

SENATE BILL NO. 161—SENATOR NGUYEN

PREFILED FEBRUARY 3, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to local government employees. (BDR 23-34)

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 local government employees; establishing additional procedures pursuant to which parties to a collective bargaining negotiation involving a school district and an employee organization representing teachers may submit issues to a binding arbitration process; prohibiting a school district or any agent thereof from requiring, requesting or urging a teacher to work more than a certain amount of time under certain circumstances; authorizing an employee organization representing teachers to petition a court for the authorization to strike; prohibiting an employee organization representing teachers and its members from engaging in certain activities during a strike; revising the penalties that may be imposed upon an employee organization representing teachers, the officers thereof and teachers for participation in a strike; revising the conduct that constitutes a strike; revising provisions relating to the recognition of employee organizations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law sets forth various requirements and procedures for collective
- 2 bargaining between local government employers and local government employees.
- 3 (NRS 288.131-288.280) Existing law sets forth procedures by which the parties to a
- 4 negotiation involving a school district and an employee organization representing
- 5 teachers or educational support personnel, after having failed to reach a collective
- 6 bargaining agreement after at least four sessions of negotiations, may submit the
- 7 issues remaining in dispute to a binding arbitration process. (NRS 288.217)



8 **Section 3** of this bill sets forth additional procedures by which the parties to a
9 negotiation involving a school district and an employee organization representing
10 teachers may submit issues remaining in dispute to a binding arbitration process.
11 Under **section 3**, the parties may, by mutual agreement, submit issues remaining in
12 dispute to the binding arbitration process set forth in **section 3** if the collective
13 bargaining agreement between the school district and the employee organization
14 representing teachers: (1) expires during the school year and the parties have not
15 agreed to a successor agreement 75 days before the commencement of the school
16 year, in which case the parties may submit the issues in dispute to an arbitrator any
17 time on or after the date that is 75 days before the commencement of the school
18 year and on or before the date that is 30 days before the commencement of the
19 school year; or (2) has expired, in which case the parties may submit the issues in
20 dispute to an arbitrator any time after the expiration of the agreement. **Section 3**
21 sets forth procedures for the selection of the arbitrator and procedures and
22 requirements for the arbitration process. **Section 3** requires the arbitrator to render a
23 final decision, which is binding on the parties: (1) for a collective bargaining
24 agreement which has expired, not later than 60 days after the parties agreed to
25 submit the issues in dispute to the binding arbitration process; or (2) for a collective
26 bargaining that has not expired, not later than the date on which the school year
27 commences. **Section 12** of this bill makes a conforming change to indicate that
28 parties to a negotiation between a school district and an employee organization
29 representing teachers may utilize the procedures set forth in **section 3** under certain
30 circumstances.

31 **Section 4** of this bill provides that if a collective bargaining agreement between
32 a school district and an employee organization representing teachers has expired
33 and the terms of the agreement remain in effect under certain circumstances, the
34 school district or any agent thereof is prohibited from requesting, requiring or
35 urging a teacher to work more in any workday or workweek than the total amount
36 of time required by the expired agreement for each workday or workweek.

37 Existing law declares it to be the public policy of this State that strikes against
38 the State or a local government employer are illegal. (NRS 288.700) Existing law
39 requires a court that finds that such an illegal strike has occurred, or unless enjoined
40 will occur, to enjoin the commencement or continuance of the strike. (NRS
41 288.705) If a strike is commenced or continued in violation of an order enjoining
42 the strike, existing law authorizes a court to impose certain penalties against an
43 employee organization or labor organization guilty of such violation, any officer
44 thereof who is wholly or partly responsible of such violation or any employee of
45 the State or of a local government employer who participates in the strike. (NRS
46 288.710) Existing law also authorizes a State or local government employer to take
47 certain actions against an employee who participates in a strike, including,
48 dismissing, suspending or demoting the employee, canceling the contract of
49 employment for such an employee or withholding all or any part of the salary or
50 wages of the employee which would otherwise accrue. (NRS 288.715)

