sick leave, sabbatical leave, personal
41 leave, professional leave, military leave and such other leave as they
42 determine to be necessary or desirable for employees. In addition,
43 boards of trustees may either prescribe by regulation or negotiate
44 pursuant to ~~chapter 288 of~~ **NRS 288.020 to 288.280, inclusive,**
45 with respect to the payment of unused sick leave to licensed teachers



1 in the form of purchase of service pursuant to subsection 3 of NRS
2 286.300. The amount of service so purchased must not exceed the
3 number of hours of unused sick leave or 1 year, whichever is less.

4 6. The salary of any employee unavoidably absent because of
5 personal illness or accident, or because of serious illness, accident or
6 death in the family, may be paid up to the number of days of sick
7 leave accumulated by the employee. An employee may not be
8 credited with more than 15 days of sick leave in any 1 school year.
9 Except as otherwise provided in this subsection, if an employee
10 takes a position with another school district or charter school, all
11 sick leave that he has accumulated must be transferred from his
12 former school district or charter school to his new school district or
13 charter school. The amount of sick leave so transferred may not
14 exceed the maximum amount of sick leave which may be carried
15 forward from one year to the next according to the applicable
16 negotiated agreement or the policy of the district or charter school
17 into which the employee transferred. Unless the applicable
18 negotiated agreement or policy of the employing district or charter
19 school provides otherwise, such an employee:

20 (a) Shall first use the sick leave credited to the employee from
21 the district or charter school into which he transferred before using
22 any of the transferred leave; and

23 (b) Is not entitled to compensation for any sick leave transferred
24 pursuant to this subsection.

25 7. Subject to the provisions of subsection 8:

26 (a) If an intermission of less than 6 days is ordered by the board
27 of trustees of a school district or the governing body of a charter
28 school for any good reason, no deduction of salary may be made
29 therefor.

30 (b) If, on account of sickness, epidemic or other emergency in
31 the community, a longer intermission is ordered by the board of
32 trustees of a school district, the governing body of a charter school
33 or a board of health and the intermission or closing does not exceed
34 30 days at any one time, there may be no deduction or
35 discontinuance of salaries.

36 8. If the board of trustees of a school district or the governing
37 body of a charter school orders an extension of the number of days
38 of school to compensate for the days lost as the result of an
39 intermission because of those reasons contained in paragraph (b) of
40 subsection 7, an employee may be required to render his services to
41 the school district or charter school during that extended period. If
42 the salary of the employee was continued during the period of
43 intermission as provided in subsection 7, the employee is not
44 entitled to additional compensation for services rendered during the
45 extended period.



1 9. If any subject referred to in this section is included in an
2 agreement or contract negotiated by:

3 (a) The board of trustees of a school district pursuant to ~~chapter~~
4 ~~288 of NRS;~~ *NRS 288.020 to 288.280, inclusive*; or

5 (b) The governing body of a charter school pursuant to
6 NRS 386.595,

7 the provisions of the agreement or contract regarding that subject
8 supersede any conflicting provisions of this section or of a
9 regulation of the board of trustees.

10 **Sec. 76.** NRS 391.3116 is hereby amended to read as follows:

11 391.3116 The provisions of NRS 391.311 to 391.3197,
12 inclusive, do not apply to a teacher, administrator, or other licensed
13 employee who has entered into a contract with the board negotiated
14 pursuant to ~~chapter 288 of~~ *NRS 288.020 to 288.280, inclusive*, if
15 the contract contains separate provisions relating to the board's right
16 to dismiss or refuse to reemploy the employee or demote an
17 administrator.

18 **Sec. 77.** Section 11 of the Elko Convention and Visitors
19 Authority, being chapter 227, Statutes of Nevada 1975, as last
20 amended by chapter 564, Statutes of Nevada 1989, at page 1197, is
21 hereby amended to read as follows:

22 Sec. 11. 1. The Board shall submit its proposed annual
23 budget for the Authority in the manner set forth in NRS
24 354.470 to 354.626, inclusive.

25 2. In addition to powers elsewhere conferred, the Board,
26 on behalf of the Authority, may:

27 (a) Establish, construct, purchase, lease, enter into a lease
28 purchase agreement respecting, acquire by gift, grant,
29 bequest, devise or otherwise, reconstruct, improve, extend,
30 better, alter, repair, equip, furnish, regulate, maintain, operate
31 and manage convention, exhibit and auditorium facilities,
32 including personal property and real property, appurtenant
33 thereto or used in connection therewith, and every estate,
34 interest and right, legal or equitable, therein.

