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SECOND REPRINT

A.B. 172

ASSEMBLY BILL NO. 172—ASSEMBLYMEN ANDERSON,
DURAN, CARTER; CONSIDINE AND THOMAS

FEBRUARY 15, 2023

JOINT SPONSOR: SENATOR DALY

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing collective bargaining for certain public employees. (BDR 23-700)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to collective bargaining; requiring, with certain exceptions, each school district to semiannually provide each employee organization recognized by the school district certain information relating to each employee of the bargaining unit represented by the employee organization; requiring collective bargaining between the Executive Department of State Government and classified employees to include matters relating to parking and transportation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each employee organization recognized by a local
2 government employer, including, without limitation, a school district, in this State
3 to file a report with the Government Employee-Management Relations Board each
4 year containing certain information, including, without limitation, the total number
5 of persons in each bargaining unit represented by the employee organization. (NRS
6 288.165) **Section 1** of this bill requires, with certain exception, that each school
7 district provide each employee organization recognized by the school district the
8 name, address, electronic mail address, telephone number, work contact
9 information and work location of each employee in the bargaining unit represented
10 by the employee organization at least on a semiannual basis, unless the school
11 district and an employee organization recognized by the school district agree
12 otherwise. **Section 1** further provides that if a school district employee notifies his
13 or her employer in writing that he or she does not want the employer to provide his



14 or her information to the employee organization, the school district must not
15 provide the information to the employee organization but must still provide the
16 information to the Government Employee-Management Relations Board when
17 requested by order of the Board. **Section 1** also provides that information about any
18 school district employee provided to an employee organization or the Board is
19 confidential and is not a public record. **Section 3** of this bill makes a conforming
20 change relating to making such information confidential and not a public record.

21 Existing law sets forth the requirements for collective bargaining between the
22 Executive Department of State Government and employee organizations that
23 represent classified employees, including the subjects of mandatory bargaining.
24 (NRS 288.500) **Section 2.5** of this bill additionally requires such collective
25 bargaining to include matters relating to parking and transportation.

26 **Section 2** of this bill makes a conforming change to indicate the proper
27 placement of **section 1** in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 288 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in this subsection and*
4 *subsection 3, at least twice each year, on or before January 1 and*
5 *July 1, each school district shall provide each employee*
6 *organization recognized by the school district the name, address,*
7 *electronic mail address, telephone number, work contact*
8 *information and work location of each school district employee of*
9 *the bargaining unit represented by the employee organization. A*
10 *school district and an employee organization may agree to provide*
11 *such information about school district employees at other times*
12 *that are in addition to or in place of January 1 and July 1 of each*
13 *year.*

14 *2. Except as otherwise provided in subsection 3, a school*
15 *district is required to provide an employee organization with the*
16 *information about a school district employee pursuant to*
17 *subsection 1 regardless of whether the employee has joined the*
18 *employee organization.*

19 *3. If a school district employee notifies the school district in*
20 *writing that he or she does not want the school district to provide*
21 *any of his or her information to the employee organization*
22 *recognized by the school district, the school district:*

23 *(a) Must not provide the information set forth in subsection 1*
24 *to the employee organization; and*

25 *(b) Must still provide the information set forth in subsection 1*
26 *to the Government Employee-Management Relations Board when*
27 *requested by the order of the Board.*

28 *4. Information about any school district employee that is*
29 *provided pursuant to this section to an employee organization or*



1 *the Government Employee-Management Relations Board is*
2 *confidential and is not a public record.*

3 **Sec. 2.** NRS 288.131 is hereby amended to read as follows:

4 288.131 As used in NRS 288.131 to 288.280, inclusive, *and*
5 *section 1 of this act*, unless the context otherwise requires, the
6 words and terms defined in NRS 288.132 to 288.138, inclusive,
7 have the meanings ascribed to them in those sections.

8 **Sec. 2.5.** NRS 288.500 is hereby amended to read as follows:

9 288.500 1. For the purposes of collective bargaining,
10 supplemental bargaining and other mutual aid or protection,
11 employees have the right to:

12 (a) Organize, form, join and assist labor organizations, engage in
13 collective bargaining and supplemental bargaining through
14 exclusive representatives and engage in other concerted activities;
15 and

16 (b) Refrain from engaging in such activity.

17 2. Collective bargaining and supplemental bargaining entail a
18 mutual obligation of the Executive Department and an exclusive
19 representative to meet at reasonable times and to bargain in good
20 faith with respect to:

21 (a) The subjects of mandatory bargaining set forth in subsection
22 2 of NRS 288.150, except paragraph (f) of that subsection;

23 (b) *Matters relating to parking and transportation;*

24 (c) The negotiation of an agreement;

25 ~~(d)~~ (d) The resolution of any question arising under an
26 agreement; and

27 ~~(e)~~ (e) The execution of a written contract incorporating the
28 provisions of an agreement, if requested by either party.

