

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-Second Session
March 9, 2023**

The Committee on Government Affairs was called to order by Vice Chair Bea Duran at 9:03 a.m. on Thursday, March 9, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Selena Torres, Chair
Assemblywoman Bea Duran, Vice Chair
Assemblyman Max Carter
Assemblyman Reuben D'Silva
Assemblyman Rich DeLong
Assemblywoman Cecelia González
Assemblyman Bert Gurr
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblyman Richard McArthur
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Sarah Peters, Assembly District No. 24



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Kevin C. Powers, General Counsel
Judi Bishop, Committee Manager
Diane Abbott, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Brian Lee, Executive Director, Nevada State Education Association
Erica Nungaray, Education Support Professional At-Large, Nevada State Education Association
Kerri Finn, President, Carson Educational Support Association
Andrea Kelly, President, Humboldt County Support Staff Organization
Randy Soltero, representing Education Support Employees Association; and American Federation of State, County and Municipal Employees
Fran Almaraz, representing Teamsters Local 14
Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO
Todd Ingalsbee, President, Professional Fire Fighters of Nevada
Richard P. McCann, representing Nevada Association of Public Safety Officers
Jan Giles, President, Education Support Employees Association
Terri Shuman, Private Citizen, Las Vegas, Nevada
Autumn Tampa, Private Citizen, Las Vegas, Nevada
Jason Gateley, Vice President, Teamsters Local 14
Misty Olmos, Paraprofessional Director, Education Support Employees Association
Fred Horvath, Secretary-Treasurer, Teamsters Local 14
Anthony Boone III, Private Citizen, North Las Vegas, Nevada
Jacqueline Anderson, Private Citizen, Henderson, Nevada
Marlene Lockard, representing Service Employees International Union Local 1107
Tina M. Leiss, Executive Officer, Nevada Public Employees' Retirement System
Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber
Wiz Rouzard, Community Engagement Director, Americans for Prosperity-Nevada
Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance
Douglas Unger, University of Nevada, Las Vegas, Chapter President; and Government Affairs Representative, Nevada Faculty Alliance
Christopher Sinclair, Secretary-Treasurer, American Association of University Professors, Washington, D.C.
Michael Piccinelli, Attorney, American Federation of Teachers, Washington, D.C.
Maryanne Salm, Deputy Director, Research and Strategic Initiatives, American Federation of Teachers, Washington, D.C.
Jim New, President, Truckee Meadows Community College-Nevada Faculty Alliance Chapter Local 6766

Amy Cavanaugh, Faculty Senate Chair, Truckee Meadows Community College

John Nolan, Private Citizen, Reno, Nevada

Scott Huber, Private Citizen, Reno, Nevada

Paul Catha, representing Culinary Workers Union Local 226

Edward Goodrich, representing International Alliance of Theatrical Stage Employees
Local 363

John Abel, Director, Governmental Affairs, Las Vegas Police Protective Association

Marlene Rebori, Private Citizen, Reno, Nevada

Alex Milham, Private Citizen, Reno, Nevada

Tessyn Opferman, representing American Federation of State, County and Municipal
Employees, Retirees

Terri Laird, Executive Director, Retired Public Employees of Nevada

Laekyn Kelley, Private Citizen, Las Vegas, Nevada

Troyce Krumme, Vice Chair, Las Vegas Police Managers and Supervisors
Association

Ted Chodock, President, College of Southern Nevada-Nevada Faculty Alliance
Chapter

Patricia Vazquez, Private Citizen, Las Vegas, Nevada

Krista Diamond, Private Citizen, Las Vegas, Nevada

Glynda White, Private Citizen, Las Vegas, Nevada

Luis Ortega, Private Citizen, Las Vegas, Nevada

Jordyn Sanders, Private Citizen, Las Vegas, Nevada

Christine Bergman, Private Citizen, Las Vegas, Nevada

Laura Naumann, Private Citizen, Las Vegas, Nevada

Steve Soltz, Private Citizen, Las Vegas, Nevada

Shantal Marshall, Private Citizen, Henderson, Nevada

Ambree Schoetker, Private Citizen, Las Vegas, Nevada

Alejandro Rodriguez, Director, Government Relations, Nevada System of Higher
Education

Bruce K. Snyder, Commissioner, Government Employee-Management Relations
Board

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

Vice Chair Duran:

[Roll call was taken. Committee rules and protocols were given.] I will now open the hearing on Assembly Bill 222. Assemblyman Carter, you may begin when you are ready.

Assembly Bill 222: Makes changes to the computation of credit for service for certain members of the Public Employees' Retirement System. (BDR 23-752)

Assemblyman Max Carter, Assembly District No. 12:

I am here today to present Assembly Bill 222. This is another bill about schools. As we all know, there are big headline things that splash all the time regarding schools in Nevada, everything from outrageous executive compensation at the top of the ladder to schoolteachers having to pay for supplies out of their own pocket. All those things catch the big things and

make it into the news. I am here today to talk about the yeomen, the people who show up every day to help our kids through the education process. We are talking about education support professionals, people like the attendance clerk in the front office. We are talking about the custodians, whom all of us who have had children know that sometimes is that link that your child has to the bigger establishment of the school. It is talking about paraeducators, those people who really give more than we realize when we have a child with disabilities whom the district is mainstreaming. They are helping the student to navigate the system. The security guards, the technical services, the bus drivers; and I want to make it clear the people we are talking about here are full-time employees.

There has been fearmongering put out there by a couple of policy institutes claiming that this bill is about giving part-time employees full benefits. No, this is about full-time employees whom the system, for some reason, has been miscalculating or there is a deficit in the statute. We are still working on that. What we are talking about primarily are the people I just mentioned, education support professionals (ESPs) who work in a nine-month school. The teachers who work in that school whom they work with and help facilitate the education are full-time employees. The teachers are receiving a full pension credit in the Nevada Public Employees' Retirement System (PERS), as is proper because they are full-time employees. The ESPs are only receiving approximately 75 percent, sometimes 80 or 90 percent of a pension credit every year as if they were part-time employees, but they are not. They are full-time employees who are not eligible to draw unemployment during the summer break.

What we are trying to do here is correct an inequity in the system and create parity across the board for these full-time employees. I know I have said that a lot. It really irritates me when people denigrate these people who are working, facilitating the education of our students, of our children, by trying to paint them as part-time employees. They are not. With that, I am going to turn this over to Chris Daly to walk us through the bill, and we will go from there.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

First, the Nevada State Education Association (NSEA) would like to thank Assemblyman Max Carter for sponsoring and introducing A.B. 222. This bill is intended to correct an inequity in the computation of credit for service for school district employees in the public employment retirement system [[Exhibit C](#)]. Specifically, many education support professionals in PERS report not receiving a full year of service credit even though they work a job that is comparable in hours to teacher members of the system who do receive a full year of service credit. Education support professionals (ESPs) are the backbone of our public education system, keeping schools running while ensuring students are safe, healthy, and ready to learn. Education support professionals include paraprofessionals, bus drivers, nutrition workers, custodians, information technology workers, clinical aides, administrative assistants, library aides, and building and grounds maintenance employees. While critical to

the operation of schools, education support professionals tend to be at the bottom of district pay scales with some ESPs making as little as \$11 an hour, and an overwhelming majority making less than a living wage. Last year, for example, over 1,600 Clark County School District employees, mostly ESPs, were enrolled in Medicaid.

Education support professionals usually reflect the Nevada communities they serve, and about half of ESPs across the state are people of color. Far too often when thinking about our schools, education support professionals are relegated or forgotten. For example, Nevada has a teacher recruitment-retention task force, yet there are hundreds upon hundreds of education support professional vacancies right now. There is a bill here in the Assembly to create an advisory committee on teacher safety. Two of the most vulnerable positions in schools are specialized program teaching assistants and bus drivers, both ESP positions. Yesterday, the Senate Majority Leader introduced the bill for educator raises, leaving out about half of all ESPs in the state. In contract negotiations, it is not uncommon for a school district to bargain with the teacher unit first, and then they say they have less available when bargaining with the ESP unit. For years, NSEA has heard from education support professionals about this inequity in the computation of service credit under PERS. As an example, you could have a paraprofessional in the same classroom as a teacher, working with the same students, during the same hours. At the end of the year, that teacher earns a full year of service credit while that paraprofessional ends up somewhere between 75 percent and 90 percent of a year.

I have submitted in this exhibit [page 2, [Exhibit C](#)], a PERS report for a full-time specialized programs teaching assistant in the Clark County School District. While working full time for five years between 2018 and 2022, this employee has accrued less than four and a half years of service while her teacher colleague accrued the full five years. I will submit this. I just received it. It is a paraprofessional from the Carson City School District who has worked over 23 years but has accrued only about 19 years of service credit. Nevada State Education Association has very much appreciated our conversations with PERS about this issue, and our understanding of the cause of this discrepancy is evolving. While initially we thought the issue had to do with the definition of working the full school year, which the original language of A.B. 222 is based upon, we now believe it is related to the total hours worked in a workday. Either way, we are optimistic we can reach agreement on amended language in A.B. 222 that addresses the issue of inequity in the computation of service credit and is fair to all parties. I believe we are also joined by NSEA Executive Director Brian Lee down in Las Vegas should the Committee have any questions.

[Assemblywoman Torres assumed the Chair.]

Chair Torres:

At this time, I will go ahead and open it to any members who have questions.

Assemblyman DeLong:

I hear that you are being very emphatic about this only covering full-time employees, which I can understand, but then I look at the language on page 2, line 23 of the bill, which uses the term "on-call basis," and at least in the private sector, the term "on-call" basis implies a very part-time position. If you could clarify that for me, I would appreciate it.

Brian Lee, Executive Director, Nevada State Education Association:

The language, as we said, is evolving. The language that included "on-call" was based upon initial conversations with our members concerning what we believed the problem to be. We have now met with Nevada PERS, and we believe there will be amended language that will not cite "on-call" employees but will instead deal with the number of hours an employee works in a day. Whether that applies to an on-call employee or not depends upon how often they would work. As was presented, the language is evolving, and we hope to have amended language soon.

