

Amendment No. 117

Assembly Amendment to Assembly Bill No. 224	(BDR 23-155)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 224—ASSEMBLYMEN PETERS, WATTS, BILBRAY-AXELROD, ANDERSON, LA RUE HATCH; BROWN-MAY, CARTER, COHEN, CONSIDINE, D’SILVA, DURAN, GONZÁLEZ, GORELOW, HIBBETTS, JAUREGUI, KOENIG, MARZOLA, BRITNEY MILLER, C.H. MILLER, MONROE-MORENO, NGUYEN, ORENTLICHER, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES AND YEAGER

FEBRUARY 23, 2023

JOINT SPONSORS: SENATORS NGUYEN; DONATE AND PAZINA

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing collective bargaining. (BDR 23-155)

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

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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; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes collective bargaining between: (1) local government employers
2 and local government employees; and (2) the State and certain state employees. (Chapter 288
3 of NRS) This bill authorizes collective bargaining between state professional employers and
4 professional employees. **Section 5** of this bill defines “state professional employer” to mean a
5 board, commission or similar body within the Executive Department of the State Government,
6 including, without limitation, the Board of Regents of the University of Nevada, that employs

7 400 or more professional employees. **Section 13** of this bill defines “professional employee”
8 to mean a person who, with various exceptions, is employed by a state professional employer
9 and who is: (1) in the unclassified service of the State; or (2) paid in accordance with any
10 arrangement other than the pay plan for the classified service of the State.

11 **Sections 2, 57 and 59** of this bill expand the powers and duties of the Government
12 Employee-Management Relations Board to include hearing and deciding disputes between
13 state professional employers and professional employees.

14 **Section 17** of this bill sets forth certain legislative findings and declarations. **Section 18**
15 of this bill authorizes professional employees to organize, form, join and assist professional
16 organizations and engage in collective bargaining activity or refrain from engaging in such
17 activity. **Sections 1 and 22** of this bill authorize an officer of a state professional employer to,
18 upon written authorization by a professional employee, withhold money from the salary or
19 wages of the employee to pay dues or fees to a professional organization.

20 **Section 19** of this bill provides for the recognition of a professional organization by a
21 state professional employer. **Sections 19 and 58** of this bill set forth the conditions under
22 which a state professional employer is authorized to withdraw such recognition. **Section 23** of
23 this bill: (1) authorizes a recognized professional organization to, with certain limitations,
24 represent a professional employee with respect to any condition of the employment of the
25 employee; and (2) provides that only an exclusive representative may engage in collective
26 bargaining on behalf of the professional employees of the applicable bargaining unit.

27 **Section 24** of this bill authorizes, with certain conditions, a professional employee to act
28 for himself or herself with respect to conditions of his or her employment. **Section 20** of this
29 bill establishes certain rights of professional organizations. **Section 21** of this bill requires,
30 upon request by an exclusive representative, a state professional employer to furnish to the
31 representative certain personal contact information relating to each professional employee
32 represented by the representative. **Section 25** of this bill requires a professional employee who
33 could be subject to certain adverse employment actions to be provided with certain notice and
34 afforded certain rights.

35 **Section 26** of this bill provides for the creation and organization of bargaining units.
36 **Sections 27-31** of this bill set forth procedures for a professional organization to be designated
37 by the Board, either with or without an election, as an exclusive representative of a bargaining
38 unit. **Sections 29 and 62** of this bill: (1) require the Board to verify each showing of interest
39 filed by a professional organization against the employment records of the state professional
40 employer; and (2) provide that a showing of interest by a professional employee or a petition
41 requesting an election relating to exclusive representation submitted to the Board is
42 confidential and not a public record.

43 **Section 32** of this bill requires each state professional employer that has recognized one
44 or more professional organizations and each professional organization to file certain reports
45 with the Board annually.

46 **Section 33** of this bill sets forth certain subjects that constitute the scope of mandatory
47 bargaining. **Section 34** of this bill requires negotiations between an exclusive representative
48 and a state professional employer to commence not later than 60 **calendar** days after one
49 party gives notice to the other party. **Section 35** of this bill sets forth certain duties of an
50 exclusive representative. **Section 36** of this bill requires a state professional employer to
51 designate a representative to engage in collective bargaining with an exclusive representative.
52 **Section 36** further requires a state professional employer to **comply with reasonable**
53 **requests to** furnish certain data to the exclusive representative. ~~upon request.~~ **Section 39** of
54 this bill authorizes a professional organization to be represented by a licensed attorney in
55 negotiations with a state professional employer.

56 **Sections 37, 38, 41 and 42** of this bill set forth various requirements and limitations
57 relating to the provisions of a collective bargaining agreement. **Section 64** of this bill provides
58 that in the event of a conflict between certain policies and procedures for personnel adopted
59 by the Board of Regents of the University of Nevada and the provisions of a collective
60 bargaining agreement, the provisions of the collective bargaining agreement prevail.

61 **Section 40** of this bill requires any new or modified collective bargaining agreement
62 between a state professional employer and an exclusive representative to be: (1) submitted to
63 the members of the professional organization for a ratification vote; and (2) approved at a
64 public hearing by, depending on the state professional employer, either the State Board of
65 Examiners or the Board of Regents. **Sections 46 and 63** of this bill provide that certain

66 meetings convened for the purpose of collective bargaining and resolving disputes relating to
 67 collective bargaining are exempt from the provisions of existing law requiring open and
 68 public meetings of public bodies.

69 **Sections 43-45** of this bill provide for the mediation and arbitration of disputes between
 70 state professional employers and exclusive representatives.

71 **Section 47** of this bill prohibits certain practices in the context of collective bargaining.
 72 **Section 48** of this bill sets forth procedures to establish that a party has committed such a
 73 prohibited practice.

74 **Section 49** of this bill establishes certain provisions relating to actions brought by or
 75 against state professional employers or professional organizations.

76 Existing law requires the Government Employee-Management Relations Board to
 77 annually assess a fee on local government employers and the Executive Department for the
 78 support of the Board based on the number of employees employed by the local government
 79 employer or the Executive Department in the first pay period of the immediately preceding
 80 year. (NRS 288.139, 288.475) **Section 50** of this bill requires the Board to assess a similar fee
 81 on each state professional employer based on the number of professional employees in a
 82 bargaining unit that had an exclusive representative in the first pay period of the immediately
 83 preceding year.