51 **Section 5** of this bill authorizes an employee organization representing teachers
52 to petition a court for authorization to strike. **Section 5** requires the petition to
53 allege that a school district has implemented a policy or allowed a condition to exist
54 that is detrimental to the wellbeing of the pupils within the school district and
55 which the employee organization seeks to alleviate by means of a strike. **Section 5**
56 requires the court to grant the petition if the court determines that the proposed
57 strike will be equally or less detrimental to the pupils within the school district than
58 the continuance of the alleged policy or condition. **Section 13** of this bill revises
59 certain Legislative findings and declarations to specify that a strike authorized by a
60 court pursuant to **section 5** is not against public policy or illegal. **Section 14** of this
61 bill provides that the provisions of existing law requiring a court to enjoin a strike
62 do not apply to a strike authorized by **section 5**.



63 **Section 6** of this bill prohibits an employee organization representing teachers
64 and its members from disrupting, interrupting or interfering with the provision of
65 certain services during the course of a strike by the employee organization,
66 regardless of whether the strike is authorized pursuant to **section 5**.

67 **Sections 15 and 16** of this bill provide that the penalties that may be imposed
68 by a court and the actions that may be taken by a local government employer with
69 respect to a strike do not apply to a strike involving teachers or an employee
70 organization representing teachers, regardless of whether the strike is authorized
71 pursuant to **section 5**. Instead, **section 7** of this bill provides for the imposition of
72 penalties only on the employee organization and the officers of the employee
73 organization, and not an individual teacher, for an illegal strike or a violation of
74 **section 6**.

75 Existing law defines "strike" to mean certain specified concerted conduct.
76 (NRS 288.074) **Section 9** of this bill excludes from the definition of "strike" any of
77 the specified concerted conduct that is engaged in by teachers at one or more
78 schools in a school district unless the concerted conduct is engaged in on a district-
79 wide basis.

80 Existing law: (1) requires an employee organization that applies to a local
81 government employer for recognition to provide a pledge in writing not to strike
82 against the local government employer; and (2) authorizes a local government
83 employer to withdraw recognition from an employee organization that disavows
84 that pledge. (NRS 288.160) **Section 11** of this bill excludes an employee
85 organization representing teachers from those provisions.

86 **Sections 2 and 8** of this bill establish a definition for the term "teacher" for the
87 purposes of the provisions of existing law governing collective bargaining by
88 public employees.

89 **Section 10** of this bill makes a conforming change to indicate the proper
90 placement of **sections 3 and 4** 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 the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2.** *“Teacher” means an employee of a school district*
5 *who is licensed to teach in this State and who is represented by an*
6 *employee organization.*

7 **Sec. 3. 1.** *Except as otherwise provided in subsection 3, if a*
8 *collective bargaining agreement between a school district and an*
9 *employee organization representing teachers expires during the*
10 *school year and the parties have not agreed to a successor*
11 *agreement 75 days before the commencement of the school year,*
12 *the parties may, at any time on or after the date that is 75 days*
13 *before the commencement of the school year and on or before the*
14 *date that is 30 days before the commencement of the school year,*
15 *mutually agree to submit the issues remaining in dispute to an*
16 *arbitrator to arbitrate the dispute in accordance with the*
17 *provisions of this section.*



1 2. *Except as otherwise provided in subsection 3, if a collective*
2 *bargaining agreement between a school district and an employee*
3 *organization representing teachers has expired and the parties*
4 *have not agreed to a successor agreement, the parties may, at any*
5 *time after the expiration of the agreement, mutually agree to*
6 *submit the issues remaining in dispute to an arbitrator to arbitrate*
7 *the dispute in accordance with the provisions of this section.*

8 3. *Not less than 180 days before the expiration of a collective*
9 *bargaining agreement between a school district and an employee*
10 *organization representing teachers or, for such a collective*
11 *bargaining agreement that is of the type described in subsection 1,*
12 *not less than 180 days before the commencement of the school*
13 *year, the parties shall assemble a list of not more than five*
14 *potential arbitrators who agree to make themselves available to*
15 *conduct arbitration proceedings in accordance with the provisions*
16 *of this section. The number of potential arbitrators on the list and*
17 *the selection of each potential arbitrator on the list must be*
18 *mutually agreed to by the parties. If the parties fail to assemble a*
19 *list of potential arbitrators pursuant to this subsection, the parties*
20 *may not utilize the procedures set forth in this section.*

