

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; changing the name of the Local Government Employee-Management Relations Board to the Public Employee-Management Relations Board; increasing the number of members of the Board; expanding the duties of the Board to include collective bargaining for certain 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;



- 1 2. Employee credit unions;
- 2 3. Insurers, if the Board of the Public Employees' Benefits
- 3 Program has approved the request;
- 4 4. The United States for the purchase of savings bonds and
- 5 similar obligations of the United States; and
- 6 5. ~~Employee~~ *Except as otherwise provided in section 32 of*
- 7 *this act, employee* organizations and labor organizations.
- 8 The State Controller may adopt regulations necessary to withhold
- 9 money from the salaries or wages of officers and employees of the
- 10 Executive Department.

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

12 284.013 1. Except as otherwise provided in subsection 4, this

13 chapter does not apply to:

14 (a) Agencies, bureaus, commissions, officers or personnel in the

15 Legislative Department or the Judicial Department of State

16 Government, including the Commission on Judicial Discipline;

17 (b) Any person who is employed by a board, commission,

18 committee or council created in chapters 590, 623 to 625A,

19 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS;

20 or

21 (c) Officers or employees of any agency of the Executive

22 Department of the State Government who are exempted by specific

23 statute.

24 2. Except as otherwise provided in subsection 3, the terms and

25 conditions of employment of all persons referred to in subsection 1,

26 including salaries not prescribed by law and leaves of absence,

27 including, without limitation, annual leave and sick and disability

28 leave, must be fixed by the appointing or employing authority

29 within the limits of legislative appropriations or authorizations.

30 3. Except as otherwise provided in this subsection, leaves of

31 absence prescribed pursuant to subsection 2 must not be of lesser

32 duration than those provided for other state officers and employees

33 pursuant to the provisions of this chapter. The provisions of this

34 subsection do not govern the Legislative Commission with respect

35 to the personnel of the Legislative Counsel Bureau.

36 4. Any board, commission, committee or council created in

37 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,

38 648, 652, 654 and 656 of NRS which contracts for the services of a

39 person, shall require the contract for those services to be in writing.

40 The contract must be approved by the State Board of Examiners

41 before those services may be provided.

42 5. *To the extent that they are inconsistent or otherwise are in*

43 *conflict, the provisions of this chapter do not apply to any terms or*

44 *conditions of employment that are properly within the scope of*

45 *and subject to the provisions of:*



1 (a) A collective bargaining agreement or supplemental
2 bargaining agreement that is enforceable pursuant to the
3 provisions of sections 4 to 50, inclusive, of this act; or

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

10 As used in this subsection, "terms and conditions of employment"
11 has the meaning ascribed to it in section 17 of this act.

12 **Sec. 3.** Chapter 288 of NRS is hereby amended by adding
13 thereto the provisions set forth as sections 3.1 to 50, inclusive, of
14 this act.

15 **Sec. 3.1.** "Executive Department" means an agency, board,
16 bureau, commission, department, division, elected officer or any
17 other unit of the Executive Department of State Government.

18 **Sec. 3.15.** "Party" includes, without limitation, the Executive
19 Department.

20 **Sec. 3.2. 1.** A subpoena issued by the Board extends to all
21 parts of this state and must be served in accordance with the
22 provisions of N.R.C.P. 4(c). The Board may not require a person
23 named in a subpoena to attend at a place outside the county in
24 which the person resides unless:

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

27 (b) A party, by affidavit, shows that the testimony of the person
28 is material and necessary to the proceedings and the Board
29 endorses on the subpoena an order requiring the person to attend
30 at the place named in the subpoena, regardless of its location in
31 this state.

32 2. A person who appears before the Board pursuant to a
33 subpoena is entitled to receive fees and mileage in the same
34 amounts and under the same circumstances as prescribed by law
35 for a witness in a civil action in the district court, unless the
36 person is a party to the proceeding or an officer or employee of
37 this state or any of its political subdivisions. As used in this
38 subsection, "employee" includes, without limitation, an employee
39 in the classified or unclassified service of the State.

40 3. If a person who is entitled to receive fees and mileage
41 pursuant to subsection 2 must appear at a hearing before the
42 Board at a place located so far from his primary residence that it
43 is not reasonable for the person to return to that residence from
44 day to day, the person is entitled, in addition to fees and mileage,
45 to receive the per diem compensation for subsistence and



1 *transportation authorized by NRS 281.160 for each day of actual*
2 *attendance at such a hearing and for each day necessarily*
3 *occupied in traveling to and from such a hearing.*

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

9 *5. As part of an award of costs to the party who prevails in a*
10 *proceeding, the Board may require the party who did not prevail in*
11 *the proceeding to pay to the Board the amount of any*
12 *compensation for subsistence and transportation that the*
13 *prevailing party would have otherwise been required to pay to the*
14 *Board pursuant to subsection 4.*

15 **Sec. 3.3.** *1. The Legislature finds as facts:*

16 *(a) That the services provided by the State and local*
17 *government employers are of such nature that they are not and*
18 *cannot be duplicated from other sources and are essential to the*
19 *health, safety and welfare of the people of the State of Nevada;*

20 *(b) That the continuity of such services is likewise essential,*
21 *and their disruption incompatible with the responsibility of the*
22 *State to its people; and*

23 *(c) That every person who enters or remains in the*
24 *employment of the State or a local government employer accepts*
25 *the facts stated in paragraphs (a) and (b) as an essential condition*
26 *of his employment.*

27 *2. The Legislature therefore declares it to be the public policy*
28 *of the State of Nevada that strikes against the State or any local*
29 *government employer are illegal.*

30 **Sec. 3.35.** *1. If a strike occurs against the State or a local*
31 *government employer, the State or local government employer*
32 *shall, and if a strike is threatened against the State or a local*
33 *government employer, the State or local government employer*
34 *may, apply to a court of competent jurisdiction to enjoin the strike.*
35 *The application must set forth the facts constituting the strike or*
36 *threat to strike.*

37 *2. If the court finds that an illegal strike has occurred or*
38 *unless enjoined will occur, it shall enjoin the continuance or*
39 *commencement of the strike. The provisions of N.R.C.P. 65 and*
40 *the other Nevada Rules of Civil Procedure apply generally to*
41 *proceedings under this section, but the court shall not require*
42 *security of the State or of any local government employer.*

43 **Sec. 3.4.** *1. If a strike is commenced or continued in*
44 *violation of an order issued pursuant to section 3.35 of this act, the*
45 *court may:*



1 (a) Punish the employee organization or organizations guilty
2 of the violation by a fine of not more than \$50,000 against each
3 organization for each day of continued violation.

4 (b) Punish any officer of an employee organization who is
5 wholly or partly responsible for the violation by a fine of not more
6 than \$1,000 for each day of continued violation, or by
7 imprisonment as provided in NRS 22.110.

8 (c) Punish any employee of the State or a local government
9 employer who participates in the strike by ordering the dismissal
10 or suspension of the employee.

11 2. Any of the penalties enumerated in subsection 1 may be
12 applied alternatively or cumulatively, in the discretion of the court.

13 **Sec. 3.45.** 1. If a strike or violation is commenced or
14 continued in violation of an order issued pursuant to section 3.35
15 of this act, the State or the local government employer may:

16 (a) Dismiss, suspend or demote all or any of the employees
17 who participate in the strike or violation.

18 (b) Cancel the contracts of employment of all or any of the
19 employees who participate in the strike or violation.

20 (c) Withhold all or any part of the salaries or wages which
21 would otherwise accrue to all or any of the employees who
22 participate in the strike or violation.

23 2. Any of the powers conferred by subsection 1 may be
24 exercised alternatively or cumulatively.

25 **Sec. 3.5.** As used in NRS 288.140 to 288.280, inclusive, and
26 sections 3.5 to 3.9, inclusive, of this act, unless the context
27 otherwise requires, the words and terms defined in sections 3.6 to
28 3.8, inclusive, of this act have the meanings ascribed to them in
29 those sections.

30 **Sec. 3.6.** "Bargaining unit" means a group of local
31 government employees recognized by the local government
32 employer as having sufficient community of interest appropriate
33 for representation by an employee organization for the purpose of
34 collective bargaining.

35 **Sec. 3.7.** "Collective bargaining" means a method of
36 determining conditions of employment by negotiation between
37 representatives of the local government employer and employee
38 organizations, entailing a mutual obligation of the local
39 government employer and the representative of the local
40 government employees to meet at reasonable times and bargain in
41 good faith with respect to:

42 1. Wages, hours and other terms and conditions of
43 employment;

44 2. The negotiation of an agreement;



- 1 3. *The resolution of any question arising under a negotiated*
- 2 *agreement; or*
- 3 4. *The execution of a written contract incorporating any*
- 4 *agreement reached if requested by either party,*
- 5 *but this obligation does not compel either party to agree to a*
- 6 *proposal or require the making of a concession.*
- 7 **Sec. 3.75.** *“Mediation” means assistance by an impartial*
- 8 *third party to reconcile differences between a local government*
- 9 *employer and a bargaining unit through interpretation, suggestion*
- 10 *and advice.*
- 11 **Sec. 3.8.** *“Recognition” means the formal acknowledgment*
- 12 *by the local government employer that a particular employee*
- 13 *organization has the right to represent the local government*
- 14 *employees within a particular bargaining unit.*
- 15 **Sec. 3.9.** *The Board shall adopt regulations governing:*
- 16 1. *The recognition of employee organizations; and*
- 17 2. *The determination of bargaining units.*
- 18 **Sec. 4.** *As used in sections 4 to 50, inclusive, of this act,*
- 19 *unless the context otherwise requires, the words and terms defined*
- 20 *in sections 5 to 17, inclusive, of this act have the meanings*
- 21 *ascribed to them in those sections.*
- 22 **Sec. 5.** *“Bargaining unit” means a collection of employees*
- 23 *that the Board has established as a bargaining unit pursuant to*
- 24 *section 27 of this act.*
- 25 **Sec. 6.** (Deleted by amendment.)
- 26 **Sec. 7.** *“Chief of the Budget Division” means the Chief of*
- 27 *the Budget Division of the Department of Administration.*
- 28 **Sec. 8.** *“Collective bargaining” means a method to determine*
- 29 *the terms and conditions of employment for all employees within a*
- 30 *bargaining unit through negotiation, mediation or arbitration*
- 31 *between the Executive Department and the exclusive*
- 32 *representative of the bargaining unit pursuant to sections 4 to 50,*
- 33 *inclusive, of this act.*
- 34 **Sec. 9.** *“Confidential employee” means an employee who:*
- 35 1. *Assists in the formulation, determination and effectuation*
- 36 *of personnel policies or managerial policies concerning collective*
- 37 *bargaining or supplemental bargaining;*
- 38 2. *Provides administrative support to an employee described*
- 39 *in subsection 1; or*
- 40 3. *Is employed by the Board.*
- 41 **Sec. 10.** 1. *“Employee” means a person who:*
- 42 (a) *Is employed in the classified service of the State pursuant*
- 43 *to chapter 284 of NRS, including, without limitation, persons*
- 44 *employed in the classified service by the University and*
- 45 *Community College System of Nevada;*



