
SENATE BILL NO. 337—SENATOR OHRENSCHALL

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Adopts a majority-of-the-votes-cast standard for determining the winner of certain elections conducted by the Local Government Employee-Management Relations Board. (BDR 23-1020)

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

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

AN ACT relating to collective bargaining; adopting a majority-of-the-votes-cast standard for determining the winner of certain elections conducted by the Local Government Employee-Management Relations Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each local government employer to engage in collective
2 bargaining with the recognized employee organization, if any, for each appropriate
3 bargaining unit among its employees. (NRS 288.150) Existing law authorizes the
4 Local Government Employee-Management Relations Board to conduct an election
5 if it in good faith doubts whether an employee organization is supported by a
6 majority of the local government employees in a bargaining unit. (NRS 288.160)
7 Under existing regulations, an employee organization will be considered the
8 exclusive bargaining agent for employees within a bargaining unit, pursuant to such
9 an election, if, among other requirements, the election demonstrates that the
10 employee organization is supported by a majority of the employees within the
11 particular bargaining unit. (NAC 288.110) This bill adopts a majority-of-the-votes-
12 cast standard for such elections, meaning that to win such an election an employee
13 organization must receive a majority of the votes cast in the election.



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

1 **Section 1.** NRS 288.160 is hereby amended to read as follows:

2 288.160 1. An employee organization may apply to a local
3 government employer for recognition by presenting:

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

8 ↪ A local government employer shall not recognize as
9 representative of its employees any employee organization which
10 has not adopted, in a manner valid under its own rules, the pledge
11 required by paragraph (c).

12 2. If an employee organization, at or after the time of its
13 application for recognition, presents a verified membership list
14 showing that it represents a majority of the employees in a
15 bargaining unit, and if the employee organization is recognized by
16 the local government employer, it shall be the exclusive bargaining
17 agent of the local government employees in that bargaining unit.

18 3. A local government employer may withdraw recognition
19 from an employee organization which:

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

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

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

27 (d) Fails to negotiate in good faith with the local government
28 employer,

29 ↪ if it first receives the written permission of the Board.

30 4. If the Board in good faith doubts whether any employee
31 organization is supported by a majority of the local government
32 employees in a particular bargaining unit, it may conduct an election
33 by secret ballot upon the question. Subject to judicial review, the
34 decision of the Board is binding upon the local government
35 employer and all employee organizations involved. *If an employee
36 organization receives a majority of the votes cast in any election
37 held pursuant to this subsection, that employee organization shall
38 be deemed the exclusive bargaining agent of the local government
39 employees in that bargaining unit.*

40 5. The parties may agree in writing, without appealing to the
41 Board, to hold a representative election to determine whether an
42 employee organization represents the majority of the local



1 government employees in a bargaining unit. Participation by the
2 Board and its staff in an agreed election is subject to the approval of
3 the Board. *If an employee organization receives a majority of the*
4 *votes cast in any election held pursuant to this subsection, that*
5 *employee organization shall be deemed to represent the majority*
6 *of the local government employees in the bargaining unit.*

7 **Sec. 2.** Any regulations adopted by the Local Government
8 Employee-Management Relations Board that conflict with the
9 provisions of section 1 of this act are void.

10 **Sec. 3.** This act becomes effective on July 1, 2019.