Assemblyman DeLong:

I appreciate that clarification. So, you are talking about hours worked per day? Is there still going to be the months-per-year stipulation so that it is equivalent to what teachers do, or is it just going to be looking at how much someone works during the day?

Brian Lee:

We will be looking at the nine months as within existing law. It refers to nine months as working a full-time schedule. Working nine months is needed for one year of PERS credit, so there will likely be some citation to nine months for those nine-month employees.

Chris Daly:

Section 2, subsection 2 has a multiplier of one and one-third. I think the language within the bill will probably remain in any amendment that comes forward.

Assemblywoman Taylor:

I have a question in terms of recruitment. Assemblyman Carter, you mentioned some important positions in the district, such as bus drivers, teacher aides, and special education assistants. Mr. Daly, you have a statewide presence, but what do you know about the vacancy rates in these positions? Is this issue having any kind of an impact on those positions that you can share with the Committee?

Chris Daly:

I will start with bus drivers and, Assemblywoman Taylor, when you were the Washoe County School District president, you dealt with a shortage of bus drivers in the district. It was severe, not just in Washoe and Clark Counties but in rural districts as well. There have been many changes that boards of trustees have had to make to transportation, and that bus driver shortage issue is real and will likely continue. There are shortages across job classes, though. We talk about and see the headlines around the teacher vacancies, but there are literally hundreds upon hundreds, it might approach a thousand vacancies, in the ESP positions currently in the middle of the school year. It is serious.

I think the causes are numerous. Obviously, compensation is a leading cause. Work conditions also impact that. We will hear from some education support professionals during public comment. In this item, there is an overall feeling of disrespect. As an ESP, if you review your retirement, you see that you basically worked the same as your teacher colleague and you are only getting a percentage of that service credit. That speaks to this ongoing issue of feeling like you are second class, and that certainly is a job morale issue and ultimately a retention issue. Strong retirement benefits are one of the reasons to work in the public sector. We are very fond of PERS generally, but I think that if this issue gets remedied, it will help.

Assemblyman Koenig:

I have more of a comment than a question. I want to share an experience I had being on the Churchill County school board and having been president of the Nevada Association of School Boards. I do feel that the classified employees were always treated as second-class citizens. There were multiple times when we were in a severe budget crunch when the proposal was brought forth to go to a four-day workweek where the teachers would still maintain their same salaries, but all the classified employees would take a 20 percent pay cut. We never had to go to that, but it was proposed and argued for quite strongly. The teachers could not do their job without the classified employees, and to treat those employees as second class, I do not think was fair. I think this is equitable. Thank you for bringing this forward.

Assemblywoman González:

As an educator, I really appreciate this bill. I see those real-life conversations. I have two questions. One, do you think this would help with retention and recruitment in the long run and help fill those vacancies? Then number two—I do not think it was clear just by the language—would this include substitute teachers?

Chris Daly:

In response to Assemblywoman González's question, I do think it would help with retention. Honestly, with recruitment, I think it might be a little technical to have a big impact on recruitment, but I think it would help with educator retention. Retirement is something that you tend to start paying more attention to mid-career and towards the end of your career as opposed to when you are younger. You do not think you are ever going to get older, and you do. It happens to the best of us. In terms of substance, teachers know this language is written to impact members of PERS. Currently, substitute teachers are not members of PERS, so it would not impact substitute teachers, with the caveat that there are substitute teachers who are long-term who end up becoming full-time teachers. Of course, those do become members of PERS, but this language would not impact them, as teachers are already accruing a full year of service credit for the school year worked.

Assemblywoman Thomas:

When does this become effective? I do not see that here in the bill.

Assemblyman Carter:

This is one of those issues where the more we dig into it, the more complicated it gets, so I am not sure at this point when this would become effective.

Chair Torres:

Assemblyman Carter, our Legal Division counsel, Kevin Powers, is here and can help answer that question.

Kevin C. Powers, General Counsel:

There is a general statute that applies to all legislation that if a specific effective date is not specified in the bill, the effective date would be the October 1 following the end of the legislative session. However, I would recommend, since the Committee would be considering amendments, because this bill would affect the school year, the effective date should be potentially July 1, 2023, to make it take effect before the next school year begins. I would also like to make it clear as well that there is a presumption of prospective application to all legislation, and that this legislation will only apply prospectively beginning on its effective date. This legislation would not affect the calculation of service credit in prior years served by these types of employees.

Assemblyman D'Silva:

As you know, I have to take a leave of absence as a teacher from the Clark County School District to serve here. I have a substitute teacher now on special assignment who is now doing a five-month stint there with the school district. My question is, would these retirement benefits actually help an individual like that who has taken on the long-term position, almost a full-time position in some ways, in this type of situation where a substitute teacher is taking a five-, six-, or eight-month gig?

Assemblyman Carter:

We are not addressing substitute teachers. This bill is not addressing that situation at all. As stated earlier, if the position that person is filling turns over into a full-time position, yes it might, but right now, that person you just described as a substitute teacher is not what we are discussing with this bill.

Chair Torres:

I would encourage legislators who are interested in the topic to possibly consider this for future legislation because it is an issue that is impacting our education system. Are there any other questions from Committee members? Alright then, at this time, I will go ahead and invite those wishing to testify in support of A.B. 222. I will remind everyone that you will have two minutes to speak, and if someone ahead of you says exactly what you were going to say, please feel free to just say "ditto" or "what he said," and we will get that reflected on the record.

Erica Nungaray, Education Support Professional At-Large, Nevada State Education Association:

I am an education support professional in the Clark County School District and serve as the ESP at-Large for NSEA, which has been discussing the issue of respecting educators quite a bit this session and with good reason. One reason is we have a severe shortage of education support professionals to make our schools run. With pay as low as \$11 per hour in some counties, we simply cannot find employees to do these jobs, and that is a shame. Education support professionals make our schools run. It is that simple. It does not matter what our job title is. Our goal is the same: making sure that our students have a great school day every day and get the best education possible. With low pay, safety concerns, and unfair retirement options, these positions are not competitive. People leave and do not come back, if they ever start the job to begin with. We would like to say you cannot spell respect without the letters E, S, and P. What do "respect" and "educator" really mean? It means fair compensation, being treated well, and having the ability to retire from a profession we love.

That brings me to Assembly Bill 222. Assembly Bill 222 levels the playing field between certified and classified employees in our school districts. It is one step to making the job of an ESP competitive again. Assembly Bill 222 would allow ESPs to receive a full year of PERS service credit for working at least nine months of the school year. As you have heard, unlike certified employees, ESPs do not receive the same benefit. I am someone who would benefit from the passage of A.B. 222 as my full-time status has not been calculated the same as other district employees whom I am with the entire day as we work to ensure our kids have a great education. Assembly Bill 222 seeks to correct this inequity. Education support professionals play a vital role each and every day inside and outside of the classroom. We are often the first person to greet our students each morning and the last ones to say goodbye for the day. From start to finish, ESPs are there. We deserve respect, and respect means passing bills like Assembly Bill 222. I urge your support.

Kerri Finn, President, Carson Educational Support Association:

I am an education support professional at Pioneer Academy in Carson City and the president of the Carson Educational Support Association. I am speaking in support of A.B. 222. We like to say that education support professionals, or ESPs, are the backbone of our public education system. It does not matter what the job title is. Our end goal is the same: making sure that our students are healthy, safe, and academically successful. You will recall that early on in the pandemic, ESPs were hailed as heroes and essential. We were then, and we still are now. We came into our schools to ensure Nevada's students were fed, our teachers were supported as they worked remotely, and we made sure that our students had Wi-Fi access as we drove Wi-Fi-enabled school buses around our communities to support the students. These tasks are integral to a functioning district.

Pandemic or not, retention and recruitment are just as important with the ESPs. The educator shortage we hear about every day includes a shortage of ESPs throughout the state as well. Some of our staff work for as little as \$11 per hour. We cannot simply focus on certified staff. Our classified workers are just as important, and we must take actions to make this a job people want to have and keep until retirement. The way the law stands right now is

discriminatory towards all education support professionals. Assembly Bill 222 would allow ESPs to receive a full year of PERS service for working at least nine months of the school year. Changing the current practice of offering partial credit to ESPs would provide an excellent incentive to attract and retain employees in Nevada school districts. As ESPs, we need to be treated fairly. Each day and every day we play a vital role inside and outside of our classrooms.

In closing, education support professionals deserve respect. Assembly Bill 222 seeks to even the playing field and remove this inequity. Respect all educators. I urge your support of Assembly Bill 222.

Andrea Kelly, President, Humboldt County Support Staff Organization:

Education support professionals play a vital role inside and outside of our classrooms and keep our schools running while ensuring students are safe, healthy, and ready to learn. There is a shortage of ESPs in Nevada with hundreds of vacancies statewide. We believe that A.B. 222 is about respect, fairness, and also the recruitment and retention of education support professionals who are the backbone of our school districts. Assembly Bill 222 aims to level the playing field between certified and classified employees in Nevada school districts, ensuring that 9- to 11-month education support professionals accrue a full year of PERS service credit each school year. Paraprofessionals working side by side with the teacher for the school year should receive the same service credit towards their retirement.

Fair is fair. If we calculate a 50-year-old teacher at 9 months for 10 years, or 122 months, and she has paid for the entire 12 months of PERS, in comparison to a 9-month classified educational support staff employee with 10 years and only 9 months paid per the 12-month year, it would take the support staff employee 2.5 years longer to reach those 10 years.

Is this how we thank these hardworking individuals? Our ESPs are paying close attention to your answer. Please tell them they are valued and worthy of A.B. 222 being passed. Fast food restaurants blink signs and promise \$18 per hour to start, which is \$3 an hour more than some of our ESPs' beginning salaries in Humboldt County School District. Let us give them an incentive to stay. We cannot afford to lose any more great people.