21 4. *During any period specified in subsection 1 or 2, either*
22 *party to the collective bargaining agreement may submit to the*
23 *other party a request to agree to submit the issues remaining in*
24 *dispute to an arbitrator to arbitrate the dispute in accordance with*
25 *the provisions of this section. The other party shall, within 3*
26 *business days after receipt of the request, respond to the party and*
27 *either approve or deny the request.*

28 5. *If the request submitted pursuant to subsection 4 is*
29 *approved, the parties shall, within 2 days after the approval is*
30 *granted, select their arbitrator from the list assembled pursuant to*
31 *subsection 3. If there is more than one potential arbitrator on the*
32 *list, the parties shall alternately strike one name until the name of*
33 *only one arbitrator remains, who will be the arbitrator to arbitrate*
34 *the dispute. The employee organization shall strike the first name.*
35 *The arbitrator has the powers provided for fact finders in*
36 *NRS 288.210.*

37 6. *After the arbitrator is selected pursuant to subsection 5, the*
38 *arbitrator shall hold a hearing to receive information regarding*
39 *the dispute. The arbitrator shall, within 5 days after being selected,*
40 *establish a date and time to hold the hearing and provide notice of*
41 *the date and time to the parties. The date and time must be*
42 *established with due regard to the expedited nature of the*
43 *proceedings and the requirements for the issuance of a decision*
44 *pursuant to subsection 12.*



1 7. *The parties to the dispute shall each pay one-half of the*
2 *costs of the arbitration.*

3 8. *A determination of the financial ability of a school district*
4 *must be based on:*

5 (a) *All existing available revenues as established by the school*
6 *district, including, without limitation, any money appropriated by*
7 *the State to carry out increases in salaries or benefits for the*
8 *employees of the school district, and with the limitations set forth*
9 *in NRS 354.6241, with due regard for the obligation of the school*
10 *district to provide an education to the children residing within the*
11 *district.*

12 (b) *Consideration of funding for the current year being*
13 *negotiated. If the parties mutually agree to arbitrate a multi-year*
14 *contract, the arbitrator must consider the ability to pay over the*
15 *life of the contract being negotiated or arbitrated.*

16 ↳ *Once the arbitrator has determined in accordance with this*
17 *subsection that there is a current financial ability to grant*
18 *monetary benefits, the arbitrator shall consider, to the extent*
19 *appropriate, compensation of other governmental employees, both*
20 *in and out of this State.*

21 9. *At the recommendation of the arbitrator, the parties may,*
22 *before the submission of a final offer, enter into negotiations. If*
23 *the negotiations are begun, the arbitrator may adjourn the hearing*
24 *for a period of 7 days. If an agreement is reached, it must be*
25 *submitted to the arbitrator, who shall certify it as final and*
26 *binding.*

27 10. *If the parties do not enter negotiations or do not agree*
28 *within 7 days after the hearing held pursuant to subsection 6, each*
29 *of the parties shall submit a single written statement containing its*
30 *final offer for each of the unresolved issues.*

31 11. *The arbitrator shall render a decision on the basis of the*
32 *criteria set forth in NRS 288.200. The arbitrator shall accept one*
33 *of the written statements and shall report the decision to the*
34 *parties. The decision of the arbitrator is final and binding on the*
35 *parties. Any award of the arbitrator is retroactive to the expiration*
36 *date of the last contract between the parties.*

37 12. *The decision of the arbitrator must be rendered not later*
38 *than the earlier of 7 days after the final offers are submitted*
39 *pursuant to subsection 10 or:*

40 (a) *For a dispute submitted pursuant to subsection 1, the date*
41 *on which the school year commences.*

42 (b) *For a dispute submitted pursuant to subsection 2, 60 days*
43 *after approval of the request submitted pursuant to subsection 4 is*
44 *granted.*

45 13. *The decision of the arbitrator must include a statement:*



1 (a) Giving the arbitrator's reason for accepting the final offer
2 that is the basis of the arbitrator's award; and

3 (b) Specifying the arbitrator's estimate of the total cost of the
4 award.