1 ***(b) Is employed by the Public Employees' Retirement System***
2 ***and who is required to be paid in accordance with the pay plan for***
3 ***the classified service of the State; and***

4 ***(c) Is employed by any other employer that receives money***
5 ***from the State of Nevada if the National Labor Relations Board***
6 ***has refused to assert jurisdiction over the employer because the***
7 ***employer lacks the ultimate authority to determine the primary***
8 ***terms and conditions of employment and who is in a position***
9 ***similar to a position in the classified service of the State.***

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

11 ***(a) A managerial employee whose primary function, as***
12 ***determined by the Board, is to administer and control the business***
13 ***of any agency, board, bureau, commission, department, division,***
14 ***elected officer or any other unit of the Executive Department of***
15 ***State Government and who is vested with discretion and***
16 ***independent judgment with regard to the general conduct and***
17 ***control of that agency, board, bureau, commission, department,***
18 ***division, elected officer or unit;***

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

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

24 ***(d) A confidential employee;***

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

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

30 ***Sec. 11. (Deleted by amendment.)***

31 ***Sec. 12. "Exclusive representative" means an employee***
32 ***organization that, as a result of designation by the Board, has the***
33 ***exclusive right to represent all employees within a bargaining unit***
34 ***and to negotiate with the Executive Department pursuant to***
35 ***sections 4 to 50, inclusive, of this act concerning the terms and***
36 ***conditions of employment for those employees.***

37 ***Sec. 13. (Deleted by amendment.)***

38 ***Sec. 14. "Mediation" means assistance by an impartial third***
39 ***party to reconcile differences between the Executive Department***
40 ***and an exclusive representative through interpretation, suggestion***
41 ***and advice.***

42 ***Sec. 15. (Deleted by amendment.)***

43 ***Sec. 16. "Supplemental bargaining" means bargaining***
44 ***concerning the terms and conditions of employment that is***
45 ***conducted pursuant to section 45 of this act.***



1 **Sec. 17.** *Except as otherwise provided in sections 4 to 50,*
2 *inclusive, of this act, "terms and conditions of employment"*
3 *includes, without limitation:*

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

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

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

21 **Sec. 19-24.** (Deleted by amendment.)

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

25 (a) *Organize, form, join and assist employee organizations,*
26 *engage in collective bargaining and supplemental bargaining*
27 *through exclusive representatives and engage in other concerted*
28 *activities; and*

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

30 2. *Collective bargaining and supplemental bargaining entail*
31 *a mutual obligation of the Executive Department and an exclusive*
32 *representative to meet at reasonable times and to bargain in good*
33 *faith with respect to:*

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

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

36 (c) *The resolution of any question arising under an*
37 *agreement; and*

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

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

44 **Sec. 26.** 1. *Except as otherwise provided in subsection 2,*
45 *the following subjects are not within the scope of collective*



1 *bargaining or supplemental bargaining pursuant to sections 4 to*
2 *50, inclusive, of this act and are reserved to the Executive*
3 *Department without negotiation:*

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

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

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

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

16 2. *The Executive Department and an exclusive representative*
17 *may negotiate concerning:*

18 (a) *The procedures that the Executive Department will observe*
19 *in exercising the authority reserved to it pursuant to this section;*
20 *and*

21 (b) *The effect of the exercise of such authority by the*
22 *Executive Department.*

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

26 2. *The Board shall establish one bargaining unit for each of*
27 *the following occupational groups and each such bargaining unit*
28 *must include all supervisory employees at the working level of the*
29 *occupational group:*

30 (a) *Labor, maintenance, custodial and institutional employees,*
31 *including, without limitation, employees of penal and correctional*
32 *institutions who are not responsible for security at those*
33 *institutions.*

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

37 (c) *Technical aides to professional employees, including,*
38 *without limitation, computer programmers, tax examiners,*
39 *conservation employees and crew supervisors.*

40 (d) *Professional employees, including, without limitation,*
41 *physical therapists and other employees in medical and other*
42 *professions related to health.*

43 (e) *Employees, other than professional employees, who provide*
44 *health care and personal care, including, without limitation,*
45 *employees who care for children.*



- 1 (f) *Officers of the Nevada Highway Patrol who hold the rank*
2 *of sergeant or lower.*
- 3 (g) *Adult and youth correctional employees, including, without*
4 *limitation, classification caseworkers, group supervisors in*
5 *correctional institutions and forensic specialists.*
- 6 (h) *Employees, other than officers of the Nevada Highway*
7 *Patrol and adult and youth correctional employees, who have the*
8 *powers of a peace officer and whose work includes investigation,*
9 *the enforcement of statutes, ordinances or regulations, or the*
10 *preservation of public order, including, without limitation, all*
11 *such employees of the Public Utilities Commission of Nevada, the*
12 *Transportation Services Authority and the Taxicab Authority.*
- 13 (i) *Supervisory employees not otherwise included in other*
14 *bargaining units.*
- 15 (j) *Employees of the State Printing Division of the Department*
16 *of Administration, not including compositors, assistant*
17 *compositors, bindery operators, assistant bindery operators,*
18 *pressmen and assistant pressmen employed pursuant to NRS*
19 *344.080 by the Superintendent of the State Printing Division.*
- 20 (k) *Employees of the University and Community College*
21 *System of Nevada.*
- 22 3. *This section does not prohibit the Board from including*
23 *within an occupational group employees other than those specified*
24 *for that group.*
- 25 4. *The Board shall, by regulation, establish the exact*
26 *classifications of employees within each bargaining unit. The*
27 *Board may assign a new classification to a bargaining unit based*
28 *upon the similarity of the new classification to other*
29 *classifications within the bargaining unit.*
- 30 5. *The Board shall not change an established bargaining unit*
31 *arbitrarily.*
- 32 6. *The Board shall determine whether the employment*
33 *functions of any group of employees performing managerial*
34 *functions preclude the inclusion of those employees in a*
35 *bargaining unit.*
- 36 7. *As used in this section:*
- 37 (a) *“Professional employee” means an employee engaged in*
38 *work that:*
- 39 (1) *Is predominantly intellectual and varied in character as*
40 *opposed to routine mental, manual, mechanical or physical work;*
- 41 (2) *Involves the consistent exercise of discretion and*
42 *judgment in its performance;*
- 43 (3) *Is of such a character that the result accomplished or*
44 *produced cannot be standardized in relation to a given period; and*



1 (4) *Requires advanced knowledge in a field of science or*
2 *learning customarily acquired through a prolonged course of*
3 *specialized intellectual instruction and study in an institution of*
4 *higher learning, as distinguished from general academic*
5 *education, an apprenticeship or training in the performance of*
6 *routine mental or physical processes.*

7 (b) *“Supervisory employee” means an employee who has*
8 *authority to:*

9 (1) *Hire, transfer, suspend, lay off, recall, promote,*
10 *discharge, assign, reward or discipline other employees, or who*
11 *has the responsibility to direct such employees; or*

12 (2) *Adjust the grievances of other employees or effectively*
13 *recommend such an action, if the exercise of that authority*
14 *requires the use of independent judgment and is not of a routine*
15 *or clerical nature.*

16 **Sec. 28.** 1. *If no employee organization is designated as the*
17 *exclusive representative of a bargaining unit and an employee*
18 *organization files with the Board a list of its membership showing*
19 *that the employee organization represents more than 50 percent of*
20 *the employees within the bargaining unit, the Board shall*
21 *designate the employee organization as the exclusive*
22 *representative of the bargaining unit without ordering an election.*

23 2. *If the Board designates an employee organization as the*
24 *exclusive representative of a bargaining unit without ordering an*
25 *election pursuant to subsection 1 of this section or paragraph (a)*
26 *of subsection 2 of section 29 of this act, the Board shall:*

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

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

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

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

39 (1) *After June 30 and on or before December 31 of an odd-*
40 *numbered year, a group of employees within the bargaining unit*
41 *files with the Board a written request for an election which*
42 *includes a list showing that more than 50 percent of the employees*
43 *within the bargaining unit have requested that an election be*
44 *conducted to change or discontinue representation;*



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

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

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

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

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

18 2. *If the Board designates an employee organization as the*
19 *exclusive representative of a bargaining unit based upon the*
20 *results of an election ordered pursuant to subsection 1 of this*
21 *section or paragraph (b) of subsection 2 of section 28 of this act,*
22 *the Board shall:*

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

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

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

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

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

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

42 (II) *A group of employees within the bargaining unit*
43 *files with the Board a written request for an election which*
44 *includes a list showing that more than 50 percent of the employees*



1 *within the bargaining unit have requested that an election be*
2 *conducted to change or discontinue representation;*

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

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

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

13 *(a) If applicable, the employee organization that requested the*
14 *election pursuant to section 29 of this act and the employee*
15 *organization that is presently designated as the exclusive*
16 *representative of the bargaining unit pursuant to section 28 or 29*
17 *of this act;*

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

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

25 **2.** *If a ballot for an election contains more than two choices*
26 *and none of the choices on the ballot receives a majority of the*
27 *votes cast at the initial election, the Board shall order a runoff*
28 *election between the two choices on the ballot that received the*
29 *highest number of votes at the initial election.*

30 **3.** *If the choice for "no representation" receives a majority of*
31 *the votes cast at the initial election or at any runoff election, the*
32 *Board shall designate the bargaining unit as being without*
33 *representation.*

34 **4.** *If an employee organization receives a majority of the*
35 *votes cast at the initial election or at any runoff election, the*
36 *Board shall designate the employee organization as the exclusive*
37 *representative of the bargaining unit.*

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

42 **2.** *An employee organization that is placed as a choice on the*
43 *ballot for an election or any employee who is eligible to vote at an*
44 *election may file with the Board a written objection to the results*
45 *of the election. The objection must be filed not later than 10 days*



1 after the date on which the notice of the results of the election is
2 given by the Board.

3 3. In response to a written objection filed pursuant to
4 subsection 2 or upon its own motion, the Board may invalidate the
5 results of an election and order a new election if the Board finds
6 that any conduct or circumstances raise substantial doubt that the
7 results of the election are reliable.