Randy Soltero, representing Education Support Employees Association:

I will keep my comments brief because there are folks down in Las Vegas who belong to this organization and work these jobs every day. I would rather you hear from them. Education Support Employees Association is in full support of A.B. 222.

Fran Almaraz, representing Teamsters Local 14:

I represent the custodians and bus drivers in the Clark County School District, and I urge your support of this bill. They deserve to have less time that they have to put in before retirement.

Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO:

I echo the previous comments, and we are in support of Assembly Bill 222.

Todd Ingalsbee, President, Professional Fire Fighters of Nevada:

We are in full support of this. My kids are in the public school system. These folks who are up here speaking before me truly are the backbone. We talk about how important education is and making our school system better. This is where it starts because we need to invest in those who take care of our kids and build the next leadership and people who are going to be sitting in your seat someday, in my seat someday.

Richard P. McCann, representing Nevada Association of Public Safety Officers:

Very quickly, this is fair. It is just fair. I mean, we do not pay these people enough, so retirement is really important to them. That is what this is all about. I ditto everything everybody else has said.

Chair Torres:

I think at this time we will go ahead and go down to Las Vegas for those wishing to testify in support.

Jan Giles, President, Education Support Employees Association:

Jointly with the Teamsters, we represent 13,000 support professionals who work in the Clark County School District (CCSD). I have worked for Clark County for over 26 years, and fortunately for a majority of those years, I will receive a full year's PERS credit for each year. Unfortunately, there are over 9,000 CCSD employees who do not earn a full year's credit. A nine-month, seven-hour employee will need to work 32.7 years to retire with 30 years PERS credit. These employees work side by side with teachers who also work nine months and they earn a full year's credit. Why are support professionals treated with such disparity?

Nine-month employees are the lowest-paid employees in the district, making poverty wages. The average median wage for a nine-month employee is \$21,000 per year. A majority of these employees work second jobs to supplement the low wages and unpaid days during school breaks and summer. Due to the social security windfall provisions, these employees will not receive full retirement benefits from these positions either. Clark County School District has over 700 unfilled professional support positions. These positions are vital to running healthy schools and to provide the highest level of education to Clark County students. Clark County students deserve the best education we can provide. We cannot accomplish this without compensating ESPs with adequate wages and benefits.

The Clark County School District cannot retain these employees. They currently have a 20 percent turnover rate with new nine-month employees. After these new employees start, they realize they cannot afford to work for CCSD, so they end up leaving the district. We must stop this revolving door. Assembly Bill 222 would strengthen our retention problem. Please support A.B. 222.

Terri Shuman, Private Citizen, Las Vegas, Nevada:

Today, I will be speaking on A.B. 222. Support staff employees at CCSD are extremely hard workers. We are often asked to do things our teachers would never dream of doing. Currently, we are between 500-700 support staff employees short, meaning that our small

groups and our school classes cannot be addressed. Our one-on-ones are specialized programs teacher assistant (SPTA) students, or special needs students, and are not getting the services they desire or need, and many other things are being undone.

I want to share with you a scenario that has happened to me. For four years straight I was surplus, meaning that through no problem of my own, I was placed in a different position. This was not due to my work ethic. My titles were awesome, such as Shania Kids Can Club, Gaining Early Awareness and Readiness for Undergraduate Programs, and other things that were eliminated through no fault of ours. So, my hours went from eight to seven, back to eight, and then down to seven. If A.B. 222 had been passed at this time, I would still be able to receive my full PERS, but because I was on a Ferris wheel ride of up, down, up, down, now I am short. I have been placed in a position now where I am very close to retirement.

Tomorrow, I celebrate my seventeenth anniversary in the school district, and I would like to see this A.B. 222 passed so this does not happen to anybody else. We deserve our PERS, and I would appreciate your yes vote.

Autumn Tampa, Private Citizen, Las Vegas, Nevada:

I am an education support professional, and I am just overwhelmed with wonderful feelings of all the support here. I am not going to repeat all the things that people have said about the 12,000 employees and that kind of thing, but I am going to tell you that a couple of years ago I went to check on what my retirement would be and what would happen. I was devastated. I found out that, number one, half of my social security money would be taken away because I am working for the district, and then I got the calculations on my PERS and found out I was not getting full credits.

In most of my jobs I have worked alongside a teacher. I am a literacy language intervention specialist, and I work with a teacher every day with all of the same students, all day long, doing the same exact job that she is doing as far as tutoring English language learners. I am not getting the full credit that she is getting. I am only getting nine months, which means I am going to have to work harder and longer, and I am going to make less money in the end because I do not get paid as much as a teacher. I really am in strong support of this, and I am very, very grateful that people are presenting this bill and supporting this bill. I am grateful for all the other speakers here and everything that they said because it is a hundred percent true. This bill probably will not impact me personally, but it gives me hope for the future, so I really, really hope that we find a way to make this bill work and make this bill happen.

Jason Gateley, Vice President, Teamsters Local 14:

We are partnered up with the Education Support Employees Association (ESEA) and representing the support professionals at CCSD. We represent over 1,500 bus drivers who are not considered full-time, yet day in and day out they transport thousands of students safely throughout our valley, and they do not receive the same credit each year for the work

they do. This injustice must be changed and must be fixed immediately. Our drivers are human beings. Our drivers are full people, yet they are not treated as one hundred percent full people and are not given the same recognition as the people whom they work with throughout the district.

Misty Olmos, Paraprofessional Director, Education Support Employees Association:

I am the current ESEA paraprofessional director. I have worked with CCSD for 16 years fulltime in special education. I am an SPTA. I am a mother trying to provide for my family, and I love what I do working with our most vulnerable students. I have been working side by side with amazing, licensed personnel, and they have always treated me as an equal, but unfortunately, the current pension does not.

I am asking for you to help fix this gap with A.B. 222. Education support professionals should not have to work 30-plus years to retire. We struggle as it is with the increase in our cost of living. Education support professionals have had to leave our district to seek higher-paying jobs, and I believe that passing A.B. 222 will help us by retaining employees and with hiring more. We need to be at our best, and tired and worn out to make it to our retirement is not our best. Our students deserve more.

Fred Horvath, Secretary-Treasurer, Teamsters Local 14:

We have the pleasure of partnering with the ESEA and the representation of 13,000 support staff at the Clark County School District. This is a very direct and easy fix. The conflict arises out of *Nevada Revised Statutes* (NRS) 286.501 and the definition of full-time. Full-time at the school district is eight hours. If you work full-time and you work 8 hours, you get the 1.3 multiplier as defined in NRS 286.501. If you do not work 8 hours, you do not get that multiplier. It is as simple as correcting the term full-time to full schedule. We have people who work seven and one-half hours a day, seven hours a day, six and one-half, or six. They work the same days as the eight-hours-per-day people and the teachers work. It is nothing more complicated than to give the ESPs a full-year PERS service credit for working a full schedule over the course of the year.

Anthony Boone III, Private Citizen, North Las Vegas, Nevada:

I am a campus security monitor here in the Clark County School District. I am also a member of the ESEA and in full support of A.B. 222 because we work just as much as the school professionals, and we feel that we should get the same as they do to level the playing field.

Jacqueline Anderson, Private Citizen, Henderson, Nevada:

I am part of the ESEA. I work six hours every day for a week. I am really upset because I found out today that it is going to take me about 45 years to retire. I hope this bill passes. I have been with the district for four years, and I found out today I will not be able to even start collecting until seven years. I am hoping some things change.

Chair Torres:

Is there anyone on the phone line wishing to testify in support of A.B. 222?

Marlene Lockard, representing Service Employees International Union Local 1107:

We are in complete support of this bill.

Chair Torres:

Is there anyone wishing to testify in opposition to A.B. 222?

Tina M. Leiss, Executive Officer, Nevada Public Employees' Retirement System:

I want to make it very clear that I am here in opposition at this point to this bill as written. The retirement board has not had an opportunity to take a position, but staff recommendation would be to oppose specifically because of the technical way it is written, and that has to do with it being overly broad in the sense that it would require service credit for those who are true part-time, and then that would create a cost that is not accounted for in the bill. I will not spend any more time on that because with our discussions with the sponsor, that is not the intent. This is our understanding. If we can get something close to what we believe their intent is, I think we can get somewhere we can be neutral on.

I do want to clarify a couple of things. A part-time employee does not have to work more than 30 years to retire. Anyone who works a part-time schedule gets a full year of retirement credit for eligibility only. This is for retirement benefit calculation. I want to make that clarification. The other thing I want to make clear is the law does not treat school district employees differently by their classification. The law provides that any school district employee who works full-time for the full school year gets a full year of service credit. It seems the issue is how the districts report that to us because of the hours worked and what you consider a full school year. Our discussions are going towards the direction of maybe defining that so these people who are truly full-time get reported to us that way and we can get to where the intent of the bill is. I want to make clear we are working on it, and we are very hopeful we can get to somewhere that is satisfactory for all of us.

Chair Torres:

Do you know where that is in the NRS that states those employees would be eligible essentially?

Tina Leiss:

Yes, Madam Chair, that is NRS 286.495. It provides that someone who works a regular part-time schedule gets a full-year service credit for retirement eligibility purposes only. For instance, if your eligibility is 10 years at age 60, you may have 10 years for the eligibility, but you may only have 7.5 years for the benefit calculation purpose.

Chair Torres:

Okay, thank you. I appreciate that clarification. Any additional questions for Ms. Leiss?

Tina Leiss:

I would like to make one other clarification regarding the substitute teacher issue. Substitute teachers are specifically excluded from membership. They are not enrolled, so this would not apply. If there is anything along those lines, that would have to be addressed in a separate section.

Chair Torres:

Thank you. I appreciate it. Thank you for reaching out to the sponsors so we can work on that issue.

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:

The Vegas Chamber appreciates the bill sponsor meeting with us to discuss the bill. As many of you know, the Chamber has long engaged in these issues from a taxpayer's perspective and believes the financial impact to the school district and compounding effect that these additional requirements would have to PERS is a financial concern to our organization. We understand the intent, but providing a credit of a year of service for eight months of work would be a significant financial liability to both the school district and the State.