84 **Sections 51 and 52** of this bill authorize: (1) a state professional employer to use the
 85 services of the Division of Human Resource Management of the Department of
 86 Administration and the Attorney General to provide support to the state professional employer
 87 to carry out the provisions of **sections 6-52** of this bill; and (2) the Division of Human
 88 Resource Management and the Attorney General to charge the state professional employer for
 89 any such services provided.

90 **Section 61** of this bill authorizes the Governor to request the drafting of as many
 91 legislative measures as are necessary to carry out the provisions of **sections 6-52**. **Sections 56**
 92 **and 60** of this bill revise provisions of existing law prohibiting strikes against the State or a
 93 local government employer by an employee organization or labor organization for the purpose
 94 of also prohibiting strikes by a professional organization.

95 **Sections 4, 5 and 7-16** of this bill define certain words and terms applicable to the
 96 provisions of this bill. **Sections 54 and 55** of this bill revise certain definitions relating to
 97 collective bargaining that are applicable to employee organizations and labor organizations to
 98 also include professional organizations. **Section 53** of this bill makes a conforming change to
 99 indicate the proper placement of **sections 4 and 5** in the Nevada Revised Statutes.

100 **Section 65** of this bill grants the Board of Regents the authority to conduct collective
 101 bargaining negotiations and to enter into collective bargaining agreements with the
 102 professional employees of the Nevada System of Higher Education.

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

1 **Section 1.** NRS 281.129 is hereby amended to read as follows:

2 281.129 1. Any officer of the State, except the Legislative Fiscal Officer,
 3 who disburses money in payment of salaries and wages of officers and employees
 4 of the State:

5 (a) May, upon written requests of the officer or employee specifying amounts,
 6 withhold those amounts and pay them to:

7 (1) Charitable organizations;

8 (2) Employee credit unions;

9 (3) Except as otherwise provided in paragraph (c), insurers;

10 (4) The United States for the purchase of savings bonds and similar
 11 obligations of the United States; and

12 (5) Except as otherwise provided in NRS 288.545 ~~and~~ **and section 22 of this**
 13 **act**, employee organizations, ~~and~~ labor organizations ~~and~~ **and professional**
 14 **organizations.**

1 (b) May, in accordance with an agreement entered into pursuant to NRS
2 701A.450 between the Director of the Office of Energy and the officer or employee
3 specifying amounts, withhold those amounts and pay them to the Director of the
4 Office of Energy for credit to the Renewable Energy Account created by NRS
5 701A.450.

6 (c) Shall, upon receipt of information from the Public Employees' Benefits
7 Program specifying amounts of premiums or contributions for coverage by the
8 Program, withhold those amounts from the salaries or wages of officers and
9 employees who participate in the Program and pay those amounts to the Program.

10 2. The State Controller may adopt regulations necessary to withhold money
11 from the salaries or wages of officers and employees of the Executive Department.

12 **Sec. 2.** NRS 281.755 is hereby amended to read as follows:

13 281.755 1. Except as otherwise provided in subsections 2 and 5, a public
14 body shall provide an employee who is the mother of a child under 1 year of age
15 with:

16 (a) Reasonable break time, with or without compensation, for the employee to
17 express breast milk as needed; and

18 (b) A place, other than a bathroom, that is reasonably free from dirt or
19 pollution, protected from the view of others and free from intrusion by others where
20 the employee may express breast milk.

21 2. If the public body determines that complying with the provisions of
22 subsection 1 will cause an undue hardship considering the size, financial resources,
23 nature and structure of the public body, the public body may meet with the
24 employee to agree upon a reasonable alternative. If the parties are not able to reach
25 an agreement, the public body may require the employee to accept a reasonable
26 alternative selected by the public body and the employee may appeal the decision
27 by filing a complaint in the manner set forth in subsection 4.

28 3. An officer or agent of a public body shall not retaliate, or direct or
29 encourage another person to retaliate, against an employee of the public body
30 because the employee has:

31 (a) Taken break time or used the space provided pursuant to subsection 1 or 2
32 to express breast milk; or

33 (b) Taken any action to require the public body to comply with the
34 requirements of this section, including, without limitation, filing a complaint,
35 testifying, assisting or participating in any manner in an investigation, proceeding
36 or hearing to enforce the provisions of this section.

37 4. An employee who is aggrieved by the failure of a public body to comply
38 with the provisions of this section may:

39 (a) If the employee is employed by the Executive Department of State
40 Government, is not an employee of an entity described in NRS 284.013 and is not
41 an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, *or*
42 *sections 6 to 52, inclusive, of this act*, file a complaint with the Employee-
43 Management Committee in accordance with the procedures provided pursuant to
44 NRS 284.384;

45 (b) If the employee is employed by the Legislative Department of State
46 Government, file a complaint with the Director of the Legislative Counsel Bureau;

47 (c) If the employee is employed by the Judicial Department of State
48 Government, file a complaint with the Court Administrator; and

49 (d) If the employee is employed by a political subdivision of this State or any
50 public or quasi-public corporation organized under the laws of this State or if the
51 employee is employed by the Executive Department of State Government and is an
52 employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, *or*

1 *sections 6 to 52, inclusive, of this act*, file a complaint with the Government
2 Employee-Management Relations Board in the manner set forth in NRS 288.115.

3 5. The requirements of this section do not apply to the Department of
4 Corrections. The Department is encouraged to comply with the provisions of this
5 section to the extent practicable.

6 6. As used in this section, "public body" means:

7 (a) The State of Nevada, or any agency, instrumentality or corporation thereof;

8 (b) The Nevada System of Higher Education; or

9 (c) Any political subdivision of this State or any public or quasi-public
10 corporation organized under the laws of this State, including, without limitation,
11 counties, cities, unincorporated towns, school districts, charter schools, hospital
12 districts, irrigation districts and other special districts.

13 **Sec. 3.** Chapter 288 of NRS is hereby amended by adding thereto the
14 provisions set forth as sections 4 to 52, inclusive, of this act.