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

14 2. If the Board designates an employee organization as the
15 exclusive representative of a bargaining unit pursuant to sections
16 4 to 50, inclusive, of this act:

17 (a) The employee organization shall be deemed to:

18 (1) Be a party to any collective bargaining agreement or
19 supplemental bargaining agreement then in effect between the
20 Executive Department and the bargaining unit; and

21 (2) Assume all the rights and privileges of the previous
22 exclusive representative under any such agreement, but the
23 employee organization shall not be deemed to assume any costs or
24 liabilities incurred by the previous exclusive representative for acts
25 that occurred while the previous exclusive representative served in
26 that capacity; and

27 (b) An officer of the Executive Department may not, pursuant
28 to NRS 281.129, withhold any amount of money from the salary or
29 wages of an employee within the bargaining unit to pay dues or
30 similar fees to an employee organization other than the employee
31 organization that is the exclusive representative of the bargaining
32 unit.

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

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

37 (b) Meet with the Executive Department at reasonable times,
38 including, without limitation, meeting with the Executive
39 Department reasonably in advance of its budget-making process;
40 and

41 (c) In good faith and on behalf of each bargaining unit that it
42 represents, individually or collectively, negotiate with the
43 Executive Department concerning the terms and conditions of
44 employment for the employees within each bargaining unit that it
45 represents, including, without limitation, any terms and conditions



1 of employment that are within the scope of supplemental
2 bargaining pursuant to section 45 of this act.

3 2. If an employee is within a bargaining unit that has an
4 exclusive representative, the employee has the right to present
5 grievances to the Executive Department at any time and to have
6 those grievances adjusted without the intervention of the exclusive
7 representative if:

8 (a) The exclusive representative is given an opportunity to be
9 present at any meetings or hearings related to the adjustment of
10 the grievance; and

11 (b) The adjustment of the grievance is not inconsistent with the
12 provisions of the collective bargaining agreement or any
13 supplemental bargaining agreement then in effect.

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

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

26 2. Each collective bargaining agreement must be in writing,
27 must not authorize any conduct that would violate the provisions
28 of sections 3.3 to 3.45, inclusive, of this act, relating to strikes, and
29 must include, without limitation:

30 (a) A procedure to resolve grievances which applies to all
31 employees in the bargaining unit and which culminates in final
32 and binding arbitration; and

33 (b) A provision which provides that an officer of the Executive
34 Department may, upon written authorization by an employee
35 within the bargaining unit, withhold a sufficient amount of money
36 from the salary or wages of the employee pursuant to NRS
37 281.129 to pay dues or similar fees to the exclusive representative
38 of the bargaining unit.

39 **Sec. 36.** In each even-numbered year, the Executive
40 Department and an exclusive representative shall begin
41 negotiations concerning a collective bargaining agreement not
42 sooner than January 1 of the even-numbered year and not later
43 than:

44 1. March 15 of the even-numbered year or any later date in
45 that 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 on or before March 1 of the*
3 *same even-numbered year; or*

4 2. *July 15 of the even-numbered year or any later date in that*
5 *year which is set by agreement of the parties, if the exclusive*
6 *representative is designated by the Board as the exclusive*
7 *representative of the bargaining unit after March 1 of the same*
8 *even-numbered year.*

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

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

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

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

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

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

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

43 4. *The arbitrator and the parties shall apply and follow the*
44 *procedures for arbitration that are prescribed by the regulations*



1 *adopted by the Board. During arbitration, the parties retain their*
2 *respective duties to negotiate in good faith.*

3 *5. The arbitrator may administer oaths or affirmations, take*
4 *testimony and issue and seek enforcement of subpoenas in the*
5 *same manner as the Board pursuant to NRS 288.120 and section*
6 *3.2 of this act and, except as otherwise provided in subsection 6,*
7 *the provisions of NRS 288.120 and section 3.2 of this act apply to*
8 *subpoenas issued by the arbitrator.*

9 *6. The Executive Department and the exclusive representative*
10 *shall each pay one-half of the cost of arbitration, including,*
11 *without limitation, the fees and mileage and any compensation for*
12 *subsistence and transportation that a person is entitled to receive*
13 *pursuant to subsections 2 and 3 of section 3.2 of this act for*
14 *appearing before the arbitrator pursuant to a subpoena. The*
15 *provisions of subsections 4 and 5 of section 3.2 of this act do not*
16 *apply to a subpoena issued by the arbitrator.*

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

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

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

28 *3. In assessing reasonableness pursuant to subsection 2, the*
29 *arbitrator shall:*

30 *(a) Compare the terms and conditions of employment for the*
31 *employees within the bargaining unit with the terms and*
32 *conditions of employment for other employees performing similar*
33 *services and for other employees generally:*

- 34 *(1) In public employment in comparable communities; and*
35 *(2) In private employment in comparable communities; and*

36 *(b) Consider, without limitation:*
37 *(1) The average consumer prices for goods and services;*
38 *and*

39 *(2) Such other factors as are normally or traditionally used*
40 *as part of collective bargaining, mediation, arbitration or other*
41 *methods of dispute resolution to determine the terms and*
42 *conditions of employment for employees in public or private*
43 *employment.*

44 *4. The arbitrator shall render a written decision on or before*
45 *October 15 of the even-numbered year or on or before any later*



1 *date which is set by agreement of the parties and which is not later*
2 *than December 31 of the even-numbered year.*

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

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

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

15 *3. If the parties reach an agreement to revise or amend the*
16 *decision of the arbitrator before the date on which the decision of*
17 *the arbitrator must be submitted to the Governor and the Chief of*
18 *the Budget Division pursuant to section 41 of this act, the*
19 *provisions of that agreement:*

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

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

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

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

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

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

43 *2. In the proposed executive budget which is prepared by the*
44 *Chief of the Budget Division pursuant to NRS 353.230 and which*
45 *is submitted to the Legislature pursuant to Section 2 of Article 4 of*



1 *the Constitution of this state, the Chief of the Budget Division and*
2 *the Governor shall include requests for appropriations from the*
3 *Legislature in amounts that are sufficient to give effect to each*
4 *provision of the collective bargaining agreement that requires*
5 *such an appropriation.*

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

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

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

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

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

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

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

31 2. *If the parties agree to revise or amend such a provision, the*
32 *parties shall submit the revised or amended provision to the*
33 *Legislative Counsel with sufficiently detailed information to*
34 *enable the Legislative Counsel to prepare any necessary legislative*
35 *measures.*

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

42 **Sec. 44.** 1. *At any time after the Legislature makes an*
43 *appropriation that is sufficient to give effect to a provision in a*
44 *collective bargaining agreement, whether or not the provision has*
45 *become effective, the Legislature may, in a bill or concurrent*



1 *resolution passed at a regular or special session, suspend the*
2 *operation of the provision in whole or in part and for all or for*
3 *some of its unexpired term.*

4 *2. If a provision is suspended pursuant to subsection 1, the*
5 *parties may agree, in writing during the regular or special session,*
6 *to revise or amend the suspended provision or any other provision*
7 *of the collective bargaining agreement for which an appropriation*
8 *has been made by the Legislature, whether or not such a provision*
9 *has been suspended.*

10 *3. If the parties agree to revise or amend such a provision, the*
11 *parties shall submit the revised or amended provision to the*
12 *Legislative Counsel with sufficiently detailed information to*
13 *enable the Legislative Counsel to prepare any necessary legislative*
14 *measures.*

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

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

32 *(a) Are not included in any provision of the collective*
33 *bargaining agreement then in effect between the Executive*
34 *Department and the bargaining unit; and*

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

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

43 *3. If the parties reach a supplemental bargaining agreement*
44 *pursuant to this section, the provisions of the supplemental*
45 *bargaining agreement:*



1 (a) *Must be in writing; and*
2 (b) *Shall be deemed to be incorporated into the provisions of*
3 *each collective bargaining agreement then in effect between the*
4 *Executive Department and the employees who are subject to*
5 *the supplemental bargaining agreement if the provisions of the*
6 *supplemental bargaining agreement do not conflict with the*
7 *provisions of the collective bargaining agreement.*

8 4. *If any provision of the supplemental bargaining agreement*
9 *conflicts with any provision of the collective bargaining*
10 *agreement, the provision of the supplemental bargaining*
11 *agreement is void and the provision of the collective*
12 *bargaining agreement must be given effect.*

13 5. *The provisions of the supplemental bargaining agreement*
14 *expire at the same time as the other provisions of the collective*
15 *bargaining agreement into which they are incorporated.*

16 6. *The Executive Department and an exclusive representative*
17 *may not engage in supplemental bargaining pursuant to this*
18 *section:*

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

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

24 7. *The Executive Department and an exclusive representative*
25 *may, during collective bargaining conducted pursuant to sections*
26 *36 to 44, inclusive, of this act, negotiate and include in a collective*
27 *bargaining agreement any terms and conditions of employment*
28 *that would otherwise be within the scope of supplemental*
29 *bargaining conducted pursuant to this section.*

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

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

38 (b) *If any provision of a supplemental bargaining agreement*
39 *conflicts with any provision of NRS or a special act, the provision*
40 *of the supplemental bargaining agreement is void and must not be*
41 *given effect.*

42 2. *If any provision of a collective bargaining agreement or*
43 *supplemental bargaining agreement conflicts with any rule or*
44 *regulation adopted by an employer, the provision of the collective*



1 *bargaining agreement or supplemental bargaining agreement*
2 *prevails and must be given effect.*

3 3. *The provisions of a collective bargaining agreement or*
4 *supplemental bargaining agreement are severable. If any*
5 *provision of a collective bargaining agreement or supplemental*
6 *bargaining agreement is invalidated on its face or as applied, such*
7 *invalidity does not affect the other provisions of the agreement or*
8 *the application of those provisions if such other provisions can be*
9 *given effect without the invalidated provision.*

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

12 (a) *Refuse to engage in collective bargaining or otherwise fail*
13 *to bargain in good faith with an exclusive representative,*
14 *including, without limitation, refusing to engage in mediation or*
15 *arbitration.*

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

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

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

24 (e) *Discharge or otherwise discriminate against an employee*
25 *because the employee has:*

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

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

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

34 (g) *Deny rights accompanying a designation as an exclusive*
35 *representative.*

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

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

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



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

4 **Sec. 48. 1.** *To establish that a party has committed a*
5 *prohibited practice in violation of section 47 of this act, the party*
6 *aggrieved by the practice must file a complaint with the Board and*
7 *must prove the allegations contained in the complaint at a hearing*
8 *conducted in accordance with:*