Wiz Rouzard, Community Engagement Director, Americans for Prosperity-Nevada:

In respect of time here, we share the same sentiment that both previous individuals shared. The fiscal note was our biggest question. I appreciate the bill sponsor bringing this forward in terms of the intent. I think there is a lot of work there. The bill has some great ideas, but budgeting is a driving factor for driving solution, and with this bill, our concerns are more on the fiscal side in terms of taxpayers. I greatly appreciate it and look forward to seeing what we can work with and seeing what those budgeting fiscal numbers are.

Chair Torres:

I will remind the Committee that this Committee is a policy committee. We are not concerned with the fiscal note on this matter. At this time, we are concerned with whether this is good policy. That is the question before us today. Is there anyone else wishing to testify in opposition to A.B. 222 here in Carson City? [There was no one.] Is there anyone else wishing to testify in opposition to A.B. 222 in Las Vegas? [There was no one.] Is there anyone on the phone line wishing to testify in opposition to A.B. 222? Is there anyone wishing to testify in neutral to A.B. 222 here in Carson City? [There was no one.] Is there anyone wishing to testify in neutral to A.B. 222 in Las Vegas? Is there anyone on the phone line wishing to testify in neutral to A.B. 222? [There was no one.]

[\[Exhibit D\]](#) was submitted but not discussed and will become part of the record.]

I will invite the bill sponsor to come up for any additional remarks.

Assemblyman Carter:

I want to say that PERS has been fantastic to work with. It has been refreshing and eye-opening. I am very confident that together we are going to work out a solution that is best for these employees.

Chair Torres:

Our education support professionals who are here with us today in Las Vegas and Carson City know how much we appreciate the work they do with our students to ensure that they get a high-quality education. I know as an educator myself that I could not do the work I do without some of the phenomenal education support professionals I have in my classroom. At this time, we will go ahead and close the hearing on A.B. 222. I will now open the hearing on Assembly Bill 224. Assemblywoman Peters is here with us. Whenever you and your copresenters are ready, please begin.

Assembly Bill 224: Revises provisions governing collective bargaining. (BDR 23-155)

Assemblywoman Sarah Peters, Assembly District No. 24:

I am proud to bring Assembly Bill 224, which establishes statutes regarding collective bargaining for the Nevada System of Higher Education (NSHE) institutions. I am going to go over a few things about what the bill does and what it does not do, and then pass on the hearing to my colleagues who have been digging into this bill as an issue for the last couple of sessions.

Assembly Bill 224 authorizes collective bargaining for certain unclassified professional employees at the Nevada System of Higher Education where the professional employees are the largest group of public employees in Nevada who do not have collective bargaining authorized in statute. Assembly Bill 224 levels this playing field. The provisions of Assembly Bill 224 largely mirror the existing provisions for collective bargaining in *Nevada Revised Statutes* (NRS) Chapter 288 for state classified employees and local government employees. Assembly Bill 224 will allow NSHE and its professional employees access to the state's Government Employee-Management Relations Board. Assembly Bill 224 does not take away any authority of the Legislature or Governor over budgets, or the enactment and effect of law. Assembly Bill 224 does not affect the provisions of NRS Chapter 288 for local governments or state classified employers and employees. Assembly Bill 224 does not require any NSHE employee to be a member of a professional organization or pay member dues. Assembly Bill 224 does not establish any bargaining units except by majority approval of the employees. Assembly Bill 224 does not change Nevada statutes as a right-to-work state, with strict no-strike provisions for public employees.

I would now like to introduce Professor Kent Ervin of the Nevada Faculty Alliance who will describe the bill in more detail; Professor Douglas Unger from the University of Nevada, Las Vegas; Professor Christopher Sinclair with the American Association of University Professors; and Michael Piccinelli from the American Federation of Teachers will make brief statements and be available for questions, as well as Maryanne Salm from the American Federation of Teachers.

Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance:

We are the independent association of professional employees with the Nevada System of Higher Education. We are affiliated with the American Association of University Professors and the American Federation of Teachers, which together represent over 300,000 education employees nationally. Thank you so much, Assemblywoman Peters, for this bill and to the 29 other cosponsors. Nevada Faculty Alliance (NFA) is the bargaining agent for faculty collective bargaining units at the College of Southern Nevada (CSN), Truckee Meadows Community College (TMCC), and Western Nevada College (WNC). However, collective bargaining for faculty at NSHE is permitted only by the internal policy handbook of the Board of Regents. Our own management and our collective bargaining are not explicitly authorized under state law. The NSHE handbook policy chapter on collective bargaining is very limited and does not provide the protections and responsibilities for other public employees in Nevada under NRS Chapter 288, the Government Employees-Management Relations Act. Nevada System of Higher Education professional employees are the largest group of public employees in Nevada who do not have collective bargaining authorized in statute. Assembly Bill 224 will remedy that.

I will start with some of the main features of the bill [page 2, [Exhibit E](#)]. Assembly Bill 224 applies to professional employees at NSHE and does not affect collective bargaining statutes for local government employees or state classified employees. Nevada System of Higher Education professional employees covered by A.B. 224 include faculty; nonmanagerial administrative faculty, also known as professional staff; lecturers on semester-by-semester contracts; and certain part-time employees such as graduate teaching assistants. The bill closely follows the collective bargaining provision in NRS Chapter 288 for state classified employees, with some clarifications pertaining to professional employees and higher education under a governing board like the Board of Regents. The bill uses the community of interest standard for formation and bargaining units similar to the local governments section of NRS Chapter 288.

Assembly Bill 224 would allow professional employees and NSHE to access the state Government Employees-Management Relations Board (EMRB), which ultimately would lower the time and money involved with impartial resolution of contract and bargaining issues—a clear benefit to both sides. The bill allows for existing academic personnel review and shared governance procedures to coexist with collective bargaining. Although the Board of Regents since the early 1990s has granted limited collective bargaining rights for faculty through their internal policy, this means that our management writes and interprets the rules of engagement. Any appeals on contract issues are to the college president and then the chancellor. That is as if, in a private employer association, they could only appeal to the chief executive officer of the company.

Assembly Bill 224 will provide a level playing field by allowing access to the state EMRB and to mediation and arbitration procedures, as provided in NRS Chapter 288 for state classified employees. Finally, collective bargaining provides a collaborative opportunity and framework for higher educational faculty to work with their college and university's administrations to achieve institutional goals. Research suggests the collaboration between

faculty unions and college administrations can increase student success and retention and increase institutional efficiency. We have submitted a fact sheet with references to those studies [[Exhibit F](#)]. Before diving into the details of the bill, we would like to ask your indulgence for brief statements from Douglas Unger, Christopher Sinclair, and Michael Piccinelli. I will turn it over to Douglas Unger.

Chair Torres:

Nevada Faculty Alliance did provide a sufficient explanation of the bill. We should be fine without a summary because I know that we have the description of [A.B. 224](#) on the Nevada Electronic Legislative Information System submitted by your organization. I would love to hear the statements from the other members present, however.

Douglas Unger, University of Nevada, Las Vegas, Chapter President; and Government Affairs Representative, Nevada Faculty Alliance:

[Assembly Bill 224](#) will provide collective bargaining rights for NSHE faculty and professional employees who number approximately 8,000 and who are the only class of state workers not yet covered by rights and statute to bargain collectively. We know by surveys that 82 percent of our faculty desire these rights. Studies suggest faculty collective bargaining improves student success, bolsters equity and inclusion, lowers costs at least modestly, and improves retention and hiring, which our campuses badly need. Surveys show that over the past two years, more than half our faculty have considered leaving their jobs. Too many of our best and brightest have already left. In some fields, retention and hiring are in a crisis, nursing and engineering in particular. In my own field of the liberal arts, we see half the number of applications for open positions, and it is harder to recruit top candidates. The promise to bargain collectively will help slow this attrition because it offers hope for improvements.

[Assembly Bill 224](#) promises more unity and stability to our campuses in an era when our devoted teachers, researchers, and higher education itself are being subjected to increasingly unsettling public questioning of our integrity and academic freedom when our main mission is still and always has been to help our students learn and succeed. The Board of Regents and structure of NSHE are also insecure. What happens if a constitutional amendment changes the higher education system? [Assembly Bill 224](#) offers teachers stability no matter how NSHE might be restructured in the future. Most people think collective bargaining would primarily address salaries and benefits, but I consider [Assembly Bill 224](#) to be more useful as a tool to provide balanced and just mediations of personnel issues, a correction to the often-flawed grievance processes within our institutions, and a means to assure workplace rights for increasing numbers of nontenured administrative faculty, faculty-in-residence, lecturers, part-time instructors, and graduate teaching assistants on which our universities and colleges increasingly rely.

The existing form of collective bargaining permitted by Title 4, Chapter 4 of the *Board of Regents Handbook* is a policy, not a code or law or regulation. It is voluntary and imbalanced because NSHE sets the rules. Given continual changes in NSHE leadership, faculty cannot predict from one year to the next what those rules will be. Colleges and

universities tend to negotiate from a medieval model within which the chancellor, presidents, provosts, and deans exercise absolute authority by design. Collective bargaining rights in statute will help to democratize that authority with similar rules to those that cover a majority of our fellow state workers.

The eighteenth-century economist, Adam Smith, foundational theorist of the free-market economy, suggests in *The Wealth of Nations* that the freedom of markets must be balanced by the freedom of contract by labor. Higher education faculty now constitute the largest group of state employees in Nevada who are still denied this freedom on which a healthy economy depends. We view [Assembly Bill 224](#) as collaborative, not conflictive. With the model proposed by this bill, agreements will be subject to checks and balances by the Executive Branch of state government. Plus, any new financial impacts will be subject to approval by the Legislature. In short, [A.B. 224](#) offers a more sustainable vision for higher education for our state well into the future.