15 **Sec. 4.** *"Professional organization" means an organization of any kind*
16 *that:*

17 1. *Has, as one of its purposes, the improvement of the terms and conditions*
18 *of employment of professional employees, as defined in section 13 of this act; and*

19 2. *Provides the service of representation to professional employees,*
20 *including, without limitation, in collective bargaining with state professional*
21 *employers.*

22 **Sec. 5.** *"State professional employer" means a board, commission or*
23 *similar body within the Executive Department, including, without limitation, the*
24 *Board of Regents of the University of Nevada on behalf of the Nevada System of*
25 *Higher Education, that employs 400 or more professional employees as defined*
26 *in section 13 of this act.*

27 **Sec. 6.** *As used in sections 6 to 52, inclusive, of this act, unless the context*
28 *otherwise requires, the words and terms defined in sections 7 to 16, inclusive, of*
29 *this act have the meanings ascribed to them in those sections.*

30 **Sec. 7.** *"Arbitration" means a process of dispute resolution in which the*
31 *parties involved in an impasse or grievance submit their dispute to a third party*
32 *for a final and binding decision.*

33 **Sec. 8.** *"Bargaining unit" means a group of professional employees*
34 *recognized by a state professional employer as having sufficient community of*
35 *interest for representation by a professional organization for the purpose of*
36 *collective bargaining.*

37 **Sec. 9.** *"Confidential employee" means an employee who provides*
38 *administrative support to an employee who assists in the formulation,*
39 *determination and effectuation of managerial personnel policies concerning*
40 *collective bargaining.*

41 **Sec. 10.** *"Exclusive representative" means a professional organization that,*
42 *as a result of its designation as such by the Board, has the exclusive right to:*

43 1. *Represent all the professional employees within a bargaining unit; and*

44 2. *Engage in collective bargaining with a state professional employer*
45 *pursuant to sections 6 to 52, inclusive, of this act concerning wages, hours and*
46 *other terms and conditions of employment for those professional employees.*

47 **Sec. 11.** *"Grievance" means an act, omission or occurrence that a*
48 *professional employee or an exclusive representative believes to be an injustice*
49 *relating to any condition arising out of the relationship between a state*
50 *professional employer and a professional employee, including, without limitation,*
51 *working hours, working conditions, membership in a professional organization*
52 *or the interpretation of any law, regulation or agreement.*

1 **Sec. 12. 1. “Managerial employee” means an employee whose primary**
2 **function is to administer and control the business of any state professional**
3 **employer and who is vested with discretion and independent judgment with**
4 **regard to the general conduct and control of the state professional employer.**

5 2. The term includes, without limitation:

6 (a) A chief administrative officer, the chief administrative officer’s deputy
7 and immediate assistants, department heads and their deputies and immediate
8 assistants, appointed officials and others who are primarily responsible for
9 formulating and administering management policies and programs;

10 (b) Administrators of an academic institution, including, without limitation:

11 (1) Chancellors, presidents, provosts and deans;

12 (2) Vice, associate and assistant chancellors, presidents, provosts and
13 deans; and

14 (3) Other employees who are primarily responsible for formulating and
15 administering management policies and programs; and

16 (c) Attorneys who serve a state professional employer or advise other
17 managerial employees.

18 3. With respect to professional employees of an academic institution:

19 (a) A professional employee shall not be deemed a managerial employee
20 solely because the professional employee participates in decisions with respect to
21 courses, curriculum, personnel or other matters of educational policy through
22 shared governance mechanisms or peer review.

23 (b) A chair or head of a department or similar academic unit or program
24 who performs the duties described in paragraph (a) primarily on behalf of the
25 members of the academic unit or program shall not be deemed a managerial
26 employee solely because of those duties.

27 **Sec. 13. 1. “Professional employee” means a person who is employed by**
28 **a state professional employer and:**

29 (a) Is in the unclassified service of the State; or

30 (b) Is paid in accordance with any arrangement other than the pay plan for
31 the classified service of the State.

32 2. The term does not include:

33 (a) A local government employee;

34 (b) A person who is employed in the classified service of the State pursuant
35 to chapter 284 of NRS;

36 (c) A person who is employed by the Nevada System of Higher Education:

37 (1) In the classified service of the State; or

38 (2) Who is required to be paid in accordance with the pay plan for the
39 classified service of the State;

40 (d) A person employed by the Public Employees’ Retirement System who is
41 required to be paid in accordance with the pay plan for the classified service of
42 the State;

43 (e) An elected official or any person appointed to fill a vacancy in an elected
44 office;

45 (f) A person who is employed in neither the classified nor the unclassified
46 service of the State pursuant to NRS 223.085;

47 (g) A person whose employment is the result of an appointment by the
48 Governor to a position which deems the person to be a civil officer of the State
49 pursuant to NRS 232A.030 or 616C.340;

50 (h) A managerial employee;

51 (i) A confidential employee;

52 (j) A temporary, intermittent or seasonal worker who is employed for less
53 than 90 calendar days in a [365-day] period [+] of 365 calendar days;

1 (k) A commissioned officer or an enlisted member of the Nevada National
2 Guard; or

3 (l) A person who is employed within the office of a statewide elected
4 constitutional officer.

5 **Sec. 14.** “Recognition” or “recognized” means the formal acknowledgment
6 by a state professional employer that a particular professional organization has
7 the right to represent professional employees of the state professional employer.

8 **Sec. 15.** “Showing of interest” means written or electronic documentation
9 that provides evidence of the membership of a professional employee in or his or
10 her support for a professional organization for the purpose of exclusive
11 representation. The term includes any electronic signature pursuant to chapter
12 719 of NRS.

13 **Sec. 16. 1.** “Supervisory employee” means a person who does not have
14 the responsibility for the general conduct and control of a state professional
15 employer, but who:

16 (a) Performs management duties, including, without limitation:

17 (1) Establishing performance standards for subordinate employees;

18 (2) Scheduling, assigning, overseeing or reviewing the work of
19 subordinate employees under established performance standards; or

20 (3) Effectively recommending the performance of the duties described in
21 subparagraphs (1) and (2) and the manner in which such duties are performed;
22 or

23 (b) Has the authority to adjust grievances, apply established personnel
24 policies and procedures, enforce the provisions of a collective bargaining
25 agreement or effectively recommend such action,

26 → if the exercise of the duties or authority described in paragraph (a) or (b) is not
27 of a merely routine or clerical nature but requires the use of independent
28 judgment and occupies a regular and significant portion of the employee’s
29 workday.

30 2. With respect to professional employees of an academic institution:

31 (a) A professional employee shall not be deemed to be a supervisory
32 employee solely because the professional employee participates in decisions with
33 respect to courses, curriculum, personnel or other matters of educational policy
34 through shared governance mechanisms or peer review.

35 (b) A chair or head of a department or similar academic unit or program
36 who performs the duties described in paragraph (a) primarily on behalf of the
37 members of the academic unit or program shall not be deemed a supervisory
38 employee solely because of those duties.