29 3. The subject matters set forth in subsection 3 of NRS 288.150
30 are not within the scope of mandatory bargaining and are reserved to
31 the Executive Department without negotiation.

32 4. Notwithstanding the provisions of any collective bargaining
33 agreement negotiated pursuant to the provisions of NRS 288.400 to
34 288.630, inclusive, the Executive Department is entitled to take the
35 actions set forth in paragraph (b) of subsection 6 of NRS 288.150.
36 Any action taken under the provisions of this subsection must not be
37 construed as a failure to negotiate in good faith.

38 5. This section does not preclude, but the provisions of NRS
39 288.400 to 288.630, inclusive, do not require, the Executive
40 Department to negotiate subject matters set forth in subsection 3
41 which are outside the scope of mandatory bargaining. The Executive
42 Department shall discuss subject matters outside the scope of
43 mandatory bargaining but it is not required to negotiate those
44 matters.



1 6. The Executive Department shall furnish to an exclusive
2 representative data that is maintained in the ordinary course of
3 business and which is relevant and necessary to the discussion of the
4 subjects of mandatory bargaining described in subsection 2. This
5 subsection shall not be construed to require the Executive
6 Department to furnish to the exclusive representative any advice or
7 training received by representatives of the Executive Department
8 concerning collective bargaining.

9 7. To the greatest extent practicable, any decision issued by the
10 Board before October 1, 2019, relating to the interpretation of, or
11 the performance under, the provisions of NRS 288.150 shall be
12 deemed to apply to any complaint arising out of the interpretation
13 of, or performance under, the provisions of this section.

14 **Sec. 3.** NRS 239.010 is hereby amended to read as follows:

15 239.010 1. Except as otherwise provided in this section and
16 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
17 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
18 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
19 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
20 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
21 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
22 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
23 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
24 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
25 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
26 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
27 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
28 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
29 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
30 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
31 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
32 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
33 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
34 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
35 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
36 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
37 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
38 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
39 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
40 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
41 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
42 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
43 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
44 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
45 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,



1 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
2 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
3 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
4 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
5 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
6 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
7 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
8 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
9 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
10 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
11 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
12 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
13 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
14 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
15 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
16 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
17 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
18 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
19 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
20 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
21 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
22 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
23 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
24 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
25 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
26 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
27 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
28 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
29 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
30 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
31 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
32 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
33 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
34 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
35 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
36 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
37 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
38 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
39 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
40 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
41 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
42 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
43 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
44 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
45 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,



1 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
2 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
3 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
4 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
5 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
6 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
7 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
8 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
9 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
10 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
11 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
12 711.600, *section 1 of this act*, sections 35, 38 and 41 of chapter 478,
13 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
14 Nevada 2013 and unless otherwise declared by law to be
15 confidential, all public books and public records of a governmental
16 entity must be open at all times during office hours to inspection by
17 any person, and may be fully copied or an abstract or memorandum
18 may be prepared from those public books and public records. Any
19 such copies, abstracts or memoranda may be used to supply the
20 general public with copies, abstracts or memoranda of the records or
21 may be used in any other way to the advantage of the governmental
22 entity or of the general public. This section does not supersede or in
23 any manner affect the federal laws governing copyrights or enlarge,
24 diminish or affect in any other manner the rights of a person in any
25 written book or record which is copyrighted pursuant to federal law.

26 2. A governmental entity may not reject a book or record
27 which is copyrighted solely because it is copyrighted.

28 3. A governmental entity that has legal custody or control of a
29 public book or record shall not deny a request made pursuant to
30 subsection 1 to inspect or copy or receive a copy of a public book or
31 record on the basis that the requested public book or record contains
32 information that is confidential if the governmental entity can
33 redact, delete, conceal or separate, including, without limitation,
34 electronically, the confidential information from the information
35 included in the public book or record that is not otherwise
36 confidential.

37 4. If requested, a governmental entity shall provide a copy of a
38 public record in an electronic format by means of an electronic
39 medium. Nothing in this subsection requires a governmental entity
40 to provide a copy of a public record in an electronic format or by
41 means of an electronic medium if:

- 42 (a) The public record:
43 (1) Was not created or prepared in an electronic format; and
44 (2) Is not available in an electronic format; or



1 (b) Providing the public record in an electronic format or by
2 means of an electronic medium would:

3 (1) Give access to proprietary software; or

4 (2) Require the production of information that is confidential
5 and that cannot be redacted, deleted, concealed or separated from
6 information that is not otherwise confidential.

7 5. An officer, employee or agent of a governmental entity who
8 has legal custody or control of a public record:

9 (a) Shall not refuse to provide a copy of that public record in the
10 medium that is requested because the officer, employee or agent has
11 already prepared or would prefer to provide the copy in a different
12 medium.

13 (b) Except as otherwise provided in NRS 239.030, shall, upon
14 request, prepare the copy of the public record and shall not require
15 the person who has requested the copy to prepare the copy himself
16 or herself.