5 14. Within 30 days after the receipt of the decision from the
6 arbitrator, the board of trustees of the school district shall hold a
7 public meeting in accordance with the provisions of chapter 241 of
8 NRS. The meeting must include a discussion of:

9 (a) The issues submitted pursuant to subsection 1 or 2, as
10 applicable;

11 (b) The statement of the arbitrator included in the decision of
12 the arbitrator pursuant to subsection 13; and

13 (c) The overall fiscal impact of the decision, which must not
14 include a discussion of the details of the decision.

15 ➔ The arbitrator must not be asked to discuss the decision during
16 the meeting.

17 15. The superintendent of the school district shall report to
18 the board of trustees the fiscal impact of the decision. The report
19 must include, without limitation, an analysis of the impact of the
20 decision on compensation and reimbursement, funding, benefits,
21 hours, working conditions or other terms and conditions of
22 employment.

23 16. As used in this section, "school year" has the meaning
24 ascribed to it in NRS 388.080.

25 **Sec. 4. 1.** If a collective bargaining agreement between a
26 school district and an employee organization representing
27 teachers has expired and, under the agreement, the terms of the
28 agreement remain in effect during the period between the
29 expiration of the agreement and the effective date of a successor
30 agreement, the school district or any agent thereof shall not
31 request, require or urge a teacher to work more in any workday or
32 than the total amount of time required by the expired agreement
33 for each workday or workweek.

34 2. A teacher who fails or refuses to comply with a request,
35 requirement or urging that violates subsection 1 is not subject to
36 any penalty for the failure or refusal.

37 3. The failure or refusal of a teacher or multiple teachers to
38 comply with a request, requirement or urging that violates
39 subsection 1 does not constitute a strike.

40 **Sec. 5. 1.** An employee organization representing teachers
41 may petition the appropriate district court for an order authorizing
42 the employee organization to strike.

43 2. A petition submitted pursuant to subsection 1 must allege
44 that a school district has implemented a policy or allowed a
45 condition to exist, including, without limitation, a policy or



1 *condition related to the physical, emotional or mental health and*
2 *safety of teachers in the school district, the number of teachers*
3 *teaching in a school or the school district, the size of classes in the*
4 *school district or the intentional failure of a school district to*
5 *comply with any provision of state law or regulations, that is*
6 *detrimental to the wellbeing of the pupils within the school district*
7 *and which the employee organization seeks to alleviate by means*
8 *of a strike.*

9 *3. The court shall hold a hearing on a petition submitted*
10 *pursuant to subsection 1 within 20 days after the petition is filed*
11 *and render a decision on the matter within 30 days after the*
12 *petition is filed.*

13 *4. If the court determines that the proposed strike will be*
14 *equally or less detrimental to the pupils within the school district*
15 *than the continuance of the alleged policy or condition, the court*
16 *shall grant the petition and issue an order authorizing the strike.*

17 *5. The court may, at any time, terminate or alter an order*
18 *issued pursuant to subsection 4 on its own motion or upon petition*
19 *by an interested party if the court determines that any*
20 *circumstances warrant such termination or alteration.*

21 **Sec. 6.** *During the course of a strike by an employee*
22 *organization representing teachers, whether authorized by an*
23 *order issued pursuant to section 5 of this act or commenced or*
24 *continued in violation of an order issued pursuant to NRS*
25 *288.705, the employee organization and its members shall not*
26 *disrupt, interrupt or interfere with the provision of any:*