39 **Sec. 17. 1.** The Legislature hereby finds and declares that there is a great
40 need to:

41 (a) Promote harmonious and constructive relations between state
42 professional employers and their professional employees; and

43 (b) Increase the efficiency of state professional employers. ~~], and~~

44 ~~(c) Provide the means by which relations between state professional
45 employers and their professional employees are carried out in an atmosphere
46 which permits the fullest participation by professional employees in the
47 determination of conditions of employment that affect them.]~~

48 2. It is therefore in the public interest that the Legislature enact provisions:

49 (a) Granting certain professional employees the right to associate with others
50 in organizing and choosing exclusive representatives for the purpose of engaging
51 in collective bargaining;

52 (b) Requiring state professional employers to recognize professional
53 organizations and to negotiate wages, hours and other terms and conditions of

1 *employment with exclusive representatives and to enter into written agreements*
2 *evidencing the result of collective bargaining; and*

3 *(c) Establishing standards and procedures that protect the rights of*
4 *professional employees, state professional employers and the people of the State.*

5 3. *The Legislature further finds and declares that:*

6 *(a) Joint decision making and consultation between administration and*
7 *faculty or academic professional employees is a long-accepted manner of shared*
8 *governance in institutions of higher education and is essential to the*
9 *advancement of the educational missions of those institutions;*

10 *(b) It is a purpose of sections 6 to 52, inclusive, of this act to preserve and*
11 *encourage the practice and mechanisms of shared governance with respect to*
12 *professional employees of public institutions of higher education in this State;*
13 *and*

14 *(c) The provisions of sections 6 to 52, inclusive, of this act are not intended to*
15 *restrict, limit or prohibit the full exercise of the functions of faculty in any shared*
16 *governance mechanism or practice, including, without limitation, the*
17 *establishment and function of faculty senates and the principle of peer review in*
18 *the appointment, retention and tenure of faculty in an institution of higher*
19 *education.*

20 **Sec. 18.** 1. *For the purposes of collective bargaining and other mutual*
21 *aid or protection, every professional employee has the right to:*

22 *(a) Organize, form, join and assist professional organizations, engage in*
23 *collective bargaining through exclusive representatives and engage in other*
24 *concerted activities; and*

25 *(b) Refrain from engaging in such an activity.*

26 2. *A state professional employer shall not discriminate in any way among its*
27 *professional employees on account of membership or nonmembership in a*
28 *professional organization.*

29 3. *Professional employees have the right to communicate with one another*
30 *and with representatives of professional organizations concerning organization,*
31 *representation, issues in the workplace, collective bargaining and the business*
32 *and programs of a professional organization, including, without limitation,*
33 *communicating by means of electronic mail, text messages and other electronic*
34 *communications, telephone, paper documents and other means of*
35 *communications of the workplace subject to the reasonable regulations of a state*
36 *professional employer or such limitations as may be set forth in a collective*
37 *bargaining agreement.*

38 **Sec. 19.** 1. *A state professional employer shall recognize a professional*
39 *organization that presents to the state professional employer:*

40 *(a) A copy of the bylaws, charter or constitution of the professional*
41 *organization, which demonstrates that the organization has as one of its purposes*
42 *the improvement of the terms and conditions of employment of professional*
43 *employees;*

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

45 *(c) An identification of the professional employees that the professional*
46 *organization seeks to represent.*

47 2. *If a state professional employer first receives the written permission of*
48 *the Board, the state professional employer may withdraw recognition from a*
49 *professional organization that fails to:*

50 *(a) Present a copy of each change in its bylaws, charter or constitution, if*
51 *any; or*

52 *(b) Give notice of any change in the roster of its officers and representatives,*
53 *if any.*

1 **Sec. 20. 1.** *Except as otherwise provided in subsection 2 and subject to*
2 *such reasonable regulations as a state professional employer may prescribe or*
3 *such conditions and limitations as may be set forth in a collective bargaining*
4 *agreement, a professional organization that has been recognized shall have the*
5 *right to:*

6 (i) *At reasonable times, access areas in which professional employees work;*

7 (ii) *Use bulletin boards, mailboxes, electronic mail and other means of*
8 *communication to communicate with professional employees at their workplace;*

9 (iii) *At reasonable times, use the facilities of a workplace for the purpose of*
10 *meetings concerned with the exercise of any rights guaranteed under the*
11 *provisions of sections 6 to 52, inclusive, of this act; and*

12 (iv) *Provide information to professional employees during the orientation or*
13 *on-boarding of new employees.*

14 2. *If a professional organization has been designated as the exclusive*
15 *representative of a bargaining unit, no professional organization other than the*
16 *professional organization designated as the exclusive representative may exercise*
17 *the rights set forth in subsection 1 with respect to professional employees in the*
18 *bargaining unit except to the extent that such access is otherwise provided to the*
19 *general public.*

20 **Sec. 21. 1.** *Unless a professional employee has directed a state*
21 *professional employer not to furnish that employee's personal contact*
22 *information to an exclusive representative, a state professional employer shall,*
23 *upon the request of an exclusive representative but not more than once each*
24 *calendar quarter, furnish to the exclusive representative the following personal*
25 *contact information, as contained in the records of the state professional*
26 *employer, for each professional employee who is represented by the exclusive*
27 *representative:*

28 (i) *Home address;*

29 (ii) *Home telephone number or other personal telephone number; and*

30 (iii) *Personal electronic mail address.*

31 2. *The furnishing of an employee's personal contact information pursuant*
32 *to subsection 1 does not make that information a public record for the purposes*
33 *of chapter 239 of NRS.*

34 **Sec. 22. 1.** *Except as otherwise provided in subsection 4, an officer of a*
35 *state professional employer shall, upon written authorization by a professional*
36 *employee, withhold a sufficient amount of money from the salary or wages of the*
37 *employee pursuant to NRS 281.129 to pay dues or similar fees to a recognized*
38 *professional organization.*

39 2. *If applicable, a written authorization provided pursuant to subsection 1*
40 *must comply with the provisions of chapter 719 of NRS.*

41 3. *Except as otherwise provided in this subsection, a written authorization*
42 *provided pursuant to subsection 1 is binding for the period specified in the*
43 *authorization. An authorization may be revoked by the professional employee by*
44 *notifying the professional organization in accordance with the terms of the*
45 *authorization. The professional organization shall process a revocation of an*
46 *authorization in a timely manner.*