Christopher Sinclair, Secretary-Treasurer, American Association of University Professors, Washington, D.C.:

The American Association of University Professors is a professional organization consisting of university and college professors, researchers, librarians, instructors, and myriad others who do academic work in higher education. We support [A.B. 224](#) [[Exhibit G](#)]. There are many benefits of collective bargaining for workers, but I would like to focus on how collective bargaining and higher education positively impact the education of students, academic quality in the classroom, shared governance on campus, and ultimately the common good. Instructors are best able to serve their students if their positions are secure, fairly compensated, and free from external political influence. Changes to funding mechanisms for colleges and universities have led to a proliferation of adjunct labor in higher education. Many universities rely on contingent labor in order to teach their undergraduate courses. Contingent faculty often have to cobble together positions from multiple institutions, often on a semester-by-semester basis in order to survive. Contingent faculty are often given no office or other support. The unstable nature of these positions, the low pay, and limited benefits have an impact in the classroom. The best teachers and researchers are those with stability and economic security.

Collective bargaining and support of shared governance: Shared governance is a mechanism by which faculty have a voice in the academic matters of the university. Shared governance serves an important function and that ensures those with the subject area expertise have control over their curriculum, pedagogical methods, and related academic issues. Shared governance operates through a system of university- and department-level committees—for instance, the faculty senate. You will likely hear arguments that faculty do not need collective bargaining because their interests are protected through their university senate and/or other shared governance mechanisms. However, the truth is that university senates provide a limited forum on nonacademic matters, and often their decisions are merely advisory to the university administration or board of trustees. Collective bargaining can support shared governance by removing from their purview employment considerations that heretofore may have been adjudicated by the senate or its subcommittees. This allows

university senates to focus on the academic and operational matters necessary to maintain the instructional and research mission of the university. Collective bargaining also supports shared governance by enshrining certain policies into a legally enforceable collective bargaining agreement.

Finally, collective bargaining for the common good: Higher education is currently under attack in several states. Political considerations are being imposed on the teaching and research of certain subjects. Mechanisms protecting faculty from political interference—for instance tenure—are under attack in many states. This changes the discourse on college campuses and ultimately restricts the knowledge that can be passed on to the next generation. Allowing faculty to collectively bargain protections to keep political and other interference out of the classroom and laboratory are further strengthened by a legally enforceable collective bargaining agreement. In the current climate where speech on campus has become a political flashpoint, legal protections via negotiated collective bargaining agreements will ensure that colleges and universities in Nevada will serve their mission to deliver current, correct, and true knowledge to the citizens of Nevada. Assembly Bill 224 is good for the state.

Michael Piccinelli, Attorney, American Federation of Teachers, Washington, D.C.:

The American Federation of Teachers (AFT) is the national affiliate of the Nevada Faculty Alliance and the American Association of University Professors. The AFT has long championed collective bargaining rights for public employees and has worked with faculty across the country to improve their wages, hours, and working conditions. We are, of course, testifying in support of A.B. 224, and as was previously stated, I provided some written testimony [[Exhibit H](#)] that compares the proposed legislation with other public employee collective bargaining laws in the United States. The testimony compares the bill in five key areas: the right to organize, Weingarten Rights, how a bargaining unit is determined, the collective bargaining process, and how individual disputes are settled under a collective bargaining agreement. In short, there is nothing in this bill that is outside the mainstream as it relates to other state collective bargaining laws. This would align Nevada with those other states, and it would permit the collective bargaining rights of faculty as has been testified previously. It would provide important rights to faculty to improve not only their own working conditions but the learning conditions of higher education students in the state. With that, I am happy to answer any questions to the best of my ability about AFT's experience in higher education collective bargaining in other states and the written substance of my written testimony.

Chair Torres:

Thank you. I appreciate it. I can tell that you are not a professor because those remarks were brief, and I say that as an educator myself. I do know that there has been a question of whether or not there is a precedent for the Legislature to pass this type of legislation and whether or not this measure would be unconstitutional. At this time, I am going to go ahead and go to Kevin Powers, our Legal Division counsel.

Kevin C. Powers, General Counsel:

As a reminder to the public, the Legislative Counsel Bureau (LCB) Legal Division is a nonpartisan legal agency. We do not support or oppose any particular policy, viewpoint, or piece of legislation. Instead, we provide the Legislature and its members with the objective legal advice regarding issues of law, including the interpretation and constitutionality of legislation.

In materials presented to the Committee, NSHE has represented that they believe this legislation would interfere with NSHE's constitutional autonomy under Article 11 of the *Nevada Constitution*, which is also known as the Education article. They believe it would interfere with NSHE's right to control and manage the affairs of the state university under the regulations prescribed by law. Whenever the Legislature determines to legislate in areas affecting the university, the question becomes a balance of power between the Board of Regents and the Legislature. Because Nevada's constitutional provisions constitutionally creating the Board of Regents and the state university are similar to constitutional provisions in other states, the Nevada Supreme Court has looked at case law from other jurisdictions with similar constitutional provisions to interpret Nevada's constitutional provisions. Based on case law from both the Nevada Supreme Court and the other jurisdictions, there are some basic principles that govern the balance of power between the Board of Regents and the Nevada Legislature.

First and foremost, there is no such thing as a fourth branch of government. There are only three branches of government, and each institution of the state belongs to one of those branches of government. The Nevada System of Higher Education is controlled by the Board of Regents. The Board of Regents is a constitutionally established part of the Executive Branch of state government. The *Nevada Constitution* gives the Board of Regents a slice of sovereign power and constitutional autonomy in the Executive Branch of state government. However, that is a narrow slice of power limited to matters within the educational sphere. By contrast, the Nevada Legislature holds all sovereign power of the people except where expressly limited by the *Nevada Constitution*. Because the Nevada Legislature holds all that sovereign power, when there is a conflict between the Board of Regents and the Nevada Legislature, there is not any question on where the power lies. All doubts must resolve in favor of the power of the Nevada Legislature.

Now, in matters of employment law, both the Nevada Supreme Court and courts from other jurisdictions have determined that the Board of Regents and the Nevada System of Higher Education are subject to general laws governing employment matters. For example, in a case from 1953, *State ex rel. Richardson v. Board of Regents*, the Supreme Court was faced with the question on the Board of Regents as to whether or not the courts could review an employment decision made by the Board of Regents to terminate a professor. The Board of Regents argued that constitutional autonomy immunized the Board of Regents from being subject to judicial review of its employment decisions. The Nevada Supreme Court rejected that because the decisions of the Board of Regents in employment matters were subject to the same provisions of judicial review governing other state agencies and boards.

In 1981, in the case of *Board of Regents v. Oakley*, the Board of Regents argued that its decisions with regard to employment were not subject to the state's age and discrimination law, and that therefore the Board of Regents was not subject to the prohibition against discrimination based on age and employment. The Nevada Supreme Court flatly rejected that argument and said that employment law governing age discrimination and other discrimination in employment applied to the Board of Regents, and their constitutional autonomy was not violated by having those laws apply.

Now obviously, collective bargaining has not been applied to the university system in Nevada, so the Nevada Supreme Court has not directly addressed this issue. However, in several other states, courts have addressed this issue and have dealt with it in regard to a board of regents that is also constitutionally created. The states that have applied state collective bargaining agreements to their board of regents are California, Hawaii, Michigan, Minnesota, Missouri, Montana, Nebraska, and New Mexico. In two of those states, Michigan and New Mexico, their board of regents challenged the application of the collective bargaining laws to the board of regents in the university system. Courts in those states rejected those challenges, finding that collective bargaining was within the sphere of employment matters, not within the educational sphere, and the board of regents and their university systems were subject to the state collective bargaining laws. In the other states where the state collective bargaining laws have applied to the university systems, there have not been any reported cases challenging those applications of those laws to those university systems.

This office has not been able to find any case in which a court has struck down the application of collective bargaining statutes to the university system. Therefore, Madam Chair, based on case law from Nevada, case law from other jurisdictions, and looking at the statutes from other jurisdictions and their application to university systems, it is the opinion of the LCB Legal Division that this piece of legislation is facially constitutional and would be defensible in a court against the challenge by the Board of Regents that it interfered with their constitutional autonomy. Thank you, Madam Chair, and I am open to any questions.

Chair Torres:

Committee members, do you have any questions for Mr. Powers before transitioning back to the presenter? [There were none.] Are there any additional questions for the bill sponsor?

Assemblyman DeLong:

I appreciate Mr. Unger's comments about the bill and that he feels it is more related to improving the discipline process rather than reviewing pay. One difference with the university system compared to most other state agencies is that you have professors who have tenure, which affects their employment status. This is different than with any other state employee. Are you looking at this bill to replace tenure with the collective bargaining agreement?

Kent Ervin:

The short answer is no, but I would like Maryanne Salm of the American Federation of Teachers to take that question, please.

Maryanne Salm, Deputy Director, Research and Strategic Initiatives, American Federation of Teachers, Washington, D.C.:

The question about tenure, in the context of collective bargaining, just cause protection, or protection against termination for no cause is something that comes with tenure, and is just one of the benefits to collective bargaining. Collective bargaining provides faculty with a voice in decision-making. It provides a forum for raising workplace concerns and ensures that those concerns will be listened to and addressed. I also think of tenure as an individual right. Collective bargaining, on the other hand, can bring faculty with common interests together to advocate for a broader vision for higher education for the kinds of institutions that they want for their students. Our affiliates have used the bargaining table as a forum for raising awareness to address student poverty and food insecurity. One good example you may have heard of is the invisible tax imposed on Black faculty or the invisible labor performed by Black faculty. This is the extra time faculty members may spend supporting first-generation students of color on campus. One of our affiliates recently negotiated an agreement with their university through collective bargaining to ensure that this work is recognized, supported, and compensated.