9 (a) *The provisions of chapter 233B of NRS that apply to a*
10 *contested case; and*

11 (b) *The regulations adopted by the Board.*

12 2. *If the Board finds that the party accused in the complaint*
13 *has committed a prohibited practice, the Board:*

14 (a) *Shall order the party to cease and desist from engaging in*
15 *the prohibited practice; and*

16 (b) *May order any other affirmative relief that is necessary to*
17 *remedy the prohibited practice.*

18 3. *The Board may petition the district court for enforcement*
19 *of its orders.*

20 4. *Any order or decision issued by the Board pursuant to this*
21 *section concerning the merits of a complaint is a final decision in*
22 *a contested case and may be appealed pursuant to the provisions*
23 *of chapter 233B of NRS that apply to a contested case, except that*
24 *a party aggrieved by the order or decision of the Board must file a*
25 *petition for judicial review not later than 10 days after being*
26 *served with the order or decision of the Board.*

27 **Sec. 49. 1.** *Except as otherwise provided by specific statute,*
28 *an employee organization and the Executive Department may sue*
29 *or be sued as an entity pursuant to sections 4 to 50, inclusive, of*
30 *this act.*

31 2. *If any action or proceeding is brought by or against an*
32 *employee organization pursuant to sections 4 to 50, inclusive, of*
33 *this act, the district court for the county in which the employee*
34 *organization maintains its principal office or the county in which*
35 *the claim arose has jurisdiction over any claim brought pursuant*
36 *to sections 4 to 50, inclusive, of this act.*

37 3. *A natural person and his assets are not subject to liability*
38 *for any judgment awarded pursuant to sections 4 to 50, inclusive,*
39 *of this act against the Executive Department or an employee*
40 *organization.*

41 **Sec. 50. 1.** *Except as otherwise provided in this section, a*
42 *party may seek judicial review in the district court of the decision*
43 *of an arbitrator made pursuant to section 39 of this act based upon*
44 *jurisdictional grounds or upon the grounds that the decision:*



- 1 (a) *Was procured by fraud, collusion or other similar unlawful*
2 *means; or*
- 3 (b) *Was not supported by competent, material and substantial*
4 *evidence on the whole record and based upon the factors set forth*
5 *in section 39 of this act.*
- 6 2. *If a party seeks judicial review pursuant to this section, the*
7 *district court may stay the contested portion of the decision of the*
8 *arbitrator until the court rules on the matter.*
- 9 3. *The district court may affirm or reverse the contested*
10 *portion of the decision of the arbitrator, in whole or in part, but*
11 *the court may not remand the matter to the arbitrator or require*
12 *any additional fact-finding or decision making by the arbitrator.*
- 13 4. *If the district court reverses any part of the contested*
14 *portion of the decision of the arbitrator, the court shall enter an*
15 *order invalidating that part of the decision of the arbitrator, and*
16 *that part of the decision of the arbitrator is void and must not be*
17 *given effect.*
- 18 5. *A party may not seek judicial review of the decision of the*
19 *arbitrator pursuant to this section:*
- 20 (a) *In the same even-numbered year in which the decision of*
21 *the arbitrator was made; and*
- 22 (b) *In the following odd-numbered year, before July 1.*
- 23 **Sec. 51.** NRS 288.020 is hereby amended to read as follows:
24 288.020 As used in this chapter, unless the context otherwise
25 requires, the words and terms defined in NRS ~~[288.025 to 288.075,]~~
26 *288.030 to 288.070, inclusive, and sections 3.1 and 3.15 of this act*
27 *have the meanings ascribed to them in those sections.*
- 28 **Sec. 51.2.** NRS 288.030 is hereby amended to read as follows:
29 288.030 “Board” means the ~~[Local—Government]~~ *Public*
30 *Employee-Management Relations Board.*
- 31 **Sec. 51.4.** NRS 288.040 is hereby amended to read as follows:
32 288.040 “Employee organization” means an organization ~~[of~~
33 ~~any kind having as one of its purposes improvement of the terms~~
34 ~~and conditions of employment of local government]~~ *that is created,*
35 *maintained and operated to represent employees concerning the*
36 *terms and conditions of employment for those employees.*
- 37 **Sec. 51.6.** NRS 288.080 is hereby amended to read as follows:
38 288.080 1. The ~~[Local—Government]~~ *Public* Employee-
39 *Management Relations Board is hereby created, consisting of [three*
40 *members,]:*
- 41 (a) *Three members appointed by the Governor;*
42 (b) *One member appointed by the Majority Leader of the*
43 *Senate; and*
44 (c) *One member appointed by the Speaker of the Assembly.*



1 **2. The members of the Board must be** broadly representative
2 of the public and not closely allied with any employee organization
3 or local government employer ~~[, not] or with the Executive~~
4 ~~Department.~~ **No more than ~~[two of whom] three members of the~~**
5 **Board** may be members of the same political party.

6 **3.** The term of office of each member is 4 years.
7 ~~[2. The Governor shall appoint the members of the Board.]~~

8 **Sec. 51.8.** NRS 288.090 is hereby amended to read as follows:
9 288.090 1. The members of the Board shall annually elect
10 one of their number as Chairman and one as Vice Chairman. Any
11 ~~[two] three~~ members of the Board constitute a quorum.

12 2. The Board may, within the limits of legislative
13 appropriations:

14 (a) Appoint a Commissioner and a Secretary, who ~~[shall be] are~~
15 in the unclassified service of the State; and

16 (b) Employ such additional clerical personnel as may be
17 necessary, who ~~[shall be] are~~ in the classified service of the State.

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

19 288.110 1. The Board may ~~[make rules governing:~~

20 ~~—(a) Proceedings before it;~~

21 ~~—(b) Procedures for fact finding;~~

22 ~~—(c) The recognition of employee organizations; and~~

23 ~~—(d) The determination of bargaining units.] adopt:~~

24 **(a) Regulations governing proceedings before the Board;**

25 **(b) Regulations establishing procedures for fact-finding; and**

26 **(c) Such other regulations as are necessary for the Board to**
27 **carry out its duties pursuant to this chapter.**

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

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

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

13 288.140 1. It is the right of every local government
14 employee, subject to the limitation provided in subsection 3, to join
15 any employee organization of his choice or to refrain from joining
16 any employee organization. A local government employer shall not
17 discriminate in any way among its employees on account of
18 membership or nonmembership in an employee organization.

19 2. The recognition of an employee organization for negotiation,
20 pursuant to ~~[this chapter,]~~ *NRS 288.140 to 288.280, inclusive, and*
21 *sections 3.5 to 3.9, inclusive, of this act,* does not preclude any local
22 government employee who is not a member of that employee
23 organization from acting for himself with respect to any condition of
24 his employment, but any action taken on a request or in adjustment
25 of a grievance ~~[shall]~~ *must* be consistent with the terms of an
26 applicable negotiated agreement, if any.

27 3. A police officer, sheriff, deputy sheriff or other law
28 enforcement officer may be a member of an employee organization
29 only if ~~[such]~~ *the* employee organization is composed exclusively of
30 law enforcement officers.

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

32 288.150 1. Except as *otherwise* provided in subsection 4,
33 every local government employer shall negotiate in good faith
34 through one or more representatives of its own choosing concerning
35 the mandatory subjects of bargaining set forth in subsection 2 with
36 the designated representatives of the recognized employee
37 organization, if any, for each appropriate bargaining unit among its
38 employees. If either party so requests, agreements reached must be
39 reduced to writing.

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

41 (a) Salary or wage rates or other forms of direct monetary
42 compensation.

43 (b) Sick leave.

44 (c) Vacation leave.

45 (d) Holidays.



- 1 (e) Other paid or nonpaid leaves of absence.
- 2 (f) Insurance benefits.
- 3 (g) Total hours of work required of an employee on each
- 4 workday or workweek.
- 5 (h) Total number of days' work required of an employee in a
- 6 work year.
- 7 (i) Discharge and disciplinary procedures.
- 8 (j) Recognition clause.
- 9 (k) The method used to classify employees in the bargaining
- 10 unit.
- 11 (l) Deduction of dues for the recognized employee organization.
- 12 (m) Protection of employees in the bargaining unit from
- 13 discrimination because of participation in recognized employee
- 14 organizations consistent with the provisions of ~~[this chapter.]~~ *NRS*
- 15 *288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of*
- 16 *this act.*
- 17 (n) No-strike provisions consistent with the provisions of ~~[this~~
- 18 ~~chapter.]~~ *sections 3.3 to 3.45, inclusive, of this act.*
- 19 (o) Grievance and arbitration procedures for resolution of
- 20 disputes relating to interpretation or application of collective
- 21 bargaining agreements.
- 22 (p) General savings clauses.
- 23 (q) Duration of collective bargaining agreements.
- 24 (r) Safety of the employee.
- 25 (s) Teacher preparation time.
- 26 (t) Materials and supplies for classrooms.
- 27 (u) The policies for the transfer and reassignment of teachers.
- 28 (v) Procedures for reduction in workforce.
- 29 3. Those subject matters which are not within the scope of
- 30 mandatory bargaining and which are reserved to the local
- 31 government employer without negotiation include:
- 32 (a) Except as otherwise provided in paragraph (u) of subsection
- 33 2, the right to hire, direct, assign or transfer an employee, but
- 34 excluding the right to assign or transfer an employee as a form of
- 35 discipline.
- 36 (b) The right to reduce in force or lay off any employee because
- 37 of lack of work or lack of money, subject to paragraph (v) of
- 38 subsection 2.
- 39 (c) The right to determine:
 - 40 (1) Appropriate staffing levels and work performance
 - 41 standards, except for safety considerations;
 - 42 (2) The content of the workday, including , without
 - 43 limitation , workload factors, except for safety considerations;
 - 44 (3) The quality and quantity of services to be offered to the
 - 45 public; and