47 4. *If the Board designates a professional organization as the exclusive*
48 *representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this*
49 *act, an officer of a state professional employer shall not, pursuant to NRS*
50 *281.129, withhold any amount of money from the salary or wages of a*
51 *professional employee within the bargaining unit to pay dues or similar fees to a*
52 *professional organization other than the professional organization that is the*
53 *exclusive representative of the bargaining unit.*

1 **Sec. 23.** *1. Except as otherwise provided in this section, a recognized*
2 *professional organization may represent a professional employee of a state*
3 *professional employer that has recognized the professional organization with*
4 *respect to any condition of the employment of the professional employee,*
5 *including, without limitation, representation in disciplinary proceedings and*
6 *investigations and proceedings for the adjustment of grievances, regardless of*
7 *whether the professional employee is a member of the professional organization.*

8 *2. If a professional employee is in a bargaining unit that has an exclusive*
9 *representative, no professional organization other than the professional*
10 *organization designated as the exclusive representative for the bargaining unit*
11 *may represent the professional employee.*

12 *3. Only the professional organization which has been designated by the*
13 *Board as the exclusive representative of a bargaining unit pursuant to sections 6*
14 *to 52, inclusive, of this act may engage in collective bargaining on behalf of the*
15 *professional employees of that bargaining unit.*

16 **Sec. 24.** *1. Except as otherwise provided in this section, the recognition of*
17 *a professional organization or the designation of a professional organization as*
18 *an exclusive representative does not preclude a professional employee from*
19 *acting for himself or herself with respect to any condition of his or her*
20 *employment. Such a professional employee has the right to present grievances to*
21 *a state professional employer at any time and to have those grievances adjusted.*

22 *2. If a professional employee, acting for himself or herself, presents a*
23 *grievance to a state professional employer pursuant to subsection 1:*

24 *(a) Any action taken in the adjustment of a grievance must be consistent with*
25 *the terms of an applicable collective bargaining agreement in effect, if any; and*

26 *(b) If the professional employee is in a bargaining unit that has an exclusive*
27 *representative, the exclusive representative must be given an opportunity to be*
28 *present at any meetings or hearings related to the adjustment of the grievance*
29 *and be provided a copy of the adjustment of the grievance.*

30 **Sec. 25.** *1. Subject to the conditions imposed by section 23 of this act and*
31 *any other conditions and limitations as may be set forth in a collective bargaining*
32 *agreement, a professional employee who is the subject of an internal*
33 *administrative investigation that could lead to dismissal, involuntary demotion,*
34 *suspension, reduction of pay, payment of restitution or other similar adverse*
35 *employment action against the professional employee must be:*

36 *(a) Provided notice in writing of the allegations against the professional*
37 *employee within 30 calendar days after the date on which the state professional*
38 *employer becomes aware, or reasonably should have become aware, of the*
39 *allegations. The notice must be provided before the professional employee is*
40 *questioned regarding the allegations.*

41 *(b) Afforded the right to have a lawyer or other representative of the*
42 *professional employee's choosing present with the professional employee at any*
43 *time that the professional employee is questioned regarding the allegations. The*
44 *professional employee must be given not less than 2 business days to obtain such*
45 *representation, unless the professional employee waives, in writing, his or her*
46 *right to be represented.*

47 *2. If, during any questioning by a state professional employer, a*
48 *professional employee who does not have a representative present has a*
49 *reasonable belief that the questioning could lead to dismissal, involuntary*
50 *demotion, suspension, reduction of pay, payment of restitution or similar adverse*
51 *employment action against the professional employee and makes a clear request*
52 *for representation by a recognized professional organization, the state*
53 *professional employer must:*

1 (a) Grant the request and delay the questioning by not less than 2 business
2 days to allow a representative of the professional organization to be present and
3 to provide an opportunity for the professional employee to consult with the
4 representative; or

5 (b) Deny the request and end the questioning immediately.

6 3. A state professional employer must not retaliate in any way against a
7 professional employee for asserting his or her rights under subsection 2.

8 4. A state professional employer shall annually inform its professional
9 employees of the rights afforded to professional employees under subsection 2.

10 **Sec. 26.** 1. Each state professional employer which has recognized a
11 professional organization shall determine, in consultation with the recognized
12 organization, which group or groups of its professional employees constitute an
13 appropriate bargaining unit or bargaining units. The primary criterion for that
14 determination must be the community of interest among the employees
15 concerned. Without restricting the rights of the parties to make their
16 determination pursuant to this subsection, for the Nevada System of Higher
17 Education, there is a presumption that the contact, interests and working
18 conditions of employees within a branch university, college or other branch
19 create a sufficient community of interest.

20 2. Managerial employees must be excluded from any bargaining unit.

21 3. Confidential employees must be excluded from any bargaining unit but
22 are entitled to participate in any plan to provide benefits for a group that is
23 administered by the bargaining unit of which they would otherwise be a member.

24 4. A supervisory employee must not be a member of the same bargaining
25 unit as the professional employees under the supervision of the supervisory
26 employee. Any dispute between the parties as to whether a professional employee
27 is a supervisor must be submitted to the Board. A professional organization
28 which is negotiating on behalf of two or more bargaining units may select
29 members of each unit to negotiate jointly on behalf of each other, even if one of
30 the units consists of supervisory employees and the other unit does not.

31 5. If any professional organization is aggrieved by the determination of a
32 bargaining unit, it may appeal to the Board. Subject to judicial review, the
33 decision of the Board is binding upon the state professional employer and any
34 professional organization involved. The Board shall apply the same criterion as
35 specified in subsection 1.

36 **Sec. 27.** ~~1.1~~ If no professional organization is designated as the exclusive
37 representative of a bargaining unit and a recognized professional organization
38 files with the Board a showing of interest for the professional organization by
39 more than 50 percent of the professional employees in a bargaining unit which is
40 verified by the Board pursuant to section 29 of this act, the Board shall designate
41 the professional organization as the exclusive representative of the bargaining
42 unit without ordering an election.