27 *1. Special education services to pupils;*

28 *2. Food services to pupils;*

29 *3. Mental health counseling to pupils; or*

30 *4. Programs for the supervision of pupils after school.*

31 **Sec. 7.** *1. If a strike by teachers or an employee*
32 *organization representing teachers is commenced or continued in*
33 *violation of an order issued pursuant to NRS 288.705 or if an*
34 *employee organization or its members violate the provisions of*
35 *section 6 of this act, the court that issued the order enjoining the*
36 *strike pursuant to NRS 288.705 or authorizing the strike pursuant*
37 *to section 5 of this act may:*

38 *(a) Punish the employee organization guilty of such violation*
39 *by a fine of not more than \$50,000 against each employee*
40 *organization for each day of continued violation.*

41 *(b) Punish any officer of the employee organization who is*
42 *wholly or partly responsible for such violation by a fine of not*
43 *more than \$1,000 for each day of continued violation.*

44 *2. Any of the penalties enumerated in subsection 1 may be*
45 *applied alternatively or cumulatively, in the discretion of the court.*



1 **Sec. 8.** NRS 288.015 is hereby amended to read as follows:
2 288.015 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 288.029 to 288.074,
4 inclusive, *and section 2 of this act* have the meanings ascribed to
5 them in those sections.

6 **Sec. 9.** NRS 288.074 is hereby amended to read as follows:
7 288.074 **1.** “Strike” means any concerted:

8 ~~1-1~~ **(a)** Stoppage of work, slowdown or interruption of
9 operations by employees of the State of Nevada or local government
10 employees;

11 ~~2-1~~ **(b)** Absence from work by employees of the State of
12 Nevada or local government employees upon any pretext or excuse,
13 such as illness, which is not founded in fact; or

14 ~~3-1~~ **(c)** Interruption of the operations of the State of Nevada or
15 any local government employer by any employee organization or
16 labor organization.

17 **2.** *The term does not include any concerted conduct described*
18 *in subsection 1 that is engaged in by teachers at one or more*
19 *schools in a school district unless the concerted conduct is*
20 *engaged in on a district-wide basis.*

21 **Sec. 10.** NRS 288.131 is hereby amended to read as follows:

22 288.131 As used in NRS 288.131 to 288.280, inclusive, *and*
23 *sections 3 and 4 of this act*, unless the context otherwise requires,
24 the words and terms defined in NRS 288.132 to 288.138, inclusive,
25 have the meanings ascribed to them in those sections.

26 **Sec. 11.** NRS 288.160 is hereby amended to read as follows:

27 288.160 **1.** An employee organization may apply to a local
28 government employer for recognition by presenting:

29 (a) A copy of its constitution and bylaws, if any;

30 (b) A roster of its officers, if any, and representatives; and

31 (c) ~~1A~~ *Except for an employee organization representing*
32 *teachers, a* pledge in writing not to strike against the local
33 government employer under any circumstances.

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

38 **2.** If an employee organization, at or after the time of its
39 application for recognition, presents a verified membership list
40 showing that it represents a majority of the employees in a
41 bargaining unit, and if the employee organization is recognized by
42 the local government employer, it shall be the exclusive bargaining
43 agent of the local government employees in that bargaining unit.

44 **3.** A local government employer may withdraw recognition
45 from an employee organization which:



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

4 (b) ~~[Disavows]~~ *Except for an employee organization*
5 *representing teachers, disavows* its pledge not to strike against the
6 local government employer under any circumstances;

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

9 (d) Fails to negotiate in good faith with the local government
10 employer,

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

12 4. If the Board in good faith doubts whether any employee
13 organization is supported by a majority of the local government
14 employees in a particular bargaining unit, it may conduct an election
15 by secret ballot upon the question. Subject to judicial review, the
16 decision of the Board is binding upon the local government
17 employer and all employee organizations involved.

18 5. The parties may agree in writing, without appealing to the
19 Board, to hold a representative election to determine whether an
20 employee organization represents the majority of the local
21 government employees in a bargaining unit. Participation by the
22 Board and its staff in an agreed election is subject to the approval of
23 the Board.

24 **Sec. 12.** NRS 288.217 is hereby amended to read as follows:

25 288.217 1. ~~[The]~~ *Except as otherwise provided in section 3*
26 *of this act, the* provisions of this section govern negotiations
27 between school districts and employee organizations representing
28 teachers and educational support personnel.

