
ASSEMBLY BILL NO. 277—ASSEMBLYMEN FUMO, BILBRAY-AXELROD, JAUREGUI, ASSEFA; BACKUS, CARRILLO, GORELOW, MARTINEZ, MCCURDY, MUNK, NGUYEN, PETERS AND WATTS

MARCH 15, 2019

Referred to Committee on Education

SUMMARY—Requires school districts to establish, through negotiations with an employee organization, a program to increase the salaries of teachers and other employees. (BDR 34-1045)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 education; requiring each school district to establish, through negotiations with an employee organization, a program to encourage the recruitment and retention of licensed teachers and classified employees; requiring the board of trustees of each school district to reserve a certain amount of money to carry out the program; requiring the program to be included in the scope of collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the board of trustees of each school district to establish a
2 program of performance pay and enhanced compensation for the recruitment and
3 retention of licensed teachers and administrators. Existing law authorizes such a
4 program to include professional development. (NRS 391A.450) **Section 2** of this
5 bill requires each school district to establish, through negotiations with an
6 employee organization, a program to encourage the recruitment and retention of
7 licensed teachers and classified employees by increasing the salaries of all such
8 teachers and employees. **Section 3** of this bill requires the board of trustees of each
9 school district to reserve for each fiscal year an amount of money sufficient to
10 provide any agreed-upon increases in the salaries of licensed teachers and classified
11 employees prescribed in such a program. **Section 4** of this bill provides that the
12 program be within the scope of mandatory collective bargaining. **Section 5** of this



13 bill clarifies the manner in which the provisions of this bill apply to any existing
14 contracts.

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

1 **Section 1.** Chapter 391A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *Each school district shall, through negotiations with*
4 *an employee organization conducted pursuant to NRS 288.150,*
5 *establish a program to encourage the recruitment and retention of*
6 *licensed teachers and classified employees by increasing the salary*
7 *of each licensed teacher and classified employee by not less than 3*
8 *percent each year.*

9 **Sec. 3. 1.** *The board of trustees of each school district shall*
10 *reserve for each fiscal year an amount of money sufficient to carry*
11 *out each increase in the salary of a licensed teacher or classified*
12 *employee prescribed in the program established pursuant to*
13 *section 2 of this act.*

14 **2.** *Except as otherwise provided in subsection 3, the money*
15 *reserved by a board of trustees pursuant to subsection 1 must be:*

16 *(a) Accounted for separately by the school district.*

17 *(b) Used only to pay an increase in salaries in accordance with*
18 *section 2 of this act.*

19 **3.** *Any money reserved pursuant to subsection 1 for a fiscal*
20 *year that remains in the account established pursuant to*
21 *subsection 2 at the end of that fiscal year does not revert to the*
22 *general fund of the school district, but must be carried forward to*
23 *the next fiscal year.*

24 **4.** *Any money reserved pursuant to subsection 1 for a fiscal*
25 *year must not be subtracted from the operating expenses of the*
26 *school district for purposes of determining the budget of the*
27 *school district for any other fiscal year.*

28 **Sec. 4.** NRS 288.150 is hereby amended to read as follows:

29 288.150 1. Except as otherwise provided in subsection 4 and
30 NRS 354.6241, every local government employer shall negotiate in
31 good faith through one or more representatives of its own choosing
32 concerning the mandatory subjects of bargaining set forth in
33 subsection 2 with the designated representatives of the recognized
34 employee organization, if any, for each appropriate bargaining unit
35 among its employees. If either party so requests, agreements reached
36 must be reduced to writing.

37 **2.** The scope of mandatory bargaining is limited to:

38 **(a)** Salary or wage rates or other forms of direct monetary
39 compensation.



- 1 (b) Sick leave.
2 (c) Vacation leave.
3 (d) Holidays.
4 (e) Other paid or nonpaid leaves of absence consistent with the
5 provisions of this chapter.
6 (f) Insurance benefits.
7 (g) Total hours of work required of an employee on each
8 workday or workweek.
9 (h) Total number of days' work required of an employee in a
10 work year.
11 (i) Except as otherwise provided in subsections 6 and 10,
12 discharge and disciplinary procedures.
13 (j) Recognition clause.
14 (k) The method used to classify employees in the bargaining
15 unit.
16 (l) Deduction of dues for the recognized employee organization.
17 (m) Protection of employees in the bargaining unit from
18 discrimination because of participation in recognized employee
19 organizations consistent with the provisions of this chapter.
20 (n) No-strike provisions consistent with the provisions of this
21 chapter.
22 (o) Grievance and arbitration procedures for resolution of
23 disputes relating to interpretation or application of collective
24 bargaining agreements.
25 (p) General savings clauses.
26 (q) Duration of collective bargaining agreements.
27 (r) Safety of the employee.
28 (s) Teacher preparation time.
29 (t) Materials and supplies for classrooms.
30 (u) Except as otherwise provided in subsections 7, 9 and 10, the
31 policies for the transfer and reassignment of teachers.
32 (v) *The program to encourage the recruitment and retention of*
33 *licensed teachers and classified employees that must be made*
34 *available pursuant to section 2 of this act.*
35 (w) Procedures for reduction in workforce consistent with the
36 provisions of this chapter.
37 ~~(w)~~ (x) Procedures consistent with the provisions of
38 subsection 4 for the reopening of collective bargaining agreements
39 for additional, further, new or supplementary negotiations during
40 periods of fiscal emergency.
41 3. Those subject matters which are not within the scope of
42 mandatory bargaining and which are reserved to the local
43 government employer without negotiation include:
44 (a) Except as otherwise provided in paragraph (u) of subsection
45 2, the right to hire, direct, assign or transfer an employee, but



1 excluding the right to assign or transfer an employee as a form of
2 discipline.