43 ~~2. Upon the designation of a professional organization as the exclusive~~
44 ~~representative of a bargaining unit without an election pursuant to subsection 1,~~
45 ~~the Board shall require the state professional employer to distribute a notice to all~~
46 ~~professional employees in the bargaining unit advising the professional~~
47 ~~employees:~~

48 ~~(a) That the professional organization has been designated as the exclusive~~
49 ~~representative of the bargaining unit; and~~

50 ~~(b) Of the rights afforded to the professional employees under sections 18,~~
51 ~~23, 24 and 25 of this act.]~~

1 **Sec. 28. 1.** *If no professional organization is designated as the exclusive*
 2 *representative of a bargaining unit, the Board shall order an election to be*
 3 *conducted within the bargaining unit if:*

4 *(a) A recognized professional organization files with the Board a written*
 5 *request for an election which includes a showing of interest for the professional*
 6 *organization by at least 30 percent but not more than 50 percent of the*
 7 *professional employees within the bargaining unit which is verified by the Board*
 8 *pursuant to section 29 of this act; and*

9 *(b) No other election to choose, change or discontinue exclusive*
 10 *representation has been conducted within the bargaining unit during the*
 11 *immediately preceding 12 months.*

12 ~~2. Upon ordering an election pursuant to subsection 1, the Board shall~~
 13 ~~require the state professional employer to distribute a notice to all professional~~
 14 ~~employees in the bargaining unit;~~

15 ~~(a) Identifying:~~

16 ~~(1) The bargaining unit for which representation is sought; and~~

17 ~~(2) The professional organization which seeks to be the exclusive~~
 18 ~~representative of the bargaining unit;~~

19 ~~(b) Explaining the election process; and~~

20 ~~(c) Advising the professional employees of the rights afforded to the~~
 21 ~~professional employees under sections 18, 23, 24 and 25 of this act.~~

22 ~~3.~~ *If the Board has designated a professional organization as the exclusive*
 23 *representative of a bargaining unit following an election pursuant to subsection 1*
 24 *or without an election pursuant to section 27 of this act, the Board shall order an*
 25 *election:*

26 *(a) If:*

27 *(1) Another recognized professional organization files with the Board a*
 28 *written request for an election which includes a showing of interest for the*
 29 *professional organization by more than 50 percent of the professional employees*
 30 *within the bargaining unit; or*

31 *(2) A group of professional employees within the bargaining unit files*
 32 *with the Board a written request for an election which includes a petition or other*
 33 *evidence showing that more than 50 percent of the professional employees within*
 34 *the bargaining unit have requested that an election be conducted to change or*
 35 *discontinue exclusive representation;*

36 *(b) If applicable, the written request filed pursuant to paragraph (a) is filed*
 37 *at least 225 calendar days but not more than 270 calendar days before the date on*
 38 *which the current collective bargaining agreement in effect for the bargaining*
 39 *unit expires; and*

40 *(c) If no other election to choose, change or discontinue exclusive*
 41 *representation has been conducted within the bargaining unit during the*
 42 *immediately preceding 12 months.*

43 **Sec. 29. 1.** *The Board shall verify each showing of interest filed by a*
 44 *professional organization pursuant to section 27 or 28 of this act and the identity*
 45 *of each professional employee identified in a written request filed by a group of*
 46 *professional employees pursuant to subparagraph (2) of paragraph (a) of*
 47 *subsection ~~13~~ 2 of section 28 of this act by comparing the name of a professional*
 48 *employee included in the showing of interest or written request, as applicable,*
 49 *with the employment records of the state professional employer.*

50 2. *A showing of interest filed by a professional organization pursuant to*
 51 *section 27 or 28 of this act or a written request filed by a group of professional*
 52 *employees pursuant to subparagraph (2) of paragraph (a) of subsection ~~13~~ 2 of*
 53 *section 28 of this act is confidential and is not a public record.*

1 3. The Board shall not disclose to any person the identity of any
2 professional employee who has participated in a showing of interest filed by a
3 professional organization pursuant to section 27 or 28 of this act or a written
4 request filed by a group of professional employees pursuant to subparagraph (2)
5 of paragraph (a) of subsection ~~19~~ 2 of section 28 of this act.

6 **Sec. 30.** 1. If the Board orders an election within a bargaining unit
7 pursuant to section 28 or 31 of this act, the Board shall order that each of the
8 following be placed on the ballot for the election:

9 (a) If applicable, a choice for the recognized professional organization that
10 requested the election pursuant to section 28 of this act;

11 (b) If applicable, a choice for the recognized professional organization that is
12 currently designated as the exclusive representative of the bargaining unit;

13 (c) A choice for any other recognized professional organization that, on or
14 before the date that is prescribed by the rules adopted by the Board pursuant to
15 NRS 288.110 and section 31 of this act, files with the Board a written request to
16 be placed on the ballot for the election and includes with the written request a
17 showing of interest for that other professional organization by at least 30 percent
18 of the professional employees within the bargaining unit; and

19 (d) A choice for "no exclusive representation."

20 2. If a ballot for an election contains more than two choices and none of the
21 choices on the ballot receives a majority of the votes cast at the initial election,
22 the Board shall order a runoff election between the two choices on the ballot that
23 received the highest number of votes at the initial election.

24 3. If the choice for "no exclusive representation" receives a majority of the
25 votes cast at the initial election or at any runoff election, the Board shall
26 designate the bargaining unit as being without an exclusive representative.

27 4. If a recognized professional organization receives a majority of the votes
28 cast at the initial election or at any runoff election, the Board shall designate that
29 professional organization as the exclusive representative of the bargaining unit.

30 **Sec. 31.** 1. The Board shall preside over all elections that are conducted
31 pursuant to this section or section 28 or 30 of this act and shall determine the
32 eligibility requirements for professional employees to vote in any such election.

33 2. An election conducted pursuant to this section or section 28 or 30 of this
34 act must be conducted by secret ballot. The Board may adopt rules prescribing
35 the manner in which voting in such an election may be conducted, which may
36 include, without limitation, voting in person, by mail or by secure electronic
37 means.

38 3. A professional organization that is placed as a choice on the ballot for an
39 election or any professional employee who is eligible to vote at an election may
40 file with the Board a written objection to the results of the election. The objection
41 must be filed not later than 10 business days after the date on which the notice of
42 the results of the election is given by the Board.

43 4. In response to a written objection filed pursuant to subsection 3 or upon
44 its own motion, the Board may invalidate the results of an election and order a
45 new election if the Board finds that any conduct or circumstances raise
46 substantial doubt that the results of the election are reliable.

47 **Sec. 32.** 1. Each state professional employer that has recognized one or
48 more professional organizations shall, on or before November 30 of each year,
49 file with the Board:

50 (a) A list of each professional organization recognized by the state
51 professional employer;

52 (b) A list of each professional organization designated as the exclusive
53 representative for a bargaining unit within the state professional employer; and

1 (c) A description of each bargaining unit within the state professional
2 employer.