29 2. If the parties to a negotiation pursuant to this section have
30 failed to reach an agreement after at least four sessions of
31 negotiation, either party may declare the negotiations to be at an
32 impasse and, after 5 days' written notice is given to the other party,
33 submit the issues remaining in dispute to an arbitrator. The arbitrator
34 must be selected in the manner provided in subsection 2 of NRS
35 288.200 and has the powers provided for fact finders in
36 NRS 288.210.

37 3. The arbitrator shall, within 30 days after the arbitrator is
38 selected, and after 7 days' written notice is given to the parties, hold
39 a hearing to receive information concerning the dispute. The hearing
40 must be held in the county in which the school district is located and
41 the arbitrator shall arrange for a full and complete record of the
42 hearing.

43 4. The parties to the dispute shall each pay one-half of the costs
44 of the arbitration.



1 5. A determination of the financial ability of a school district
2 must be based on:

3 (a) All existing available revenues as established by the school
4 district, including, without limitation, any money appropriated by
5 the State to carry out increases in salaries or benefits for the
6 employees of the school district, and within the limitations set forth
7 in NRS 354.6241, with due regard for the obligation of the school
8 district to provide an education to the children residing within the
9 district.

10 (b) Consideration of funding for the current year being
11 negotiated. If the parties mutually agree to arbitrate a multi-year
12 contract the arbitrator must consider the ability to pay over the life
13 of the contract being negotiated or arbitrated.

14 ↪ Once the arbitrator has determined in accordance with this
15 subsection that there is a current financial ability to grant monetary
16 benefits, the arbitrator shall consider, to the extent appropriate,
17 compensation of other governmental employees, both in and out of
18 this State.

19 6. At the recommendation of the arbitrator, the parties may,
20 before the submission of a final offer, enter into negotiations. If the
21 negotiations are begun, the arbitrator may adjourn the hearing for a
22 period of 3 weeks. If an agreement is reached, it must be submitted
23 to the arbitrator, who shall certify it as final and binding.

24 7. If the parties do not enter into negotiations or do not agree
25 within 30 days after the hearing held pursuant to subsection 3, each
26 of the parties shall submit a single written statement containing its
27 final offer for each of the unresolved issues.

28 8. The arbitrator shall, within 10 days after the final offers are
29 submitted, render a decision on the basis of the criteria set forth in
30 NRS 288.200. The arbitrator shall accept one of the written
31 statements and shall report the decision to the parties. The decision
32 of the arbitrator is final and binding on the parties. Any award of the
33 arbitrator is retroactive to the expiration date of the last contract
34 between the parties.

35 9. The decision of the arbitrator must include a statement:

36 (a) Giving the arbitrator's reason for accepting the final offer
37 that is the basis of the arbitrator's award; and

38 (b) Specifying the arbitrator's estimate of the total cost of the
39 award.

40 10. Within 45 days after the receipt of the decision from the
41 arbitrator, the board of trustees of the school district shall hold a
42 public meeting in accordance with the provisions of chapter 241 of
43 NRS. The meeting must include a discussion of:

44 (a) The issues submitted pursuant to subsection 2;

45 (b) The statement of the arbitrator pursuant to subsection 9; and



1 (c) The overall fiscal impact of the decision which must not
2 include a discussion of the details of the decision.

3 ➔ The arbitrator must not be asked to discuss the decision during
4 the meeting.

5 11. The superintendent of the school district shall report to the
6 board of trustees the fiscal impact of the decision. The report must
7 include, without limitation, an analysis of the impact of the decision
8 on compensation and reimbursement, funding, benefits, hours,
9 working conditions or other terms and conditions of employment.

10 12. As used in this section ~~§~~:

11 ~~—(a) “Educational”~~, *“educational* support personnel” means all
12 classified employees of a school district, other than teachers, who
13 are represented by an employee organization.