1 (4) The means and methods of offering those services.
2 (d) Safety of the public.
3 4. Notwithstanding the provisions of any collective bargaining
4 agreement negotiated pursuant to ~~[this chapter,]~~ *NRS 288.140 to*
5 *288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,* a
6 local government employer is entitled to take whatever actions may
7 be necessary to carry out its responsibilities in situations of
8 emergency such as a riot, military action, natural disaster or civil
9 disorder. Those actions may include the suspension of any collective
10 bargaining agreement for the duration of the emergency. Any action
11 taken under the provisions of this subsection must not be construed
12 as a failure to negotiate in good faith.
13 5. The provisions of ~~[this chapter,]~~ *NRS 288.140 to 288.280,*
14 *inclusive, and sections 3.5 to 3.9, inclusive, of this act,* including ,
15 without limitation , the provisions of this section, recognize and
16 declare the ultimate right and responsibility of the local government
17 employer to manage its operation in the most efficient manner
18 consistent with the best interests of all its citizens, its taxpayers and
19 its employees.
20 6. This section does not preclude, but ~~[this chapter does]~~ *NRS*
21 *288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of*
22 *this act do* not require , the local government employer to negotiate
23 subject matters enumerated in subsection 3 which are outside the
24 scope of mandatory bargaining. The local government employer
25 shall discuss subject matters outside the scope of mandatory
26 bargaining , but it is not required to negotiate those matters.
27 7. Contract provisions presently existing in signed and ratified
28 agreements as of May 15, 1975, at 12 p.m. remain negotiable.
29 **Sec. 56.** NRS 288.155 is hereby amended to read as follows:
30 288.155 Agreements entered into between local government
31 employers and employee organizations pursuant to ~~[this chapter]~~
32 *NRS 288.140 to 288.280, inclusive, and sections 3.5 to 3.9,*
33 *inclusive, of this act* may extend beyond the term of office of any
34 member or officer of the local government employer.
35 **Sec. 56.3.** NRS 288.160 is hereby amended to read as follows:
36 288.160 1. An employee organization may apply to a local
37 government employer for recognition by presenting:
38 (a) A copy of its constitution and bylaws, if any;
39 (b) A roster of its officers, if any, and representatives; and
40 (c) A pledge in writing not to strike against the local
41 government employer under any circumstances.
42 A local government employer shall not recognize as representative
43 of its employees any employee organization which has not adopted,
44 in a manner valid under its own rules, the pledge required by
45 paragraph (c).



1 2. If an employee organization, at or after the time of its
2 application for recognition, presents a verified membership list
3 showing that it represents a majority of the employees in a
4 bargaining unit, and if the employee organization is recognized by
5 the local government employer, it ~~shall be~~ *is* the exclusive
6 bargaining agent of the local government employees in that
7 bargaining unit.

8 3. A local government employer may withdraw recognition
9 from an employee organization which:

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

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

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

17 (d) Fails to negotiate in good faith with the local government
18 employer,

19 if it first receives the written permission of the Board.

20 4. If the Board in good faith doubts whether any employee
21 organization is supported by a majority of the local government
22 employees in a particular bargaining unit, it may conduct an election
23 by secret ballot upon the question. Subject to judicial review, the
24 decision of the Board is binding upon the local government
25 employer and all employee organizations involved.

26 5. The parties may agree in writing, without appealing to the
27 Board, to hold a representative election to determine whether an
28 employee organization represents the majority of the local
29 government employees in a bargaining unit. Participation by the
30 Board and its staff in an agreed election is subject to the approval of
31 the Board.

32 *6. As used in this section, "bargaining agent" means an*
33 *employee organization recognized by the local government*
34 *employer as the exclusive representative of all local government*
35 *employees in the bargaining unit for purposes of collective*
36 *bargaining.*

37 **Sec. 56.7.** NRS 288.170 is hereby amended to read as follows:

38 288.170 1. Each local government employer which has
39 recognized one or more employee organizations shall determine,
40 after consultation with the recognized organization or organizations,
41 which group or groups of its employees constitute an appropriate
42 unit or units for negotiating. The primary criterion for that
43 determination must be the community of interest among the
44 employees concerned.



1 2. A principal, assistant principal or other school administrator
2 below the rank of superintendent, associate superintendent or
3 assistant superintendent ~~[shall]~~ **must** not be a member of the same
4 bargaining unit with public school teachers unless the school district
5 employs fewer than five principals but may join with other officials
6 of the same specified ranks to negotiate as a separate bargaining
7 unit.

8 3. A head of a department of a local government, an
9 administrative employee or a supervisory employee ~~[shall]~~ **must** not
10 be a member of the same bargaining unit as the employees under his
11 direction. Any dispute between the parties as to whether an
12 employee is a supervisor must be submitted to the Board. An
13 employee organization which is negotiating on behalf of two or
14 more bargaining units consisting of firemen or police officers, as
15 defined in NRS 288.215, may select members of the units to
16 negotiate jointly on behalf of each other, even if one of the units
17 consists of supervisory employees and the other unit does not.

18 4. Confidential employees of the local government employer
19 must be excluded from any bargaining unit but are entitled to
20 participate in any plan to provide benefits for a group that is
21 administered by the bargaining unit of which they would otherwise
22 be a member.

23 5. If any employee organization is aggrieved by the
24 determination of a bargaining unit, it may appeal to the Board.
25 Subject to judicial review, the decision of the Board is binding upon
26 the local government employer and employee organizations
27 involved. The Board shall apply the same criterion as specified in
28 subsection 1.

29 6. As used in this section ~~[, "confidential"]~~ :

30 (a) *"Administrative employee" means any employee whose*
31 *primary duties consist of work directly related to management*
32 *policies, who customarily exercises discretion and independent*
33 *judgment and regularly assists an executive. The term includes the*
34 *chief administrative officer, his deputy and immediate assistants,*
35 *department heads, their deputies and immediate assistants,*
36 *attorneys, appointed officials and others who are primarily*
37 *responsible for formulating and administering management policy*
38 *and programs.*

39 (b) *"Confidential employee" means an employee who is*
40 *involved in the decisions of management affecting collective*
41 *bargaining.*

42 (c) *"Supervisory employee" means any person having*
43 *authority in the interest of the employer to hire, transfer, suspend,*
44 *lay off, recall, promote, discharge, assign, reward or discipline*
45 *other employees or responsibility to direct them, to adjust their*



1 *grievances or effectively to recommend such action, if in*
2 *connection with the foregoing, the exercise of such authority is*
3 *not of a merely routine or clerical nature, but requires the use of*
4 *independent judgment. The exercise of such authority shall not be*
5 *deemed to place the employee in supervisory employee status*
6 *unless the exercise of such authority occupies a significant portion*
7 *of the employee's workday. Nothing in this paragraph may be*
8 *construed to mean that an employee who has been given*
9 *incidental administrative duties is classified as a supervisory*
10 *employee.*

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

12 288.180 1. Whenever an employee organization desires to
13 negotiate concerning any matter which is subject to negotiation
14 pursuant to ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and*
15 *sections 3.5 to 3.9, inclusive, of this act,* it shall give written notice
16 of that desire to the local government employer. If the subject of
17 negotiation requires the budgeting of money by the local
18 government employer, the employee organization shall give notice
19 on or before February 1.

20 2. Following the notification provided for in subsection 1, the
21 employee organization or the local government employer may
22 request reasonable information concerning any subject matter
23 included in the scope of mandatory bargaining which it deems
24 necessary for and relevant to the negotiations. The information
25 requested must be furnished without unnecessary delay. The
26 information must be accurate, and must be presented in a form
27 responsive to the request and in the format in which the records
28 containing it are ordinarily kept. If the employee organization
29 requests financial information concerning a metropolitan police
30 department, the local government employers which form that
31 department shall furnish the information to the employee
32 organization.

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

36 4. This section does not preclude, but ~~[this chapter does]~~ *NRS*
37 *288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of*
38 *this act do* not require, informal discussion between an employee
39 organization and a local government employer of any matter which
40 is not subject to negotiation or contract ~~[under this chapter.]~~
41 *pursuant to NRS 288.140 to 288.280, inclusive, and sections 3.5 to*
42 *3.9, inclusive, of this act.* Any such informal discussion is exempt
43 from all requirements of notice or time schedule.



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

2 288.210 1. For the purpose of investigating disputes, the fact
3 finder may issue subpoenas requiring the attendance of witnesses
4 before him, together with all books, memoranda, papers and other
5 documents relative to the matters under investigation, administer
6 oaths and take testimony thereunder.

7 2. The district court in and for the county in which any
8 investigation is being conducted by a fact finder may compel the
9 attendance of witnesses, the giving of testimony and the production
10 of books and papers as required by any subpoena issued by the fact
11 finder.

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

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

18 (b) That the witness has been subpoenaed in the manner
19 prescribed in ~~the chapter~~ *NRS 288.140 to 288.280, inclusive, and*
20 *sections 3.5 to 3.9, inclusive, of this act;*

21 (c) That the witness has failed and refused to attend or produce
22 the papers required by subpoena before the fact finder in the
23 investigation named in the subpoena, or has refused to answer
24 questions propounded to him in the course of ~~such~~ *the*
25 investigation,

26 and asking an order of the court compelling the witness to attend
27 and testify or produce the books or papers before the fact finder.

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

41 **Sec. 59.** NRS 288.220 is hereby amended to read as follows:

42 288.220 The following proceedings, required by or pursuant to
43 ~~the chapter~~ *NRS 288.140 to 288.280, inclusive, and sections 3.5*
44 *to 3.9, inclusive, of this act* are not subject to any provision of NRS
45 which requires a meeting to be open or public:



- 1 1. Any negotiation or informal discussion between a local
2 government employer and an employee organization or employees
3 as ~~individuals,~~ *natural persons*, whether conducted by the
4 governing body or through a representative or representatives.
- 5 2. Any meeting of a mediator with either party or both parties
6 to a negotiation.
- 7 3. Any meeting or investigation conducted by a fact finder.
- 8 4. Any meeting of the governing body of a local government
9 employer with its management representative or representatives.
- 10 5. Deliberations of the Board toward a decision on a complaint,
11 appeal or petition for declaratory relief.
- 12 **Sec. 60.** NRS 288.270 is hereby amended to read as follows:
13 288.270 1. It is a prohibited practice for a local government
14 employer or its designated representative willfully to:
- 15 (a) Interfere, restrain or coerce any employee in the exercise of
16 any right guaranteed ~~under this chapter,~~ *pursuant to NRS 288.140*
17 *to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*
- 18 (b) Dominate, interfere or assist in the formation or
19 administration of any employee organization.
- 20 (c) Discriminate in regard to hiring, tenure or any term or
21 condition of employment to encourage or discourage membership in
22 any employee organization.
- 23 (d) Discharge or otherwise discriminate against any employee
24 because he has signed or filed an affidavit, petition or complaint or
25 given any information or testimony ~~under this chapter,~~ *pursuant to*
26 *NRS 288.140 to 288.280, inclusive, and sections 3.5 to 3.9,*
27 *inclusive, of this act* or because he has formed, joined or chosen to
28 be represented by any employee organization.
- 29 (e) Refuse to bargain collectively in good faith with the
30 exclusive representative as required in NRS 288.150. Bargaining
31 collectively includes the entire bargaining process, including
32 mediation and fact-finding, provided for in ~~this chapter,~~ *NRS*
33 *288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of*
34 *this act.*
- 35 (f) Discriminate because of race, color, religion, sex, *sexual*
36 *orientation*, age, ~~physical or visual handicap,~~ *disability or* national
37 origin, or because of political or personal reasons or affiliations.
- 38 (g) Fail to provide the information required by NRS 288.180.
- 39 2. It is a prohibited practice for a local government employee
40 or for an employee organization or its designated agent willfully to:
- 41 (a) Interfere with, restrain or coerce any employee in the
42 exercise of any right guaranteed ~~under this chapter,~~ *pursuant to*
43 *NRS 288.140 to 288.280, inclusive, and sections 3.5 to 3.9,*
44 *inclusive, of this act.*



1 (b) Refuse to bargain collectively in good faith with the local
2 government employer, if it is an exclusive representative, as
3 required in NRS 288.150. Bargaining collectively includes the entire
4 bargaining process, including mediation and fact-finding, provided
5 for in ~~[this chapter.]~~ *NRS 288.140 to 288.280, inclusive, and*
6 *sections 3.5 to 3.9, inclusive, of this act.*

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

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

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

12 62.1266 1. The board of county commissioners may provide
13 for the appointment of one or more probation officers and assistant
14 probation officers and such other employees as may be necessary to
15 carry out the duties of the department.