35 (b) Insure or provide for the insurance of any facility and
36 of the Board and its officers, employees and agents against
37 such risks and hazards as the Board may deem advisable,
38 without thereby waiving any immunity granted by law.

39 (c) Arrange or contract for the furnishing by any person
40 or agency, public or private, of services, privileges, works,
41 food, beverages, alcoholic beverages or facilities for or in
42 connection with a facility, hire and retain officers, agents and
43 employees, including a fiscal adviser, engineers, attorneys or
44 other professional or specialized personnel.



1 (d) Direct the Board of County Commissioners or the
2 Board of Supervisors of the City of Elko, and the governing
3 body of any other political subdivision within the boundaries
4 of the Authority, with the concurrence of that board or body,
5 to acquire by the exercise of the power of eminent domain
6 any real property which the Board deems necessary for its
7 purposes, after the adoption by the Board of a resolution
8 declaring such *an* acquisition necessary for its purposes. This
9 power must be exercised in the manner provided by any
10 applicable statutory provisions and laws of the State of
11 Nevada. Title to property so acquired must be taken in the
12 name of the Authority.

13 (e) Sell, lease, exchange, transfer, assign or otherwise
14 dispose of any real or personal property, or any interest
15 therein acquired for the purpose of this act, including the
16 lease of any facility acquired by the Authority which is to be
17 operated and maintained as a public project and convention,
18 auditorium or exhibit facility.

19 (f) Fix, and from time to time increase or decrease, rates,
20 tolls, rents or charges for services or facilities furnished in
21 connection with any facility and take such action as necessary
22 or desirable to effect their collection.

23 (g) Receive, control, invest and order the expenditure of
24 money pertaining to any facility or related properties,
25 including, but not limited to, annual grants from the Federal
26 Government, the State, the County and incorporated cities in
27 the County for capital improvements for facilities.

28 (h) Enter into contracts, leases or other arrangements for
29 commercial advertising purposes with any person or
30 government.

31 (i) Exercise all or any part or combination of the powers
32 granted in this act to the Authority, except as otherwise
33 provided in this act.

34 (j) Sue and be sued.

35 (k) Perform other acts necessary, convenient, desirable or
36 appropriate to carry out the purposes and provisions of this
37 act.

38 (l) Engage in the sale and dispensing of alcoholic
39 beverages in connection with activities conducted in
40 connection with the facility, operate a bar in connection
41 therewith and obtain all necessary licenses and permits and
42 provide any bonds or security necessary or advisable.

43 (m) Engage in the preparation, sale, serving and
44 dispensing of food and beverages in connection with the
45 facilities and activities conducted in connection therewith.



- 1 (n) Provide security for all authorized facilities and
- 2 activities by means of security guards, burglar alarm systems,
- 3 fire alarm systems and other modern methods of protection
- 4 and detection, with all materials, supplies and equipment
- 5 incidental thereto.
- 6 (o) Use or make available all facilities of the Authority or
- 7 any portion thereof for any event, activity, meeting,
- 8 convention, entertainment, promotions, party or other purpose
- 9 approved by the Board, with or without charge, as determined
- 10 by the Board.
- 11 (p) Sell, or cause to be sold, promotional items.
- 12 3. The Board, in addition to the other powers conferred
- 13 upon it, may:
- 14 (a) Set aside a fund in an amount which it considers
- 15 necessary, which may be expended in the discretion of the
- 16 Board for the purpose of promoting or attracting conventions,
- 17 meetings and like gatherings which will utilize the facilities
- 18 of the Authority. Such an expenditure shall be deemed to be
- 19 made for a public purpose.
- 20 (b) Solicit and promote tourism generally, individually
- 21 and through annual grants to chambers of commerce,
- 22 convention authorities and other convention-generating
- 23 entities, and further promote generally the use of its facilities,
- 24 pursuant to lease agreements, by organized groups or by the
- 25 general public for the holding of conventions, expositions,
- 26 trade shows, entertainment, sporting events, cultural activities
- 27 or similar uses reasonably calculated to produce revenue for
- 28 the Authority, and to enhance the general economy. Such
- 29 promotion may include advertising the facilities under control
- 30 of the Board and the resources of the community or area,
- 31 including , without restriction , tourist accommodations,
- 32 transportation, entertainment and climate.
- 33 (c) Enter into contracts for advertising and pay the cost
- 34 thereof, including reasonable commissions.
- 35 (d) Authorize the expenditure of money subject to its
- 36 control and derived from any source within its jurisdiction
- 37 and authority, regardless of any purported limitations thereon
- 38 incident to any transfer or remittance to the Board of the
- 39 proceeds of any license tax or other money collected by any
- 40 political subdivision, but subject to all valid contractual or
- 41 statutory restrictions which may apply to any such money or
- 42 remittances or to the use or disposition thereof.
- 43 (e) Borrow money or accept contributions, grants or other
- 44 financial assistance from the Federal Government or any
- 45 agency or instrumentality thereof, for use in furtherance of



