

Senate Bill No. 251—Senator Flores

CHAPTER.....

AN ACT relating to school districts; revising provisions governing the authority of a large school district to negotiate certain conditions of employment; revising provisions governing mandatory subjects of collective bargaining relevant to school districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a local government employer, which includes a school district, to enter into a collective bargaining agreement with an employee organization and requires the employer to negotiate in good faith concerning certain subjects, including policies for the transfer and reassignment of teachers and procedures for a reduction in workforce. (NRS 288.060, 288.150, 388G.610) **Section 2** of this bill adds policies for the transfer and reassignment of employees of a school district who are not teachers to the mandatory scope of collective bargaining for a local government employer. **Section 2** provides that the mandatory scope of collective bargaining with respect to policies for the transfer and reassignment of employees of a school district includes policies for the transfer and reassignment of employees of a large school district: (1) during or in response to a reduction in workforce; or (2) in a surplus situation, which is defined as an event that occurs when the services of one or more employees are no longer needed at their current worksite on a temporary or permanent basis due to certain circumstances.

Existing law requires the superintendent of a large school district to transfer to each local school precinct the authority to select the teachers, administrators other than the principal and other staff that work under the direct supervision of the principal of the local school precinct, but provides that the large school district remains responsible for negotiating the salaries, benefits and other conditions of employment of administrators, teachers and other staff necessary for the operation of the local school precinct. (NRS 388G.610) **Section 1** of this bill provides that, despite the transfer of certain authority to carry out responsibilities to a local school precinct, a large school district remains responsible for negotiating the policies for the transfer and reassignment of employees of the school district, including policies that provide placement rights to employees affected by surplus situations and during or in response to a reduction in workforce.

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

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

Section 1. NRS 388G.610 is hereby amended to read as follows:

388G.610 1. Except as otherwise provided in this section, the superintendent shall transfer authority to each local school precinct



to carry out responsibilities in accordance with this section and the plan of operation approved for the local school precinct.

2. The superintendent shall transfer to each local school precinct the authority to carry out the following responsibilities:

(a) ~~§~~ *Except as otherwise provided in subsection 3 and NRS 288.150, the selection* for the local school precinct of the:

- (1) Teachers;
- (2) Administrators other than the principal; and
- (3) Other staff who work under the direct supervision of the principal.

(b) Direct the supervision of the staff of the local school precinct, including, without limitation, taking any necessary disciplinary action which does not involve a violation of law or which does not require an investigation to comply with the law.

(c) Procure such equipment, services and supplies as the local school precinct deems necessary or advisable to carry out the plan of operation for the local school precinct. Equipment, services and supplies may be procured from the large school district in which the local school precinct is located or elsewhere, but such procurement must be carried out in accordance with the applicable policies of the large school district.

(d) Develop a balanced budget for the local school precinct for the use of the money allocated to the local school precinct, which must include, without limitation, the manner in which to expend any money not used for the purposes described in paragraphs (a), (b) and (c).

(e) Any other responsibility for which authority is transferred pursuant to subsection 7.

3. Except as otherwise provided in subsection 7, a large school district shall remain responsible for paying for and carrying out all other responsibilities necessary for the operation of the local school precincts and the large school district which have not been transferred to the local school precincts pursuant to subsection 2, including, without limitation, responsibility for:

(a) Negotiating the salaries, benefits and other conditions of employment of administrators, teachers and other staff necessary for the operation of the local school precinct ~~§~~ *and the large school district, including, without limitation, negotiating pursuant to NRS 288.150 the policies for the transfer and reassignment of employees, including, without limitation, policies that provide placement rights to employees affected by surplus situations or during or in response to a reduction in workforce;*

(b) Transportation services;



- (c) Food services;
- (d) Risk management services;
- (e) Financial services, including payroll services;
- (f) Qualifying employees for any position within the large school district;
- (g) Services to promote and ensure equity and diversity;
- (h) Services to ensure compliance with all laws relating to civil rights;
- (i) Identification, evaluation, program placement, pupil assignment and other services provided to pupils pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations adopted pursuant thereto;
- (j) Legal services;
- (k) Maintenance and repair of buildings;
- (l) Maintenance of the grounds of the local school precinct;
- (m) Custodial services;
- (n) Implementation of the master plan developed for English learners;
- (o) Internal audits;
- (p) Information technology services;
- (q) Police services;
- (r) Emergency management services;
- (s) Carrying out state mandated assessments and accountability reports;
- (t) Capital projects; and
- (u) Utilities.

4. To the greatest extent possible, the principal of a local school precinct shall select teachers who are licensed and in good standing before selecting substitutes to teach at the local school precinct. The principal, in consultation with the organizational team, shall make every effort to ensure that effective licensed teachers are employed at the local school precinct.

5. If a large school district is unable to provide any necessary maintenance or repair of the buildings or grounds of a local school precinct in a timely manner, the large school district must, at the expense of the large school district, procure any equipment, services and supplies necessary from another entity or business to provide such maintenance or repair for the local school precinct or take any other necessary action.

6. To the extent that any member of the staff of central services is assigned to provide services at a local school precinct on a



temporary or permanent basis, the decision regarding the assignment and any subsequent reassignment of the member of the staff must be made in consultation with the principal of the local school precinct and the school associate superintendent.

7. On or before January 15 of each year, the superintendent shall determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 to recommend transferring to one or more local school precincts. Such authority may include the authority to carry out any of the responsibilities listed in subsection 3 which is not prohibited by law, other than the responsibility for capital projects, if it is determined that transferring the authority will serve the best interests of the pupils. The recommendation to transfer authority to one or more local school precincts must be submitted for approval by the board of trustees of the large school district. The board of trustees of the large school district shall consider such a recommendation and determine whether to approve the transfer of additional authority at its next regularly scheduled meeting if submitted within 5 working days before the next regularly scheduled meeting and otherwise the recommendation shall be considered at the following meeting.

8. If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection 7, the large school district must allocate additional money to the local school precinct in an amount equal to the amount that would otherwise be paid by the large school district to carry out the responsibility.

9. As used in this section, "surplus situation" has the meaning ascribed to it in NRS 288.150.

Sec. 2. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

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

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.



- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of ~~teachers~~ *employees of a school district, including, without limitation, policies for the transfer and reassignment of employees of a large school district:*
 - (1) In a surplus situation; or*
 - (2) During or in response to a reduction in workforce.*
- (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
- (w) Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

- (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but



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

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

(c) The right to determine:

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

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

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

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

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

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

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

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



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

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

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

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

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

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

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

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

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.



11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

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

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

14. As used in this section [~~“abuse”~~]:

(a) “*Abuse* or neglect of a child” has the meaning ascribed to it in NRS 392.281.

(b) “*Large school district*” has the meaning ascribed to it in NRS 388G.530.

(c) “*Surplus situation*” means an event that occurs when the services of one or more employees are no longer needed at their current worksite on a temporary or permanent basis, due to:

(1) A change in pupil enrollment in a large school district, an area of a large school district or one or more local school precincts;

(2) A change in a pupil-staff allocation formula; or

(3) A change in the academic needs of pupils throughout a large school district, in an area of a large school district or in one or more local school precincts.

Sec. 3. This act becomes effective on July 1, 2023.