16 2. Probation officers, assistant probation officers and other
17 employees authorized pursuant to this section are employees of the
18 county, subject to the provisions of the merit personnel system
19 unless exempt pursuant to NRS 245.216, and are local government
20 employees for the purposes of ~~[chapter 288 of NRS.]~~ *NRS 288.140*
21 *to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*
22 Probation officers, assistant probation officers and other employees
23 hired before the effective date of the ordinance establishing the
24 department may be dismissed only for cause.

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

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

35 245.210 1. The board of county commissioners of each of the
36 several counties shall, by ordinance or agreement pursuant to
37 ~~[chapter 288 of NRS.]~~ *NRS 288.140 to 288.280, inclusive, and*
38 *sections 3.5 to 3.9, inclusive, of this act,* provide for annual, sick
39 and disability leave for elected and appointed county officers and
40 county employees. The provisions of such an ordinance or
41 agreement may be more restrictive but not more extensive than the
42 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 288.140 to 288.280, inclusive, and sections 3.5*
22 *to 3.9, inclusive, of this act apply* to 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 288.140 to 288.280, inclusive, and sections 3.5*
25 *to 3.9, inclusive, of this act*, the provisions of 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 288.140 to 288.280, inclusive, and sections 3.5*
42 *to 3.9, inclusive, of this act apply* to 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 288.140 to*
29 *288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*
30 *apply* to negotiations for this purpose.

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

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

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

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



1 ~~Relations Act~~ *NRS 288.140 to 288.280, inclusive, and sections 3.5*
2 *to 3.9, inclusive, of this act* and a public employer for the purpose
3 of the Public Employees' Retirement Act.

4 2. In negotiations arising ~~under~~ *pursuant to* the provisions of
5 ~~chapter 288 of NRS;~~ *NRS 288.140 to 288.280, inclusive, and*
6 *sections 3.5 to 3.9, inclusive, of this act:*

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

10 3. In negotiations arising ~~under~~ *pursuant to* the provisions of
11 ~~chapter 288 of NRS;~~ *NRS 288.140 to 288.280, inclusive, and*
12 *sections 3.5 to 3.9, inclusive, of this act*, a school police unit must
13 be considered a separate bargaining unit.

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

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

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

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

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

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

40 3. All employees of the Division other than compositors,
41 assistant compositors, bindery operators, assistant bindery operators,
42 pressmen and assistant pressmen must be in the classified service of
43 the State.



1 **Sec. 70.** NRS 353.230 is hereby amended to read as follows:
2 353.230 1. The Chief shall review the estimates, altering,
3 revising, increasing or decreasing the items of the estimates as he
4 may deem necessary in view of the needs of the various
5 departments, institutions and agencies in the Executive Department
6 of the State Government and the total anticipated income of the
7 State Government and of the various departments, institutions and
8 agencies of the Executive Department during the next fiscal year. In
9 performing the duties required by this subsection, the Chief shall use
10 the projections and estimates prepared by the Economic Forum
11 pursuant to NRS 353.228.
12 2. The Chief shall meet with a fiscal analyst of the Legislative
13 Counsel Bureau or his designated representative and personnel of
14 the various departments, institutions and agencies of the Executive
15 Department to discuss:
16 (a) The budgetary requests of each department, institution and
17 agency; and
18 (b) The budgetary recommendations of the budget division for
19 each department, institution and agency,
20 for the next 2 fiscal years. The Chief shall allow the fiscal analyst of
21 the Legislative Counsel Bureau or his designated representative full
22 access to all materials connected with the review.
23 3. The Chief shall then prepare a final version of the proposed
24 budget, in accordance with *section 41 of this act and* NRS 353.150
25 to 353.246, inclusive, and shall deliver it to the Governor. The final
26 version of the proposed budget must include *any requests for*
27 *appropriations that are required pursuant to section 41 of this act*
28 *and* the adjusted base budget for each department, institution and
29 agency of the Executive Department, the costs for continuing each
30 program at the current level of service and the costs, if any, for new
31 programs, recommended enhancements of existing programs or
32 reductions for the departments, institutions and agencies of the
33 Executive Department for the next 2 fiscal years. All projections of
34 revenue and any other information concerning future state revenue
35 contained in the proposed budget must be based upon the
36 projections and estimates prepared by the Economic Forum pursuant
37 to NRS 353.228.
38 4. The Governor *shall include in the proposed budget any*
39 *requests for appropriations that are required pursuant to section*
40 *41 of this act and* shall, not later than 14 calendar days before the
41 commencement of the regular legislative session, submit the
42 proposed budget to the Director of the Legislative Counsel Bureau
43 for transmittal to the Legislature. The Governor shall simultaneously
44 submit, as a separate document:



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

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

5 The document must specify the total cost by department, institution
6 or agency of new programs or enhancements, but need not itemize
7 the specific costs. All projections of revenue and any other
8 information concerning future state revenue contained in the
9 document must be based upon the projections and estimates
10 prepared by the Economic Forum pursuant to NRS 353.228.

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

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

29 **Sec. 70.5.** NRS 354.624 is hereby amended to read as follows:

30 354.624 1. Each local government shall provide for an annual
31 audit of all of its financial statements. A local government may
32 provide for more frequent audits as it deems necessary. Except as
33 otherwise provided in subsection 2, each annual audit must be
34 concluded and the report of the audit submitted to the governing
35 body as provided in subsection 6 not later than 5 months after the
36 close of the fiscal year for which the audit is conducted. An
37 extension of this time may be granted by the Department of
38 Taxation to any local government that submits an application for an
39 extension to the Department. If the local government fails to provide
40 for an audit in accordance with the provisions of this section, the
41 Department of Taxation shall cause the audit to be made at the
42 expense of the local government. All audits must be conducted by a
43 certified public accountant or by a partnership or professional
44 corporation that is registered pursuant to chapter 628 of NRS.

45 2. The annual audit of a school district must:



- 1 (a) Be concluded and the report submitted to the board of
2 trustees as provided in subsection 6 not later than 4 months after the
3 close of the fiscal year for which the audit is conducted.
- 4 (b) If the school district has more than 150,000 pupils enrolled,
5 include an audit of the expenditure by the school district of public
6 money used:
- 7 (1) To design, construct or purchase new buildings for
8 schools or related facilities;
- 9 (2) To enlarge, remodel or renovate existing buildings for
10 schools or related facilities; and
- 11 (3) To acquire sites for building schools or related facilities,
12 or other real property for purposes related to schools.
- 13 3. The governing body may, without requiring competitive
14 bids, designate the auditor or firm annually. The auditor or firm
15 must be designated and notification of the auditor or firm designated
16 must be sent to the Department of Taxation not later than 3 months
17 before the close of the fiscal year for which the audit is to be made.
- 18 4. Each annual audit must cover the business of the local
19 government during the full fiscal year. It must be a financial audit
20 conducted in accordance with generally accepted auditing standards
21 in the United States, including, findings on compliance with statutes
22 and regulations and an expression of opinion on the financial
23 statements. The Department of Taxation shall prescribe the form of
24 the financial statements, and the chart of accounts must be as nearly
25 as possible the same as the chart that is used in the preparation and
26 publication of the annual budget. The report of the audit must
27 include:
- 28 (a) A schedule of all fees imposed by the local government
29 which were subject to the provisions of NRS 354.5989; and
- 30 (b) A comparison of the operations of the local government with
31 the approved budget, including a statement from the auditor that
32 indicates whether the governing body has taken action on the audit
33 report for the prior year.
- 34 5. Each local government shall provide to its auditor:
- 35 (a) A statement indicating whether each of the following funds
36 established by the local government is being used expressly for the
37 purposes for which it was created, in the form required by
38 NRS 354.6241:
- 39 (1) An enterprise fund.
40 (2) An internal service fund.
41 (3) A fiduciary fund.
42 (4) A self-insurance fund.
43 (5) A fund whose balance is required by law to be:



1 (I) Used only for a specific purpose other than the
2 payment of compensation to a bargaining unit, as defined in ~~NRS~~
3 ~~288.028;~~ *section 3.6 of this act*; or
4 (II) Carried forward to the succeeding fiscal year in any
5 designated amount.
6 (b) A list and description of any property conveyed to a
7 nonprofit organization pursuant to NRS 244.287 or 268.058.
8 6. The opinion and findings of the auditor contained in the
9 report of the audit must be presented at a meeting of the governing
10 body held not more than 30 days after the report is submitted to it.
11 Immediately thereafter, the entire report, together with the
12 management letter required by generally accepted auditing standards
13 in the United States or by regulations adopted pursuant to NRS
14 354.594, must be filed as a public record with:
15 (a) The clerk or secretary of the governing body;
16 (b) The county clerk;
17 (c) The Department of Taxation; and
18 (d) In the case of a school district, the Department of Education.
19 7. If an auditor finds evidence of fraud or dishonesty in the
20 financial statements of a local government, the auditor shall report
21 such evidence to the appropriate level of management in the local
22 government.
23 8. The governing body shall act upon the recommendations of
24 the report of the audit within 3 months after receipt of the report,
25 unless prompter action is required concerning violations of law or
26 regulation, by setting forth in its minutes its intention to adopt the
27 recommendations, to adopt them with modifications or to reject
28 them for reasons shown in the minutes.
29 **Sec. 71.** NRS 354.6241 is hereby amended to read as follows:
30 354.6241 1. The statement required by paragraph (a) of
31 subsection 5 of NRS 354.624 must indicate for each fund set forth
32 in that paragraph:
33 (a) Whether the fund is being used in accordance with the
34 provisions of this chapter.
35 (b) Whether the fund is being administered in accordance with
36 generally accepted accounting procedures.
37 (c) Whether the reserve in the fund is limited to an amount that
38 is reasonable and necessary to carry out the purposes of the fund.
39 (d) The sources of revenues available for the fund during the
40 fiscal year, including transfers from any other funds.
41 (e) The statutory and regulatory requirements applicable to the
42 fund.
43 (f) The balance and retained earnings of the fund.
44 2. Except as otherwise provided in NRS 354.59891, to the
45 extent that the reserve in any fund set forth in paragraph (a) of