1 any of the authorized purposes of the Authority and meet and
2 comply with any conditions imposed thereon, which are
3 within the authority or discretion of the Board.

4 (f) Appoint an Executive Director, the Authority
5 Treasurer, the Auditor for the Authority, assistants to officers
6 and establish such other offices and appoint such other
7 officers as it deems necessary. All appointive officers serve at
8 the pleasure of the Board and shall perform such duties as
9 may be designated by the Board and are entitled to receive a
10 salary set by the Board. The Board shall, by agreement
11 pursuant to ~~chapter 288 of NRS,~~ *NRS 288.020 to 288.280,*
12 *inclusive,* or by resolution, set the annual, sick and disability
13 leave, salary or wages, pensions, insurance and other benefits
14 for appointed and hired Authority officers and employees.

15 4. Any contracts, leases, franchises or other transactions
16 authorized or executed by the Board are not affected by the
17 fact that the term of office of any or all of its members may
18 expire before completion of the transaction authorized.

19 5. When any member of the Board or officer or
20 employee of the Authority travels for the transaction of
21 business of the Authority, the Board may pay him the actual
22 expenses necessary for such travel, including travel expenses,
23 room, board, gratuities, car rental, telephone, taxi fares and
24 any other expense reasonably incurred in connection with
25 such travel. Travel fares must be the amount charged by
26 public conveyance unless the Board determines that travel by
27 private conveyance is more economical, or travel by public
28 conveyance is impractical or unavoidable over any of the
29 routes to be traveled. The Board may allow for traveling by
30 private conveyance an amount not to exceed the maximum
31 allowance per mile for travel by private conveyance by state
32 officers and employees specified in NRS 281.160.

33 **Sec. 78.** Section 29 of the Airport Authority Act for Washoe
34 County, being chapter 474, Statutes of Nevada 1977, as last
35 amended by chapter 155, Statutes of Nevada 1991, at page 293, is
36 hereby amended to read as follows:

37 Sec. 29. The Authority, by action of the Board, may
38 adopt its own plan of civil service to be administered by the
39 Board. The plan must include, but need not be limited to, the
40 following provisions:

- 41 1. Entry into the service on the basis of open
42 competition.
43 2. Service, promotions and remuneration on the basis of
44 merit, efficiency and fitness.
45 3. Classifications of the positions in the service.



- 1 4. The rating of candidates on the basis of publicly
- 2 announced competitive examinations and the maintenance of
- 3 lists of eligible candidates.
- 4 5. Employment of candidates from the eligible lists in
- 5 the highest qualified rating.
- 6 6. Probationary periods not to exceed 12 months.
- 7 7. Disciplinary action, suspension or discharge of
- 8 employees for cause only with the right of notice and review.
- 9 8. Schedules of compensation and increases in pay
- 10 prepared by the Board.
- 11 9. Promotion on the basis of ascertained merit, seniority
- 12 in service and competitive examinations.
- 13 10. Provision for keeping service records on all
- 14 employees.
- 15 11. Regulations for hours of work, attendance, holidays,
- 16 leaves of absence and transfers.
- 17 12. Procedures for layoffs, discharge, suspension,
- 18 discipline and reinstatement.
- 19 13. The exemption from civil service of managers,
- 20 supervisors, except those supervisors covered by an
- 21 agreement negotiated pursuant to ~~chapter 288 of NRS,~~ *NRS*
- 22 *288.020 to 288.280, inclusive*, deputy directors, the Executive
- 23 Director, persons employed to render professional, scientific,
- 24 technical or expert service, persons providing services of a
- 25 temporary or exceptional character, persons employed on
- 26 projects paid from the proceeds of bonds issued by the
- 27 Authority and persons employed for a period of less than 3
- 28 months in any 12-month period.
- 29 14. Review by the Board, at the request of the employee
- 30 in question and after notice and hearing, of any disciplinary
- 31 action, suspension or discharge of any employee, which
- 32 action, suspension or discharge may be affirmed, modified or
- 33 reversed by the Board. The decision of the Board is a final
- 34 decision in a contested case for the purpose of judicial
- 35 review. An employee may appeal the decision of the Board to
- 36 a district court within the time limits and in the manner
- 37 provided by law for the appeal of administrative decisions of
- 38 state agencies.
- 39 **Sec. 79.** Section 2.330 of the Charter of Carson City, being
- 40 chapter 690, Statutes of Nevada 1979, at page 1857, is hereby
- 41 amended to read as follows:
- 42 Sec. 2.330 Employees: Merit personnel system.
- 43 1. The Board of Supervisors shall establish a merit
- 44 personnel system for all employees of Carson City except
- 45 those exempted under the provisions of subsection 4.