14 ~~[(b) “Teacher” means an employee of a school district who is~~
15 ~~licensed to teach in this State and who is represented by an~~
16 ~~employee organization.]~~

17 **Sec. 13.** NRS 288.700 is hereby amended to read as follows:

18 288.700 1. The Legislature finds as facts:

19 (a) That the services provided by the State and local government
20 employers are of such nature that they are not and cannot be
21 duplicated from other sources and are essential to the health, safety
22 and welfare of the people of the State of Nevada;

23 (b) That the continuity of such services is likewise essential, and
24 their disruption incompatible with the responsibility of the State to
25 its people; ~~[and]~~

26 (c) That every person who enters or remains in the employment
27 of the State or a local government employer accepts the facts stated
28 in paragraphs (a) and (b) as an essential condition of the person’s
29 employment ~~[-]; and~~

30 *(d) Notwithstanding the facts stated in paragraphs (a) and (b),*
31 *under certain circumstances, a strike by an employee organization*
32 *representing teachers may serve to alleviate the detriment to the*
33 *wellbeing of pupils caused by certain policies implemented or*
34 *conditions allowed to exist by a school district and may be less*
35 *detrimental to the wellbeing of pupils than allowing such policies*
36 *or conditions to continue.*

37 2. The Legislature therefore declares it to be the public policy
38 of the State of Nevada that strikes against the State or any local
39 government employer , *except for certain strikes by an employee*
40 *organization representing teachers,* are illegal.

41 **Sec. 14.** NRS 288.705 is hereby amended to read as follows:

42 288.705 1. If a strike occurs against the State or a local
43 government employer, the State or local government employer shall,
44 and if a strike is threatened against the State or a local government
45 employer, the State or local government employer may, apply to a



1 court of competent jurisdiction to enjoin such strike. The application
2 shall set forth the facts constituting the strike or threat to strike.

3 2. If the court finds that an illegal strike has occurred or unless
4 enjoined will occur, it shall enjoin the continuance or
5 commencement of such strike. The provisions of N.R.C.P. 65 and of
6 the other Nevada Rules of Civil Procedure apply generally to
7 proceedings under this section, but the court shall not require
8 security of the State or of any local government employer.

9 **3. *The provisions of this section do not apply to a strike***
10 ***authorized by a court pursuant to section 5 of this act.***

11 **Sec. 15.** NRS 288.710 is hereby amended to read as follows:

12 288.710 1. If a strike is commenced or continued in violation
13 of an order issued pursuant to NRS 288.705, ***other than a strike***
14 ***involving teachers or an employee organization representing***
15 ***teachers***, the court may:

16 (a) Punish each employee organization or labor organization
17 guilty of such violation by a fine of not more than \$50,000 against
18 each employee organization or labor organization for each day of
19 continued violation.

20 (b) Punish any officer of an employee organization or labor
21 organization who is wholly or partly responsible for such violation
22 by a fine of not more than \$1,000 for each day of continued
23 violation, or by imprisonment as provided in NRS 22.110.

24 (c) Punish any employee of the State or of a local government
25 employer who participates in such strike by ordering the dismissal
26 or suspension of such employee.

27 2. Any of the penalties enumerated in subsection 1 may be
28 applied alternatively or cumulatively, in the discretion of the court.

29 **Sec. 16.** NRS 288.715 is hereby amended to read as follows:

30 288.715 1. If a strike or violation is commenced or continued
31 in violation of an order issued pursuant to NRS 288.705, ***other than***
32 ***a strike involving teachers or an employee organization***
33 ***representing teachers***, the State or the local government employer
34 may:

35 (a) Dismiss, suspend or demote all or any of the employees who
36 participate in such strike or violation.

37 (b) Cancel the contracts of employment of all or any of the
38 employees who participate in such strike or violation.

39 (c) Withhold all or any part of the salaries or wages which
40 would otherwise accrue to all or any of the employees who
41 participate in such strike or violation.

42 2. Any of the powers conferred by subsection 1 may be
43 exercised alternatively or cumulatively.



1 **Sec. 17.** This act becomes effective upon passage and
2 approval.

Ⓢ