1 subsection 5 of NRS 354.624 exceeds the amount that is reasonable
2 and necessary to carry out the purposes for which the fund was
3 created, the reserve may be expended by the local government
4 pursuant to the provisions of ~~chapter 288 of NRS.~~ *NRS 288.140 to*
5 *288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*

6 **Sec. 72.** NRS 354.695 is hereby amended to read as follows:

7 354.695 1. As soon as practicable after taking over the
8 management of a local government, the Department shall, with the
9 approval of the Committee:

10 (a) Establish and implement a management policy and a
11 financing plan for the local government;

12 (b) Provide for the appointment of a financial manager for the
13 local government who is qualified to manage the fiscal affairs of the
14 local government;

15 (c) Provide for the appointment of any other persons necessary to
16 enable the local government to provide the basic services for which
17 it was created in the most economical and efficient manner possible;

18 (d) Establish an accounting system and separate accounts in a
19 bank or credit union, if necessary, to receive and expend all money
20 and assets of the local government;

21 (e) Impose such hiring restrictions as deemed necessary after
22 considering the recommendations of the financial manager;

23 (f) Negotiate and approve all contracts entered into by or on
24 behalf of the local government before execution and enter into such
25 contracts on behalf of the local government as the Department deems
26 necessary;

27 (g) Negotiate and approve all collective bargaining contracts to
28 be entered into by the local government, except issues submitted to a
29 fact finder whose findings and recommendations are final and
30 binding pursuant to the provisions of ~~the Local Government~~
31 ~~Employee Management Relations Act.~~ *NRS 288.140 to 288.280,*
32 *inclusive, and sections 3.5 to 3.9, inclusive, of this act;*

33 (h) Approve all expenditures of money from any fund or account
34 and all transfers of money from one fund to another;

35 (i) Employ such technicians as are necessary for the
36 improvement of the financial condition of the local government;

37 (j) Meet with the creditors of the local government and formulate
38 a debt liquidation program;

39 (k) Approve the issuance of bonds or other forms of
40 indebtedness by the local government;

41 (l) Discharge any of the outstanding debts and obligations of the
42 local government; and

43 (m) Take any other actions necessary to ensure that the local
44 government provides the basic services for which it was created in
45 the most economical and efficient manner possible.



1 2. The Department may provide for reimbursement from the
2 local government for the expenses the Department incurs in
3 managing the local government. If such reimbursement is not
4 possible, the Department may request an allocation by the Interim
5 Finance Committee from the Contingency Fund pursuant to NRS
6 353.266, 353.268 and 353.269.

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

11 4. Each state agency, board, department, commission,
12 committee or other entity of the State shall provide such technical
13 assistance concerning the management of the local government as is
14 requested by the Department.

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

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

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

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

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

31 (b) Be mailed to the following persons from each of the schools
32 affected:

33 (1) The principal;

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

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

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

43 2. All persons interested in a proposed policy or regulation or
44 change in a policy or regulation must be afforded a reasonable
45 opportunity to submit data, views or arguments, orally or in writing.



1 The board of trustees shall consider all written and oral submissions
2 respecting the proposal or change before taking final action.

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

5 4. This section applies to policies and regulations concerning:

6 (a) Attendance rules;

7 (b) Zoning;

8 (c) Grading;

9 (d) District staffing patterns;

10 (e) Curriculum and program;

11 (f) Pupil discipline; and

12 (g) Personnel, except with respect to dismissals and refusals to
13 reemploy covered by contracts entered into ~~as a result of the Local~~
14 ~~Government Employee Management Relations Act,~~ *pursuant to*
15 *the provisions of NRS 288.140 to 288.280, inclusive, and sections*
16 *3.5 to 3.9, inclusive, of this act,* as provided in NRS 391.3116.

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

18 386.595 1. All employees of a charter school shall be deemed
19 public employees.

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

33 (a) If he is subsequently reassigned by the school district
34 pursuant to subsection 5, he is covered by the collective bargaining
35 agreement of the school district.

36 (b) If he continues his employment with the charter school, he is
37 covered by the collective bargaining agreement of the charter
38 school, if applicable.

39 3. Except as otherwise provided in subsection 2, the governing
40 body of a charter school may make all employment decisions with
41 regard to its employees pursuant to NRS 391.311 to 391.3197,
42 inclusive, unless a collective bargaining agreement entered into by
43 the governing body pursuant to ~~chapter 288 of~~ *NRS 288.140 to*
44 *288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*



1 contains separate provisions relating to the discipline of licensed
2 employees of a school.

3 4. Except as otherwise provided in this subsection, if the
4 written charter of a charter school is revoked or if a charter school
5 ceases to operate as a charter school, the employees of the charter
6 school must be reassigned to employment within the school district
7 in accordance with the applicable collective bargaining agreement.
8 A school district is not required to reassign an employee of a charter
9 school pursuant to this subsection if the employee:

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

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

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

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

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



1 8. An employee of a charter school who is not on a leave of
2 absence from a school district is eligible for all benefits for which he
3 would be eligible for employment in a public school, including,
4 without limitation, participation in the Public Employees'
5 Retirement System.

6 9. For all employees of a charter school:

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

12 (b) The compensation that is paid to a teacher or other school
13 employee that exceeds the compensation that he would have
14 received if he were employed by the school district must not be
15 included for the purposes of calculating future retirement benefits of
16 the employee.

17 10. If the board of trustees of a school district in which a
18 charter school is located manages a plan of group insurance for its
19 employees, the governing body of the charter school may negotiate
20 with the board of trustees to participate in the same plan of group
21 insurance that the board of trustees offers to its employees. If the
22 employees of the charter school participate in the plan of group
23 insurance managed by the board of trustees, the governing body of
24 the charter school shall:

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

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

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

31 391.180 1. As used in this section, "employee" means any
32 employee of a school district or charter school in this state.

33 2. A school month in any public school in this state consists of
34 4 weeks of 5 days each.

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

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

43 5. Boards of trustees shall either prescribe by regulation or
44 negotiate pursuant to ~~chapter 288 of NRS,~~ *NRS 288.140 to*
45 *288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*



1 with respect to sick leave, accumulation of sick leave, payment for
2 unused sick leave, sabbatical leave, personal leave, professional
3 leave, military leave and such other leave as they determine to be
4 necessary or desirable for employees. In addition, boards of trustees
5 may either prescribe by regulation or negotiate pursuant to ~~chapter~~
6 ~~288 of~~ *NRS 288.140 to 288.280, inclusive, and sections 3.5 to 3.9,*
7 *inclusive, of this act* with respect to the payment of unused sick
8 leave to licensed teachers in the form of purchase of service
9 pursuant to subsection 3 of NRS 286.300. The amount of service so
10 purchased must not exceed the number of hours of unused sick leave
11 or 1 year, whichever is less.

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

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

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

33 7. Subject to the provisions of subsection 8:

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

38 (b) If, on account of sickness, epidemic or other emergency in
39 the community, a longer intermission is ordered by the board of
40 trustees of a school district, the governing body of a charter school
41 or a board of health and the intermission or closing does not exceed
42 30 days at any one time, there may be no deduction or
43 discontinuance of salaries.

44 8. If the board of trustees of a school district or the governing
45 body of a charter school orders an extension of the number of days



1 of school to compensate for the days lost as the result of an
2 intermission because of those reasons contained in paragraph (b) of
3 subsection 7, an employee may be required to render his services to
4 the school district or charter school during that extended period. If
5 the salary of the employee was continued during the period of
6 intermission as provided in subsection 7, the employee is not
7 entitled to additional compensation for services rendered during the
8 extended period.

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

11 (a) The board of trustees of a school district pursuant to ~~chapter~~
12 ~~288 of NRS;~~ *NRS 288.140 to 288.280, inclusive, and sections 3.5*
13 *to 3.9, inclusive, of this act;* or

14 (b) The governing body of a charter school pursuant to
15 NRS 386.595,

16 the provisions of the agreement or contract regarding that subject
17 supersede any conflicting provisions of this section or of a
18 regulation of the board of trustees.

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

20 391.3116 The provisions of NRS 391.311 to 391.3197,
21 inclusive, do not apply to a teacher, administrator, or other licensed
22 employee who has entered into a contract with the board negotiated
23 pursuant to ~~chapter 288 of~~ *NRS 288.140 to 288.280, inclusive,*
24 *and sections 3.5 to 3.9, inclusive, of this act* if the contract contains
25 separate provisions relating to the board's right to dismiss or refuse
26 to reemploy the employee or demote an administrator.

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

31 Sec. 11. 1. The Board shall submit its proposed annual
32 budget for the Authority in the manner set forth in NRS
33 354.470 to 354.626, inclusive.

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

36 (a) Establish, construct, purchase, lease, enter into a lease
37 purchase agreement respecting, acquire by gift, grant,
38 bequest, devise or otherwise, reconstruct, improve, extend,
39 better, alter, repair, equip, furnish, regulate, maintain, operate
40 and manage convention, exhibit and auditorium facilities,
41 including personal property and real property, appurtenant
42 thereto or used in connection therewith, and every estate,
43 interest and right, legal or equitable, therein.