Douglas Unger:

No, collective bargaining would not replace the tenure system. I just want to make clear for the Committee that of faculty and professional employees in NSHE, about 32 percent to 35 percent are tenured. The rest are not. This bill would bring in tenured and nontenured employees. When I speak about how important it is to address the failed grievance policies at our institutions, I would like to relate that when I was chair of the faculty senate at University of Nevada, Las Vegas (UNLV), it was my task to review past grievances to the year 2005. This was about 14 to 15 years of grievances. Twenty-seven grievances had made it all the way through the process, though there were about three times more, and only four had been decided for faculty, which shows you the rigor of our grievance process by peer review. Of those four, UNLV administration had decided against the plaintiff all four times. Under my administration, there was one grievance that was approved for the plaintiff, and then there was another one that was approved, but it had to be submitted two times before that approval. That is a flawed disciplinary process, and tenured faculty, you know, engaged in that grievance process. Two of those cases were tenured professors who had grievances about promotion and other issues. So, the grievance process within the Nevada System of Higher Education is deeply flawed because it is based on an autocratic model in which the university president can literally thumbs-up or thumbs-down the result of any grievance, no matter how justified it might be.

Assemblyman DeLong:

No, I recognize that most people in NSHE do not have tenure. I am quite familiar with how the university system works. My point is more of tenured professors are uniquely different, and if we are trying to have collective bargaining and the bargaining unit, you have a group within that unit who have different benefits than the other members of the unit. I am just not sure that is equitable.

Douglas Unger:

The benefit of tenure is to really assure academic freedom and job security, and to allow freedom for research, freedom for investigation, and freedom in the teaching process and in the classroom. It does provide job security, but collective bargaining would not, I do not think, affect the general job security profile of existing faculty, except through the mediation and arbitration process for personnel disputes.

Assemblywoman González:

I have two questions. My first one is, is it a collective bargaining agreement, or is it language that mandates that the employer must create the terms of the collective bargaining agreement with approved collective bargaining units?

Kent Ervin:

I am not quite sure I understand the question, so please correct me if I do not answer the question. Collective bargaining is a voluntary process. First, a bargaining unit must form by majority approval of the members of that bargaining unit. Then it is a collaborative negotiation between the representatives of the bargaining unit and in this case, the college or university administration. The point is you must come to an agreement. The bill itself, other than what is already in statute, pretty much verbatim for the classified staff section of NRS Chapter 288, does not mandate those parameters or those terms other than the same as for our classified colleagues. Beyond that, it might be a legal question.

Assemblywoman González:

I think you answered the question. We were trying to figure out how that would really look. My other question is in terms of faculty. I think for folks who are not familiar with how tenure works, I do not think everyone is seeking to get tenure, correct? There are folks who go into higher education who are not seeking to do research and all the things that it takes to obtain tenure, correct? It is a very intense process. So, I was just curious, are graduate students part of this? Is it any graduate student? Is it only if they are teaching? Are part-time instructors part of this? A part-time instructor versus a visiting professor, those are two very different things. You could be hired, maybe for one semester, maybe for three semesters, correct? What would that look like?

Kent Ervin:

I would refer you to section 13 of the bill. This is where we define professional employees whom the bill applies to. Section 13, subsection 1, paragraph (a) refers to our unclassified employees, in this case at NSHE, and that is regular academic faculty, also our administrative faculty who are what other states would call professional staff. Of course, managers are

excluded from bargaining units, and then section 13, subsection 1, paragraph (b) includes any employees who are paid outside of the classified staff system. That is where the bill picks up the semester-by-semester instructors and graduate assistants. In section 64, there is conforming language in NRS Chapter 396 that makes sure graduate students and postdoctoral fellows and medical residents are included under the bill.

Assemblyman D'Silva:

My question is when bills like this come about, I think one important consideration is that when you have collective bargaining agreements set up, there is potential cost savings to the management side of things, especially in regard to attorney fees with litigation, which you said there is a significant cost to management-based institutions. I was wondering if you have any data or any sort of assessment as to whether or not it would be a cost savings to the State by having a collective bargaining agreement set up for our professors.

Kent Ervin:

Of course, it is hard to quantify future savings, but we do believe that through collective bargaining and the Weingarten Rights that are in the statute, we can represent employees at an informal level early on and avoid the escalation of personnel issues to where it is a full-blown process and going to court. Then through the mediation-arbitration processes, we take it out of the realm of the courts. As far as the cost savings, what we know is that since 2016, NSHE has done annual reports to the Board of Regents of the cost of contract buyouts and termination settlements. Those have ranged from \$700,000 a year to \$3 million a year over that time span through 2022. What we do not know is what NSHE is spending on both internal attorneys and outside counsel whom they have to hire in these cases when they advance through the system and ultimately into the courts. That would be a question for NSHE.

Assemblyman Hibbetts:

Can you explain for the record how bargaining units would be formed under this bill?

Kent Ervin:

We had to make a choice in this bill between the language in NRS Chapter 288 for local government employees and the language in state classified employees. The local government employee section uses the community of interest standard for formation of bargaining units, which is very common, and the state classified has a specified list of bargaining units in the law. Because of the nature of labor and the various positions we have just talked about at NSHE and in higher education, we landed on using the local government model which uses the community of interest standard. If you need more explanation for the Committee of what that is, one of our representatives from AFT could talk about community of interest.

Assemblywoman Taylor:

For clarification, this is the largest sector of employees that does not have the opportunity to organize. Is that correct?

Kent Ervin:

In statute, yes.

Assemblywoman Taylor:

My question then is, if this should pass, are there employees who are mandated to join? I did not see that in the bill, but I want to make sure that is clear.

Kent Ervin:

Nevada is a right-to-work state. This does not affect that. That means that no employee must join an employee association, or in this case a professional organization, or pay dues to that. If a majority of a bargaining unit elects, through the process in the bill, to become a bargaining unit and be represented by a professional organization, then that professional organization has a duty of fair representation for all of those employees in the bargaining unit, but no employee is required to join or pay dues.

Chair Torres:

I have a question for Assemblywoman Peters. Is there a precedent of NSHE having to establish collective bargaining agreements with previous legislation, or is this the first time we have required that?

Assemblywoman Peters:

The Legislature did do that for classified employees with Senate Bill 135 of the 80th Session, and that did apply to NSHE.

Chair Torres:

I guess there is a precedent then for the Legislature ensuring and requiring NSHE to allow for this. I think that is helpful. At this time, I do not see any additional questions. I will go ahead and invite those wishing to testify in support. We will let the audience know specifically of support, we have had about 40 minutes now to hear the presentation and ask questions. I know there is a lot of passion behind this issue. If you could keep your remarks brief and concise, that would be helpful; any written statements can be turned in to our secretaries, and members will have access to them online. When you are ready, please state and spell your name.

**Jim New, President, Truckee Meadows Community College-Nevada Faculty Alliance
Chapter Local 6766:**

Faculty work conditions are student learning conditions. Under Title 4, Chapter 4 of the NSHE *Board of Regents Handbook*, however, Truckee Meadows Community College (TMCC) became the first college approved for contract negotiations in 1992. I arrived at TMCC in 1998. I have been at the bargaining table multiple times both as an administrator and as a faculty member. Each negotiation session clarified and improved processes to the benefit of both faculty and administration for issues like dispute resolution, workload assignments, and the annual evaluation process. It works on both sides of the table. When disputes arise between employees and management under our current bargaining agreement, however, management is the gatekeeper of the resolution, leaving costly litigation as the only

remaining option for the employees. Under A.B. 224 the parties in the dispute will have access to the neutral arbiters such as the Employee-Management Relations Board, reinforcing a sense of fairness and confidence in the process and in the ultimate resolution. Because faculty work conditions are student learning conditions, A.B. 224 will help us build the engaged and dynamic education workforce that is central to nearly all of the state's strategic goals. I urge your support of this important piece of long-overdue legislation. I thank you for the opportunity to address this issue, and I thank you for the service you provide to our state.

Amy Cavanaugh, Faculty Senate Chair, Truckee Meadows Community College:

I will be reading you a resolution that our faculty senate passed on February 10, 2023. Please note before I start this, at the time they passed the resolution, A.B. 224 was still Bill Draft Request 23-155, so that is how it is referred to in the resolution.

The TMCC Faculty Senate emphatically supports BDR 23-155, known as the collective bargaining for NSHE professional employees bill. We recommend that the Board of Regents support the bill and urge its passage by the Legislature of the State of Nevada during its 2023 Legislative Session. Therefore, be it resolved by this body that a statement of our emphatic support of BDR 23-155 be put into writing and a copy of said statement be dispatched to all voting members who will consider supporting its passage.

John Nolan, Private Citizen, Reno, Nevada:

I am a faculty member at the University of Nevada, Reno, and I am an active member of the Nevada Faculty Alliance. I am here today speaking on my own behalf as a private citizen in the state of Nevada. I strongly support all of Mr. Unger's previous comments. I was raised and grew up in the state of Illinois where we make sport out of putting corrupt public officials in federal prison. I can tell you that from watching NSHE for the last 11 years while working for NSHE, a lot of those same officials in Illinois would blush at some of the things that go on.

For far too long the Nevada System of Higher Education has operated without any real oversight. Administrators at each campus have become accustomed to doing whatever they want on each campus. I have far too often heard top campus administrators come to bodies like this and make some version of, The past is behind us. So sorry. You know, that was a mistake. We want to partner with you. Let us work together. Then the legislative session concludes, and they go back and they do whatever they want. It is business as usual. Even the few good people inside NSHE cannot make change because the culture is so troubled that it prevents them. It is a con game.

Collective bargaining is a great example. It is a giant sham. If you were to call representatives here to testify, they would probably cite the NSHE handbook as already permitting collective bargaining and collective bargaining agreements on the campuses of TMCC, WNC, and CSN, as examples. However, like everything else with NSHE, the truth lies hidden below the surface. Nevada System of Higher Education permission for collective

bargaining rests in their handbook that they can take it away at any time. It does not prevent unfair labor practices, which I will remind this body that was one of the main rights given under the National Labor Relations Act of 1935 to workers. Bizarrely, NSHE is adamant that they prohibit any outside access to arbitration or state board oversight for any of these matters, which is extremely problematic. This essentially makes collective bargaining ineffective and allows NSHE great control to oversee the process and has been a great expense to employees and students. Allowing for collective bargaining by state statute would be a good policy to hold NSHE accountable.