3 2. Each professional organization recognized by a state professional
4 employer shall file a report with the Board on or before November 30 of each
5 year. The report must include:

6 (a) The full name of the professional organization;

7 (b) The name of each state professional employer which has recognized the
8 professional organization;

9 (c) The names of the officers of the professional organization;

10 (d) If applicable, the total number of professional employees in each
11 bargaining unit for which the professional organization has been designated as
12 the exclusive representative;

13 (e) Copies of all changes to the bylaws, charter or constitution of the
14 professional organization that were adopted during the preceding year;

15 (f) The name, address and telephone number of the person designated by the
16 professional organization to receive communications from the Board on business
17 relating to the professional organization; and

18 (g) A copy of any collective bargaining agreement in effect between the
19 professional organization and a state professional employer.

20 3. A professional organization which has not previously been recognized by
21 a state professional employer shall file the report required by subsection 2 not
22 later than 30 calendar days after recognition.

23 **Sec. 33. 1.** Collective bargaining entails a mutual obligation between a
24 state professional employer and an exclusive representative to meet at reasonable
25 times and to bargain in good faith with respect to:

26 (a) The subjects of mandatory bargaining set forth in subsection 2;

27 (b) The negotiation of an agreement;

28 (c) The resolution of any question arising under an agreement; and

29 (d) The execution of a written contract incorporating the provisions of an
30 agreement.

31 2. The scope of mandatory bargaining is limited to:

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

33 (b) Sick leave.

34 (c) Vacation leave.

35 (d) Holidays.

36 (e) Maternity or paternity leave and family medical leave.

37 (f) Other paid or nonpaid leaves of absence.

38 (g) Except as otherwise provided in subsection 3, insurance and health care
39 benefits provided by the state professional employer.

40 (h) Total hours of work required of a professional employee on each
41 workday or workweek.

42 (i) Total number of days of work required of a professional employee in a
43 work year.

44 (j) Discharge and disciplinary procedures.

45 (k) Recognition clause.

46 (l) The method for determining the classification and titles of professional
47 employees in the bargaining unit.

48 (m) Deduction of dues for the recognized professional organization.

49 (n) Protection of professional employees in the bargaining unit from
50 discrimination because of participation in recognized professional organizations
51 consistent with the provisions of sections 6 to 52, inclusive, of this act.

52 (o) ~~No-strike provisions consistent with the provisions of [sections 6 to 52,~~
53 ~~inclusive, of this act.]~~ this chapter.

1 (p) *Grievance and arbitration procedures for resolution of disputes relating*
2 *to interpretation or application of collective bargaining agreements.*

3 (q) *General savings clauses.*

4 (r) *Except as otherwise provided in section 38 of this act, the duration of*
5 *collective bargaining agreements.*

6 (s) *Safety of professional employees* ~~*and safety in the workplace.*~~

7 (t) *Facilities for meeting with students for professional employees who have*
8 *teaching or advising responsibilities.*

9 (u) *Policies for the transfer and reassignment of professional employees.*

10 (v) *Procedures for reduction in or addition to the workforce consistent with*
11 *the provisions of sections 6 to 52, inclusive, of this act.*

12 3. *The following are not subject to negotiation pursuant to this section:*

13 (a) *Pension or retirement benefits provided by the Public Employees'*
14 *Retirement System pursuant to chapter 286 of NRS to persons employed by this*
15 *State, state agencies, as described in subsection 2 of NRS 286.070, and the Public*
16 *Employees' Retirement System.*

17 (b) *Benefits provided by the Public Employees' Benefits Program pursuant*
18 *to NRS 287.0402 to 287.049, inclusive, to persons employed by a participating*
19 *state agency as defined in NRS 287.04054.*

20 (c) *Provisions governing participation in the Public Employees' Deferred*
21 *Compensation Program pursuant to NRS 287.250 to 287.370, inclusive.*

22 4. *The following are not subjects within the scope of mandatory bargaining*
23 *and are reserved to the state professional employer without negotiation:*

24 (a) *Except as otherwise provided in paragraph (u) of subsection 2, the right*
25 *to hire, direct, assign or transfer an employee. This right does not include the*
26 *right to assign or transfer an employee as a form of discipline.*

27 (b) *The right to determine the quality and quantity of services to be offered to*
28 *the public.*

29 (c) *Safety of the public.*

30 5. *Notwithstanding the provisions of any collective bargaining agreement*
31 *negotiated pursuant to the provisions of sections 6 to 52, inclusive, of this act, a*
32 *state professional employer is entitled to take whatever actions may be necessary*
33 *to carry out its responsibilities during a state of emergency or declaration of*
34 *disaster proclaimed pursuant to NRS 414.070. Those actions may include the*
35 *suspension of any such collective bargaining agreement or any portion thereof*
36 *for the duration of the emergency or disaster to the extent necessary to carry out*
37 *the responsibilities of the state professional employer. Any action taken under the*
38 *provisions of this subsection must not be construed as a failure to negotiate in*
39 *good faith.*

40 ~~(5.)~~ 6. *This section does not preclude, but the provisions of sections 6 to 52,*
41 *inclusive, of this act, do not require, a state professional employer to negotiate*
42 *subject matters outside of the scope of mandatory bargaining or consult with any*
43 *professional employee or professional organization on any such matter. A state*
44 *professional employer shall discuss subject matters outside the scope of*
45 *mandatory bargaining but is not required to negotiate those matters.*

46 Sec. 34. 1. *Whenever an exclusive representative or a state professional*
47 *employer desires to negotiate any matter which is subject to negotiation pursuant*
48 *to the provisions of sections 6 to 52, inclusive, of this act, it shall give written*
49 *notice to the other party.*

50 2. *The parties shall commence negotiations not later than 60 calendar days*
51 *following the notification provided for in subsection 1.*

52 Sec. 35. 1. *An exclusive representative shall:*

1 (a) Act as the representative of all professional employees within each
2 bargaining unit that it represents; and

3 (b) In good faith and on behalf of each bargaining unit that it represents,
4 individually or collectively, bargain with a state professional employer
5 concerning the wages, hours and other terms and conditions of employment for
6 the professional employees within each bargaining unit that it represents.

7 2. A professional organization may serve as an exclusive representative for
8 multiple bargaining units.