44 (b) Insure or provide for the insurance of any facility and
45 of the Board and its officers, employees and agents against



- 1 such risks and hazards as the Board may deem advisable,
2 without thereby waiving any immunity granted by law.
- 3 (c) Arrange or contract for the furnishing by any person
4 or agency, public or private, of services, privileges, works,
5 food, beverages, alcoholic beverages or facilities for or in
6 connection with a facility, hire and retain officers, agents and
7 employees, including a fiscal adviser, engineers, attorneys or
8 other professional or specialized personnel.
- 9 (d) Direct the Board of County Commissioners or the
10 Board of Supervisors of the City of Elko, and the governing
11 body of any other political subdivision within the boundaries
12 of the Authority, with the concurrence of that board or body,
13 to acquire by the exercise of the power of eminent domain
14 any real property which the Board deems necessary for its
15 purposes, after the adoption by the Board of a resolution
16 declaring such *an* acquisition necessary for its purposes. This
17 power must be exercised in the manner provided by any
18 applicable statutory provisions and laws of the State of
19 Nevada. Title to property so acquired must be taken in the
20 name of the Authority.
- 21 (e) Sell, lease, exchange, transfer, assign or otherwise
22 dispose of any real or personal property, or any interest
23 therein acquired for the purpose of this act, including the
24 lease of any facility acquired by the Authority which is to be
25 operated and maintained as a public project and convention,
26 auditorium or exhibit facility.
- 27 (f) Fix, and from time to time increase or decrease, rates,
28 tolls, rents or charges for services or facilities furnished in
29 connection with any facility and take such action as necessary
30 or desirable to effect their collection.
- 31 (g) Receive, control, invest and order the expenditure of
32 money pertaining to any facility or related properties,
33 including , but not limited to , annual grants from the Federal
34 Government, the State, the County and incorporated cities in
35 the County for capital improvements for facilities.
- 36 (h) Enter into contracts, leases or other arrangements for
37 commercial advertising purposes with any person or
38 government.
- 39 (i) Exercise all or any part or combination of the powers
40 granted in this act to the Authority, except as otherwise
41 provided in this act.
- 42 (j) Sue and be sued.
- 43 (k) Perform other acts necessary, convenient, desirable or
44 appropriate to carry out the purposes and provisions of this
45 act.



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



1 incident to any transfer or remittance to the Board of the
2 proceeds of any license tax or other money collected by any
3 political subdivision, but subject to all valid contractual or
4 statutory restrictions which may apply to any such money or
5 remittances or to the use or disposition thereof.

6 (e) Borrow money or accept contributions, grants or other
7 financial assistance from the Federal Government or any
8 agency or instrumentality thereof, for use in furtherance of
9 any of the authorized purposes of the Authority and meet and
10 comply with any conditions imposed thereon, which are
11 within the authority or discretion of the Board.

12 (f) Appoint an Executive Director, the Authority
13 Treasurer, the Auditor for the Authority, assistants to officers
14 and establish such other offices and appoint such other
15 officers as it deems necessary. All appointive officers serve at
16 the pleasure of the Board and shall perform such duties as
17 may be designated by the Board and are entitled to receive a
18 salary set by the Board. The Board shall, by agreement
19 pursuant to ~~chapter 288 of NRS,~~ *NRS 288.140 to 288.280,*
20 *inclusive, and sections 3.5 to 3.9, inclusive, of this act,* or by
21 resolution, set the annual, sick and disability leave, salary or
22 wages, pensions, insurance and other benefits for appointed
23 and hired Authority officers and employees.

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

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



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

5 Sec. 29. The Authority, by action of the Board, may
6 adopt its own plan of civil service to be administered by the
7 Board. The plan must include, but need not be limited to, the
8 following provisions:

9 1. Entry into the service on the basis of open
10 competition.

11 2. Service, promotions and remuneration on the basis of
12 merit, efficiency and fitness.

13 3. Classifications of the positions in the service.

14 4. The rating of candidates on the basis of publicly
15 announced competitive examinations and the maintenance of
16 lists of eligible candidates.

17 5. Employment of candidates from the eligible lists in
18 the highest qualified rating.

19 6. Probationary periods not to exceed 12 months.

20 7. Disciplinary action, suspension or discharge of
21 employees for cause only with the right of notice and review.

22 8. Schedules of compensation and increases in pay
23 prepared by the Board.

24 9. Promotion on the basis of ascertained merit, seniority
25 in service and competitive examinations.

26 10. Provision for keeping service records on all
27 employees.

28 11. Regulations for hours of work, attendance, holidays,
29 leaves of absence and transfers.

30 12. Procedures for layoffs, discharge, suspension,
31 discipline and reinstatement.

32 13. The exemption from civil service of managers,
33 supervisors, except those supervisors covered by an
34 agreement negotiated pursuant to ~~chapter 288 of NRS,~~ *NRS*
35 *288.140 to 288.280, inclusive, and sections 3.5 to 3.9,*
36 *inclusive, of this act,* deputy directors, the Executive
37 Director, persons employed to render professional, scientific,
38 technical or expert service, persons providing services of a
39 temporary or exceptional character, persons employed on
40 projects paid from the proceeds of bonds issued by the
41 Authority and persons employed for a period of less than 3
42 months in any 12-month period.

43 14. Review by the Board, at the request of the employee
44 in question and after notice and hearing, of any disciplinary
45 action, suspension or discharge of any employee, which



1 action, suspension or discharge may be affirmed, modified or
2 reversed by the Board. The decision of the Board is a final
3 decision in a contested case for the purpose of judicial
4 review. An employee may appeal the decision of the Board to
5 a district court within the time limits and in the manner
6 provided by law for the appeal of administrative decisions of
7 state agencies.

8 **Sec. 79.** Section 2.330 of the Charter of Carson City, being
9 chapter 690, Statutes of Nevada 1979, at page 1857, is hereby
10 amended to read as follows:

11 Sec. 2.330 Employees: Merit personnel system.

12 1. The Board of Supervisors shall establish a merit
13 personnel system for all employees of Carson City except
14 those exempted under the provisions of subsection 4.

15 2. The Board of Supervisors shall administer this section
16 through the adoption of appropriate regulations which shall
17 provide for:

18 (a) The classification of all positions, not exempt from the
19 merit personnel system, based on the duties, authority and
20 responsibility of each position, with adequate provision for
21 reclassification of any position whatsoever whenever
22 warranted by changed circumstances.

23 (b) A pay plan for all employees, including exempt
24 employees other than elected officers that are covered in
25 NRS 245.043.

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

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

30 (e) Policies and procedures governing persons holding
31 temporary or provisional appointments.

32 (f) Policies and procedures governing relationships with
33 employees and employee organizations.

34 (g) Policies concerning employee training and
35 development.

36 (h) Grievance procedures.

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

39 3. In the event of a conflict between the policies and
40 procedures adopted pursuant to this section and the provisions
41 of a collective bargaining agreement entered into pursuant to
42 ~~chapter 288 of NRS,~~ **NRS 288.140 to 288.280, inclusive,**
43 **and sections 3.5 to 3.9, inclusive, of this act,** the provisions
44 of the agreement prevail.



1 4. There are exempted from the provisions of this
2 section:

- 3 (a) The manager and all department heads, elected or
- 4 appointed;
- 5 (b) All deputy district attorneys;
- 6 (c) Not more than five supervisory deputy sheriffs; and
- 7 (d) No more than two deputies each in the offices of the
- 8 Clerk, the Treasurer, the Recorder, the Assessor, and any
- 9 other department created by this charter or by ordinance.

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

13 Sec. 9.030 Collective bargaining.

14 1. The city council shall recognize employee
15 organizations for the purpose of collective bargaining
16 pursuant to ~~chapter 288 of NRS.~~ *NRS 288.140 to 288.280,*
17 *inclusive, and sections 3.5 to 3.9, inclusive, of this act.*

18 2. The city manager is responsible for and shall direct all
19 collective bargaining with recognized employee
20 organizations. The city manager may designate any
21 administrative officer subject to his direction and supervision
22 as his representative for the purpose of those negotiations.

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

25 **Sec. 81.** NRS 288.010, 288.025, 288.027, 288.028, 288.033,
26 288.063, 288.067, 288.075, 288.230, 288.240, 288.250 and 288.260
27 are hereby repealed.

28 **Sec. 82.** Notwithstanding the provisions of NRS 288.080 to
29 the contrary, as soon as practicable on or before July 1, 2003, the
30 additional members of the Public Employee-Management Relations
31 Board must be appointed as follows:

32 1. One member appointed by the Majority Leader of the Senate
33 to an initial term that begins on July 1, 2003, and ends on June 30,
34 2005; and

35 2. One member appointed by the Speaker of the Assembly to
36 an initial term that begins on July 1, 2003, and ends on June 30,
37 2007.

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

42 **Sec. 83.3.** 1. Any member of the Local Government
43 Employee-Management Relations Board whose term does not
44 expire until June 30, 2005, remains in office on the Public
45 Employee-Management Relations Board for the duration of that



1 term unless he is removed before that date in the manner authorized
2 by law.

3 2. Any rules and regulations adopted by the Local Government
4 Employee-Management Relations Board that are in force on
5 June 30, 2003, remain in force until amended by the Public
6 Employee-Management Relations Board. Such regulations may be
7 enforced by the Public Employee-Management Relations Board.

8 3. Any contracts or other agreements entered into by the Local
9 Government Employee-Management Relations Board are binding
10 on and may be enforced by the Public Employee-Management
11 Relations Board.

12 **Sec. 83.7.** To the extent not inconsistent with the provisions of
13 this act, the rules and regulations of the Local Government
14 Employee-Management Relations Board that are in force on
15 June 30, 2003, apply to collective bargaining agreements between
16 the Executive Department as defined in section 3.1 of this act and
17 employees as defined in section 10 of this act entered into pursuant
18 to this act until the rules and regulations are amended by the Public
19 Employee-Management Relations Board. For the purposes of this
20 section, any reference in those rules and regulations to:

21 1. A local government employee shall be deemed to include an
22 employee as defined in section 10 of this act.

23 2. A local government employer shall be deemed to include the
24 Executive Department as defined in section 3.1 of this act.

25 **Sec. 84.** 1. This section and section 82 of this act become
26 effect upon passage and approval.

27 2. Sections 1 to 81, inclusive, 83, 83.3 and 83.7 of this act
28 become effective upon passage and approval for the purpose of
29 adopting regulations and on July 1, 2003, for all other purposes.

LEADLINES OF REPEALED SECTIONS

- 288.010 Short title.
- 288.025 "Administrative employee" defined.
- 288.027 "Bargaining agent" defined.
- 288.028 "Bargaining unit" defined.
- 288.033 "Collective bargaining" defined.
- 288.063 "Mediation" defined.
- 288.067 "Recognition" defined.
- 288.075 "Supervisory employee" defined.
- 288.230 Legislative declaration; illegality of strikes.
- 288.240 Injunctive relief against strike or threatened strike.



* A B 6 5 R 1 *

288.250 Punishment of employee organization, officer or employee by court for commencement or continuation of strike in violation of order.

288.260 Punishment of employee by employer for commencement or continuation of strike or violation in violation of court's order."

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