Randy Soltero, representing American Federation of State, County and Municipal Employees:

We stand in support of this legislation as was brought up during the Committee hearing. State classified employees did get collective bargaining rights in 2019, which has greatly benefited all of those employees. Nevada System of Higher Education employees are state employees and should have the same rights as their counterparts who work for the state. I can tell you that the relationship is much better now that they do have those rights. We do stand in support of this bill, and we thank you for your consideration.

Todd Ingalsbee, President, Professional Fire Fighters of Nevada:

We support all those who have the same benefit as we have, and that is collective bargaining per NRS Chapter 288. I want to commend Kent Ervin. It is a huge thing when you have all these people in support of this bill. That goes to show the work that he has put into it. It goes to show the work and consideration he has done to work with everybody to make sure this bill is heard and is in a good place for everybody and for the benefit of everybody and all his people.

Scott Huber, Private Citizen, Reno, Nevada:

I am a faculty member within the Nevada System of Higher Education. I would like to make three quick points. As has already been articulated, the system of higher education established or bestowed collective bargaining agreements in 1990 at my institution, TMCC. What that means is they create the rules, they interpret the rules, and they enforce or ignore the rules. I think that is a fundamental flaw on how the process should work. Second, from a faculty perspective, faculty do not want to manage these institutions. What they want is professional and humane management. Too often what we see is really neither. That is a fundamental flaw. What faculty are interested in is academic standards and institutional integrity. My third comment is, I think it would be critically important to establish accountability and transparency within NSHE, and I cannot think of any other bill other than A.B. 224 to reestablish the accountability and transparency that seems to be severely lacking within the Nevada System of Higher Education.

Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO:

With 150,000 members and 120 unions, we are in full support of Assembly Bill 224. Education is something we all value and we always want our students to succeed, but a fact that can sometimes be overlooked is ensuring student success. A good amount of the time requires guaranteeing the well-being of faculty members. This bill, if passed, will finally

give over 7,000 Nevada System of Higher Education faculty and professional employees collective bargaining rights in state law. It has been proven that giving faculty members the right to unionize increases student retention and graduation rates. This means that when higher education institutions are able to retain faculty members, students can have a strong support network that they can lean on as they finish their education. I would like to thank Assemblywoman Peters for bringing this critical issue to light, and I strongly urge the Committee to support Assembly Bill 224.

Paul Catha, representing Culinary Workers Union Local 226:

The Culinary Union Local 226 strongly supports Assembly Bill 224 because the union believes that the right to collective bargaining is fundamental to a just workplace. It will enable Nevada's universities to recruit and train the talent they need to excel because collective bargaining is the foundation of the American middle class. The labor union will not just benefit employees but also employers and students by enabling the recruitment and retention of high-quality staff. I want to thank Assemblywoman Peters for bringing the bill. I want to thank Mr. Ervin and Mr. Unger because I think they have done a great job working on it. The Culinary Union Local 226 strongly urges the Committee to support and pass A.B. 224.

Richard P. McCann, representing Nevada Association of Public Safety Officers:

I am simply going to say ditto to everything these professionals have said with two comments. Number one, I have to give kudos to Mr. Powers and the Legal Division for a thorough and outstanding, in my opinion, analysis of the constitutionality of this matter. It is an important issue. He nailed it. Number two, on a personal note, I have known Dr. Ervin for a period of time and no one—no one—has devoted more time, effort, and passion to this cause than he and his team have. That is not a reason by itself to pass this bill, but it is damn well time it gets passed. Now is the time, and I urge your support.

Edward Goodrich, representing International Alliance of Theatrical Stage Employees Local 363:

We fully support A.B. 224. It promotes more stable infrastructure within NSHE. Collective bargaining agreements, should they come about, encourage more qualified personnel to apply at the beginning and better retention. That is about it. I will be short.

John Abel, Director, Governmental Affairs, Las Vegas Police Protective Association:

I want to echo the comments of my esteemed colleague, Rick McCann. As a former adjunct CSN professor, we fully support this bill.

Marlene Rebori, Private Citizen, Reno, Nevada:

I am a faculty member at University of Nevada, Reno (UNR) Extension. I am also a member of Nevada Faculty Alliance. I am here today on my own personal time. I took annual leave to come here to speak with you in support of A.B. 224. Assembly Bill 224 supports equity among NSHE faculty and state employees. I love the work that I do across Nevada. I have worked in all 17 counties. For 26 years I worked to build collaborations and build capacity across Nevada communities. My students are the residents of Nevada. I work on economic

development projects. I develop leadership development programs, and I have facilitated public land use disputes. Assembly Bill 224 is an opportunity to include collective bargaining agreements. This is going to provide NSHE faculty and professional employees an equal playing field with other state employees. I see many benefits in support of A.B. 224. The benefit that I notice is fair processes for grievances and appeals by independent arbiters rather than university administrators.

The bottom line is A.B. 224 supports equity among NSHE faculty and state employees—equity, the ability to be fair and impartial in decision-making. That is what I am asking for you today. I urge you to please pass A.B. 224, and thank you for the opportunity.

Alex Milham, Private Citizen, Reno, Nevada:

I am here to support the bill. I am a doctor of philosophy (Ph.D.) student at UNR, and I am here to support it because of how much it would benefit graduate assistants.

Tessyn Opferman, representing American Federation of State, County and Municipal Employees, Retirees:

I know Randy Soltero already spoke, but we are in full support of the bill, and we urge your support.

Terri Laird, Executive Director, Retired Public Employees of Nevada:

We are a nonprofit, nonpartisan group, and we sit here in support of A.B. 224. I would like to ditto the remarks that Mr. McCann said about Kent Ervin [[Exhibit I](#)].

Laekyn Kelley, Private Citizen, Las Vegas, Nevada:

I am from Assembly District 15. I am here representing many UNLV students alongside my UNR friends in support of A.B. 224. I know you wanted us to keep our remarks brief, but there has not been a lot of graduate student representation here today. I want to say a few things. I know this bill is not all about paychecks, but as one of the lowest-paid employees, it is just a little bit. I net about \$1,125 every month, or about \$11,000 for 10 months. We are sort of treated as, This is what you get rather than this is what you have earned for your hard work. We essentially work the equivalent of what could be multiple full-time jobs. I am sure many of you know how hard it is to be a graduate student. It is difficult to do many things, but I know for a fact that we have a lot of issues. For example, the teaching assistants in the communication department where I attend have 75 students each, three courses each. That is too many. That is on top of all their research, all their coursework. We really would love to have this bill be a way to discuss and advocate for our needs much more easily.

Troyce Krumme, Vice Chair, Las Vegas Police Managers and Supervisors Association:

We feel every employee deserves access to equal and fair representation, and for that reason we do support this bill.

Chair Torres:

We will go to support in Las Vegas.

Ted Chodock, President, College of Southern Nevada-Nevada Faculty Alliance Chapter:

I am a CSN faculty member. I am speaking in support of A.B. 224. Last Friday, March 3, CSN faculty senate expressed its support for A.B. 224, overwhelmingly voting in favor of this statement which I am proud to read into the record today:

The CSN Faculty Senate emphatically supports A.B. 224 known as the collective bargaining for NSHE professional employees bill. We recommend that the Board of Regents support the bill and urge passage by the Legislature of the State of Nevada during its 2023 Legislative Session. Therefore, be it resolved by this body, the statement of our emphatic support of A.B. 224 be put into writing, and a copy of said statement be dispatched to all voting members who will consider supporting its passage.

In my short time, I want to bring up one other issue that was said in passing. Part-time faculty, also known as adjunct faculty, would be included in this bill. Currently, they are not allowed to organize under NSHE statute. They are the lowest-paid faculty along with the graduate students. They have no benefits and some adjuncts string together these jobs and try to make it work, but with no security and no benefits. This will be a game changer for the adjunct faculty.

Patricia Vazquez, Private Citizen, Las Vegas, Nevada:

I am both academic faculty and a member of Nevada Faculty Alliance. Thank you for the opportunity to speak in support of A.B. 224, which gives academic faculty and other professionals the right to collectively bargain. Since we celebrate women's history in March, it is only fitting that I speak in favor of faculty unions which promote the hiring and retention of women faculty. Most people are aware of the gender wage gap, that a woman makes 83 cents for every dollar a man is paid. You might, however, be surprised to learn that the gap is even bigger if a woman has a degree. An educated woman makes 10 cents less than that. She earns 73 cents to the male dollar, and if she is a person of color, that penalty is still greater.

The lack of support for women faculty of color and low pay led my close friend, Dr. Anita Tijerina-Revilla, who once taught interdisciplinary gender and ethnic classes here in Nevada, to accept a position in California instead. Despite the years of diversity work that she performed, such as student recruitment, mentoring students, and creating community, which significantly increased student graduation rates, no effort was made to retain her. After four years, her position has not been filled. Rather than hiring a faculty member with feminist expertise, a visiting assistant professor, at half of a faculty member's salary with no opportunity for tenure, has taken her place.

Unionized universities have a higher proportion of women faculty and are indispensable in closing the gender wage gap with union-backed pay equity adjustments. I urge you to pass A.B. 224 to retain women faculty of color.

Chair Torres:

I see a lot of support in Las Vegas. We are always excited to see the community out here to testify. I can currently see a line, but we as a body have given over 20 minutes to testifiers in support. I do need to give fair time to the opposition and neutral to present their cases as well. At this time, I will ask those in Las Vegas to come up only to say I support this bill and your name. That is the only thing. If you have any written remarks, I will ask that you submit those so that we can have those reflected on the record.

Krista Diamond, Private Citizen, Las Vegas, Nevada:

I am a graduate student at the University of Nevada, Las Vegas, and I strongly support A.B. 224.

Glynda White, Private Citizen, Las Vegas, Nevada:

I am a CSN faculty member and member of NFA. I urge your support of A.B. 224, and we do have a collective bargaining agreement at CSN.