1 2. The Board of Supervisors shall administer this section
2 through the adoption of appropriate regulations which shall
3 provide for:

4 (a) The classification of all positions, not exempt from the
5 merit personnel system, based on the duties, authority and
6 responsibility of each position, with adequate provision for
7 reclassification of any position whatsoever whenever
8 warranted by changed circumstances.

9 (b) A pay plan for all employees, including exempt
10 employees other than elected officers that are covered in
11 NRS 245.043.

12 (c) Policies and procedures for regulating reduction in
13 force and the removal of employees.

14 (d) Hours of work, attendance regulations and provisions
15 for sick and vacation leave.

16 (e) Policies and procedures governing persons holding
17 temporary or provisional appointments.

18 (f) Policies and procedures governing relationships with
19 employees and employee organizations.

20 (g) Policies concerning employee training and
21 development.

22 (h) Grievance procedures.

23 (i) Other policies and procedures necessary for the
24 administration of a merit personnel system.

25 3. In the event of a conflict between the policies and
26 procedures adopted pursuant to this section and the provisions
27 of a collective bargaining agreement entered into pursuant to
28 ~~chapter 288 of NRS,~~ *NRS 288.020 to 288.280, inclusive,*
29 the provisions of the agreement prevail.

30 4. There are exempted from the provisions of this
31 section:

32 (a) The manager and all department heads, elected or
33 appointed;

34 (b) All deputy district attorneys;

35 (c) Not more than five supervisory deputy sheriffs; and

36 (d) No more than two deputies each in the offices of the
37 Clerk, the Treasurer, the Recorder, the Assessor, and any
38 other department created by this charter or by ordinance.

39 **Sec. 80.** Section 9.030 of the Charter of the City of North Las
40 Vegas, being chapter 324, Statutes of Nevada 1987, at page 744, is
41 hereby amended to read as follows:

42 Sec. 9.030 Collective bargaining.

43 1. The city council shall recognize employee
44 organizations for the purpose of collective bargaining



1 pursuant to ~~chapter 288 of NRS.~~ *NRS 288.020 to 288.280,*
2 *inclusive.*

3 2. The city manager is responsible for and shall direct all
4 collective bargaining with recognized employee
5 organizations. The city manager may designate any
6 administrative officer subject to his direction and supervision
7 as his representative for the purpose of those negotiations.

8 3. Any agreement resulting from those negotiations must
9 be ratified by the city council before it is effective.

10 **Sec. 81.** NRS 288.010 is hereby repealed.

11 **Sec. 82.** As soon as practicable on or before July 1, 2003, the
12 members of the Board for Labor Relations for State Employees
13 must be appointed as follows:

14 1. One member appointed by the Governor to an initial term
15 that begins on July 1, 2003, and ends on June 30, 2005.

16 2. One member appointed by the Speaker of the Assembly to
17 an initial term that begins on July 1, 2003, and ends on June 30,
18 2006.

19 3. One member appointed by the Majority Leader of the Senate
20 to an initial term that begins on July 1, 2003, and ends on June 30,
21 2007.

22 **Sec. 83.** Notwithstanding any other provision of this act, an
23 employee organization may not be designated as the exclusive
24 representative of a bargaining unit pursuant to section 28 or 29 of
25 this act before October 1, 2003.

26 **Sec. 84.** This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTION

288.010 Short title. This chapter may be cited as the Local
Government Employee-Management Relations Act.