3 (b) The right to reduce in force or lay off any employee because
4 of lack of work or lack of money, subject to paragraph ~~(v)~~ (w) of
5 subsection 2.

6 (c) The right to determine:

7 (1) Appropriate staffing levels and work performance
8 standards, except for safety considerations;

9 (2) The content of the workday, including without limitation
10 workload factors, except for safety considerations;

11 (3) The quality and quantity of services to be offered to the
12 public; and

13 (4) The means and methods of offering those services.

14 (d) Safety of the public.

15 4. Notwithstanding the provisions of any collective bargaining
16 agreement negotiated pursuant to this chapter, a local government
17 employer is entitled to:

18 (a) Reopen a collective bargaining agreement for additional,
19 further, new or supplementary negotiations relating to compensation
20 or monetary benefits during a period of fiscal emergency.
21 Negotiations must begin not later than 21 days after the local
22 government employer notifies the employee organization that a
23 fiscal emergency exists. For the purposes of this section, a fiscal
24 emergency shall be deemed to exist:

25 (1) If the amount of revenue received by the general fund of
26 the local government employer during the last preceding fiscal year
27 from all sources, except any nonrecurring source, declined by 5
28 percent or more from the amount of revenue received by the general
29 fund from all sources, except any nonrecurring source, during the
30 next preceding fiscal year, as reflected in the reports of the annual
31 audits conducted for those fiscal years for the local government
32 employer pursuant to NRS 354.624; or

33 (2) If the local government employer has budgeted an
34 unreserved ending fund balance in its general fund for the current
35 fiscal year in an amount equal to 4 percent or less of the actual
36 expenditures from the general fund for the last preceding fiscal year,
37 and the local government employer has provided a written
38 explanation of the budgeted ending fund balance to the Department
39 of Taxation that includes the reason for the ending fund balance and
40 the manner in which the local government employer plans to
41 increase the ending fund balance.

42 (b) Take whatever actions may be necessary to carry out its
43 responsibilities in situations of emergency such as a riot, military
44 action, natural disaster or civil disorder. Those actions may include



1 the suspension of any collective bargaining agreement for the
2 duration of the emergency.

3 ↪ Any action taken under the provisions of this subsection must not
4 be construed as a failure to negotiate in good faith.

5 5. The provisions of this chapter, including without limitation
6 the provisions of this section, recognize and declare the ultimate
7 right and responsibility of the local government employer to manage
8 its operation in the most efficient manner consistent with the best
9 interests of all its citizens, its taxpayers and its employees.

10 6. If the sponsor of a charter school reconstitutes the governing
11 body of a charter school pursuant to NRS 388A.330, the new
12 governing body may terminate the employment of any teachers or
13 other employees of the charter school, and any provision of any
14 agreement negotiated pursuant to this chapter that provides
15 otherwise is unenforceable and void.

16 7. The board of trustees of a school district in which a school is
17 designated as a turnaround school pursuant to NRS 388G.400 or the
18 principal of such a school, as applicable, may take any action
19 authorized pursuant to NRS 388G.400, including, without
20 limitation:

21 (a) Reassigning any member of the staff of such a school; or

22 (b) If the staff member of another public school consents,
23 reassigning that member of the staff of the other public school to
24 such a school.

25 8. Any provision of an agreement negotiated pursuant to this
26 chapter which differs from or conflicts in any way with the
27 provisions of subsection 7 or imposes consequences on the board of
28 trustees of a school district or the principal of a school for taking
29 any action authorized pursuant to subsection 7 is unenforceable and
30 void.

31 9. The board of trustees of a school district may reassign any
32 member of the staff of a school that is converted to an achievement
33 charter school pursuant to NRS 388B.200 to 388B.230, inclusive,
34 and any provision of any agreement negotiated pursuant to this
35 chapter which provides otherwise is unenforceable and void.

36 10. The board of trustees of a school district or the governing
37 body of a charter school or university school for profoundly gifted
38 pupils may use a substantiated report of the abuse or neglect of a
39 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366
40 obtained from the Statewide Central Registry for the Collection of
41 Information Concerning the Abuse or Neglect of a Child established
42 by NRS 432.100 or an equivalent registry maintained by a
43 governmental agency in another jurisdiction for the purposes
44 authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or
45 391.281, as applicable. Such purposes may include, without



1 limitation, making a determination concerning the assignment,
2 discipline or termination of an employee. Any provision of any
3 agreement negotiated pursuant to this chapter which conflicts with
4 the provisions of this subsection is unenforceable and void.

5 11. This section does not preclude, but this chapter does not
6 require, the local government employer to negotiate subject matters
7 enumerated in subsection 3 which are outside the scope of
8 mandatory bargaining. The local government employer shall discuss
9 subject matters outside the scope of mandatory bargaining but it is
10 not required to negotiate those matters.

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

13 13. As used in this section:

14 (a) "Abuse or neglect of a child" has the meaning ascribed to it
15 in NRS 392.281.

16 (b) "Achievement charter school" has the meaning ascribed to it
17 in NRS 385.007.

18 **Sec. 5.** 1. The provisions of section 2 of this act apply to any
19 contract existing on July 1, 2019, to the extent that the provisions of
20 section 2 of this act do not conflict with the terms of such a contract
21 and to the extent that a conflict exists, the provisions of the contract
22 control.

23 2. A school district is not required to begin reserving money
24 pursuant to section 3 of this act until July 1, 2020.

25 **Sec. 6.** This act becomes effective on July 1, 2019.