Luis Ortega, Private Citizen, Las Vegas, Nevada:

I fully support A.B. 224.

Jordyn Sanders, Private Citizen, Las Vegas, Nevada:

I am a first-year Ph.D. student of criminology within the criminal justice department. I have also worked as a graduate assistant and a part-time employee at the College of Southern Nevada for over six years. I would urge your support for this bill.

Christine Bergman, Private Citizen, Las Vegas, Nevada:

I am here in support of A.B. 224 because after 18 years of being at UNLV and watching faculty member after faculty member leave because of issues where they have not had dispute resolution, we have lost incredibly talented people, and I urge you to support A.B. 224 to provide us with the ability to resolve disputes outside of the law.

Laura Naumann, Private Citizen, Las Vegas, Nevada:

I am a faculty member at Nevada State College, current department chair, and former faculty senate chair. I lost four of nine full-time faculty, all women, two women of color, last year. They took jobs out of state for better pay and better work-life balance. I urge you to support A.B. 224 to help not only with pay and compensation, but also with equitable workload and fair evaluation.

Brian Lee, Executive Director, Nevada State Education Association:

We support the passage of A.B. 224.

Steve Soltz, Private Citizen, Las Vegas, Nevada:

At the risk of being cut off after waiting for two hours, I would like to read just a very brief statement. I am here, of course, in favor of A.B. 224. I heard testimony on a previous bill. Words such as parity, fairness, respect, and inequalities were used. Assembly Bill 224 addresses similar issues between professional employees of NSHE and other collective

bargaining groups in the state. This is NFA's third and hopefully final attempt to rectify this issue. Another point made in the discussion of [Assembly Bill 222](#) was that education support personnel do not get the same benefits as teachers. Well, professional employees of NSHE did not receive the same cost-of-living adjustment as other state unions during the last legislative session. Please vote in favor of [A.B. 224](#).

Chair Torres:

If I could have all written comments submitted to the Committee secretaries in Las Vegas, they will make sure that they are available electronically for members here in Carson City. At this time, I will move to the phones. Is there anyone on the phone line in support of [A.B. 224](#)?

Shantal Marshall, Private Citizen, Henderson, Nevada:

I am a faculty member at Nevada State College urging everyone to support [A.B. 224](#), especially because NSHE is not a fourth branch of government.

Ambree Schoetker, Private Citizen, Las Vegas, Nevada:

I will submit my full comments in writing. I am testifying in support. I am a graduate research assistant on a maternal child food insecurity project. I am also a community health and nutrition educator for the University of Nevada, Reno, Cooperative Extension here in Las Vegas. Thank you for your time, and I fully, wholeheartedly support this bill.

[[Exhibit J](#), [Exhibit K](#), and [Exhibit L](#) were submitted in support of [A.B. 224](#) and will become part of the record.]

Chair Torres:

Is there anyone wishing to testify in opposition to [A.B. 224](#)?

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:

Vegas Chamber is opposed to [A.B. 224](#) because of the financial impact it will have on the state budget and the impact that it will have on the Nevada System of Higher Education. The Chamber has been a longtime opponent of this type of legislation and has expressed its concerns for many years about the impact it would have financially on the State.

Chair Torres:

Is there anyone in Las Vegas wishing to testify in opposition to [A.B. 224](#)? [There was no one.] Is there anyone on the phone line wishing to testify in opposition to [A.B. 224](#)? [There was no one.]

[[Exhibit M](#), [Exhibit N](#), and [Exhibit O](#) were submitted in opposition to [A.B. 224](#) but not discussed and will become part of the record.]

We will go ahead and invite anyone wishing to testify in neutral to [A.B. 224](#).

Alejandro Rodriguez, Director, Government Relations, Nevada System of Higher Education:

The Board of Regents of the Nevada System of Higher Education supports collective bargaining. The *Nevada Constitution* grants the board authority to enter into collective bargaining agreements with its professional employees. The board has indeed exercised this power as evidenced by the board's professional staff, collective bargaining, and regulations which have been in place for over 33 years. It has active collective bargaining agreements with the professional employees of the College of Southern Nevada, Truckee Meadows Community College, and Western Nevada College. Nevertheless, while NSHE is in full support of its employees' right to collectively bargain, NSHE currently remains neutral on this bill [[Exhibit P](#)].

We appreciate the Nevada Faculty Alliance for its continued advocacy on behalf of its members. However, NSHE has serious concerns with A.B. 224, as it sets forth mandatory terms of collective bargaining that infringe upon the Board's constitutional autonomy in matters of employee management and collective bargaining. It diminishes the Board's and the faculty's right to bargain. It substantially interferes with the terms of existing collective bargaining agreements that are extended and renewed. It creates a slippery slope by providing the second forum to negotiate terms of collective bargaining agreements during legislative sessions, and it has a significant fiscal impact on NSHE. We have submitted for the record a statement from NSHE with further explanation on these five points [[Exhibit P](#)].

Alternatively, NSHE would like to propose a simple resolution to all these concerns. Rather than setting forth collective bargaining terms in law, NSHE would like to propose the Legislature mandate in law that the Board has a duty to collectively bargain with its professional employees, and establish and maintain board policy that allows effective collective bargaining to take place. This alternative is consistent with the *Nevada Constitution*, preserves the rights of faculty, does not interfere with existing collective bargaining agreements, and minimizes fiscal impacts. While NSHE currently remains neutral on this bill, we reserve the right to oppose the measure if this version is not amended. We look forward to dialogue with Assemblywoman Peters and the bill sponsors as we work through the legislative process and as we continue to review this complex bill and hear from more faculty.

Chair Torres:

Is there anyone in Las Vegas wishing to testify in neutral?

Bruce K. Snyder, Commissioner, Government Employee-Management Relations Board:

We are the agency that would administer the law if passed. We have reviewed the bill for any technical issues that would prevent or hinder us from efficiently and effectively administering the law knowing that similar bills were introduced in 2019 and 2021 and any concerns were expressed back then. We have nothing in this bill that would prevent us from efficiently or effectively administering the statute. I also want to point out two other things. One is on workload. We currently serve 108,000 state and local government employees in

more than 200 different governments. Adding the 825 employees who currently have collective bargaining would increase our workload by less than 1 percent. If all NSHE faculty would end up getting collective bargaining in the future, it would increase our workload by about 6 percent, which is minimal. I also want to point out as my final comment that Senate Bill 135 of the 80th Session, which gave collective bargaining to state classified employees, also included NSHE classified employees. I raised that issue because of the constitutional concern that was expressed.

Chair Torres:

Is there anyone on the phone line wishing to testify in neutral to A.B. 224?

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I am going to stand neutral on this bill and say "ditto" to the statements made by the previous two callers. I wanted to talk about the gender wage gap if that is okay, or I will just save it for public comment.

Chair Torres:

If you could save that for public comment, that would be best. I now invite the bill sponsor to give closing remarks.

Assemblywoman Peters:

I want to thank you for your attention today. Some of the staff who showed up to testify in support are taking their own time to be here. They appreciate your attention to their stories and their narratives. I do want to direct you to eleven statements of support on NELIS as of the beginning of this meeting today, and to the legislative opinion site. I do not know if you have been on that, but if you have not, as of the beginning of this meeting today, there were 94 to 0 in favor of A.B. 224, making it the eleventh most popular bill this session so far.

Chair Torres:

I will close the hearing on A.B. 224 and open it for any public comment here in Carson City. [There was none.] Is there anyone in Las Vegas wishing to make a public comment? [There was no one.] Is there anyone on the phone line wishing to testify in public comment?

[Public comment was heard.]

[Committee reminders were given.] This meeting is adjourned [at 11:12 a.m.].

RESPECTFULLY SUBMITTED:

Diane Abbott
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is testimony in support of [Assembly Bill 222](#), submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association.

[Exhibit D](#) is a letter in opposition to [Assembly Bill 222](#), submitted by Marcos Lopez, Coalitions and Outreach Director, Nevada Policy Research Institute.

[Exhibit E](#) is a document titled "Collective Bargaining for NSHE Professional Employees," in support of [Assembly Bill 224](#), submitted by Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance.

[Exhibit F](#) is a document titled "Description of AB224, submitted by Nevada Faculty Alliance to the Assembly Committee on Government Affairs for Hearing on 3/9/2023," Kent M. Ervin, Ph.D., State President, Nevada Faculty Alliance.

[Exhibit G](#) is a letter dated March 9, 2023, submitted by Christopher Sinclair, Secretary/Treasurer, the American Association of University Professors, in support of [Assembly Bill 224](#).

[Exhibit H](#) is a letter dated March 9, 2023, submitted by Michael Piccinelli, Attorney, American Federation of Teachers, in support of [Assembly Bill 224](#).

[Exhibit I](#) is written testimony dated March 9, 2023, submitted by Terri Laird, Executive Director, Retired Public Employees of Nevada, in support of [Assembly Bill 224](#).

[Exhibit J](#) is written testimony dated March 9, 2023, submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of [Assembly Bill 224](#).

[Exhibit K](#) is written testimony dated March 9, 2023, submitted by Amber Falgout, Northern Nevada Manager, Battle Born Progress, in support of [Assembly Bill 224](#).

[Exhibit L](#) is a collection of letters to the Assembly Committee on Government Affairs in support of [Assembly Bill 224](#).

[Exhibit M](#) is a letter signed by Geoffrey Lawrence, Director of Research, Nevada Policy Research Institute, in opposition to [Assembly Bill 224](#).

[Exhibit N](#) is a letter dated March 7, 2023, signed by Jim DeGraffenreid, Republican National Committeeman, Nevada, Nevada Republican Party, in opposition to [Assembly Bill 224](#).

[Exhibit O](#) is a letter dated March 8, 2023, submitted by Katie Banuelos, Secretary, Libertarian Party of Nevada, in opposition to Assembly Bill 224.

[Exhibit P](#) is a document submitted by Alejandro Rodriguez, Director, Government Relations, Nevada System of Higher Education, in neutral on Assembly Bill 224.