9 **Sec. 36. 1.** A state professional employer shall designate a representative
10 to conduct negotiations concerning collective bargaining agreements on behalf of
11 the state professional employer. For the Nevada System of Higher Education,
12 where a bargaining unit has been determined pursuant to section 26 of this act
13 and that bargaining unit is unique to an institution within the System, a
14 representative of that institution may be, but is not required to be, designated as
15 the representative to conduct negotiations concerning collective bargaining
16 agreements on behalf of the Nevada System of Higher Education for that
17 institution.

18 2. A representative designated pursuant to subsection 1 shall, on behalf of
19 the state professional employer, negotiate in good faith with an exclusive
20 representative concerning a collective bargaining agreement, as required by
21 section 33 of this act.

22 3. ~~Upon request by an exclusive representative, a~~ A state professional
23 employer shall comply with reasonable requests by an exclusive representative to
24 furnish [to an exclusive representative information] data that is maintained in the
25 ordinary course of business and which is relevant and necessary to the discussion
26 of the subjects of mandatory bargaining described in section 33 of this act. This
27 subsection shall not be construed to require a state professional employer to
28 furnish to the exclusive representative any advice or training received by
29 representatives of the state professional employer concerning collective
30 bargaining.

31 **Sec. 37. 1.** Each collective bargaining agreement negotiated between a
32 state professional employer and an exclusive representative pursuant to sections 6
33 to 52, inclusive, of this act must be in writing and must include, without
34 limitation:

35 (a) A procedure to resolve grievances that applies to all professional
36 employees in the bargaining unit and culminates in ~~final and~~ binding
37 arbitration ~~as the final stage of appeal by either party.~~ Such a procedure:

38 (1) Must be used to resolve all grievances relating to employment,
39 including, without limitation, the administration and interpretation of the
40 collective bargaining agreements, the applicability of any law, rule or regulation
41 relating to the employment and appeal of discipline and other adverse personnel
42 actions; and

43 (2) May, for professional employees of academic institutions, incorporate
44 established shared governance mechanisms, including, without limitation,
45 oversight by a faculty senate and peer review.

46 (b) A nonappropriation clause that provides that any provision of the
47 collective bargaining agreement which requires the Legislature to appropriate
48 money is effective only:

49 (1) To the extent of the legislative appropriation; and

50 (2) Until the collective bargaining agreement is reopened and the
51 provision is renegotiated.

52 2. A professional employee in a bargaining unit who is aggrieved by the
53 failure of the state professional employer or its designated representative to

1 *comply with the requirements of NRS 281.755 may pursue a grievance related to*
2 *that failure through:*

3 *(a) The procedure provided in the agreement pursuant to paragraph (a) of*
4 *subsection 1; or*

5 *(b) The procedure prescribed by NRS 288.115,*
6 *↳ but once the professional employee has properly filed a grievance in writing*
7 *under the procedure described in paragraph (a) or filed a complaint under the*
8 *procedure described in paragraph (b), the professional employee may not proceed*
9 *in an alternative manner.*

10 *3. If there is a conflict between any provision of a collective bargaining*
11 *agreement between a state professional employer and an exclusive representative*
12 *and:*

13 *(a) Any policy, procedure or regulation adopted by the state professional*
14 *employer, the provision of the agreement prevails unless the provision of the*
15 *agreement is outside the lawful scope of collective bargaining.*

16 *(b) An existing statute, the provision of the agreement may not be given*
17 *effect unless the Legislature amends the existing statute in such a way as to*
18 *eliminate the conflict.*

19 *Sec. 38. If the parties to collective bargaining cannot agree to a new*
20 *collective bargaining agreement before the end of the term of a collective*
21 *bargaining agreement, the terms of the existing collective bargaining agreement*
22 *remain in effect until a new collective bargaining agreement takes effect.*

23 *Sec. 39. Whenever a professional organization enters into negotiations*
24 *with a state professional employer pursuant to sections 6 to 52, inclusive, of this*
25 *act, the professional organization may at the sole expense of the professional*
26 *organization, be represented by an attorney licensed to practice law in this State.*

27 *Sec. 40. 1. The draft of any new collective bargaining agreement or*
28 *similar agreement or of any proposed modifications to an existing collective*
29 *bargaining agreement or similar agreement between a state professional*
30 *employer and an exclusive representative must be submitted in writing by the*
31 *professional organization to the members of the organization within the relevant*
32 *bargaining unit before a vote on the ratification of the agreement is taken.*

33 *2. A vote on the ratification of a collective bargaining agreement must be*
34 *conducted in accordance with the internal rules and procedures of the*
35 *professional organization.*

36 *3. Any new or modified collective bargaining agreement or similar*
37 *agreement between a state professional employer and an exclusive representative*
38 *must be approved, at a public hearing, by:*

39 *(a) If the agreement concerns professional employees of the Nevada System*
40 *of Higher Education, the Board of Regents of the University of Nevada; or*

41 *(b) If the agreement does not concern professional employees of the Nevada*
42 *System of Higher Education, the State Board of Examiners.*

43 *4. Not less than 3 business days before the date of the hearing conducted*
44 *pursuant to subsection 3, the Board of Regents of the University of Nevada or the*
45 *State Board of Examiners, as applicable, shall cause the following documents to*
46 *be posted and made available on the Internet website used by the Board of*
47 *Regents or the State Board of Examiners, as applicable, to provide public notice*
48 *of meetings:*

49 *(a) The proposed collective bargaining agreement and any exhibits or other*
50 *attachments to the proposed agreement;*

51 *(b) If the proposed collective bargaining agreement is a modification of a*
52 *previous agreement, a document showing any language added to or deleted from*
53 *the previous agreement; and*

1 (c) Any supporting material prepared for the Board of Regents or the State
2 Board of Examiners, as applicable, relating to the financial impact of the
3 agreement.

4 **Sec. 41.** *If a provision of a collective bargaining agreement:*

5 1. *Does not require an act of the Legislature to be given effect, the provision*
6 *becomes effective in accordance with the terms of the agreement.*

7 2. *Requires an act of the Legislature to be given effect:*

8 (a) *The state professional employer shall request that the Governor request*
9 *the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the*
10 *provision;*

11 (b) *The Governor shall request the drafting of a legislative measure pursuant*
12 *to NRS 218D.175 to effectuate the provision; and*

13 (c) *The provisions become effective, if at all, on the date on which the act of*
14 *the Legislature becomes effective.*

15 **Sec. 42.** 1. *If a provision of a collective bargaining agreement requires*
16 *the Legislature to appropriate money to implement the provision:*

17 (a) *The state professional employer that is a party to the agreement shall*
18 *include the full amount necessary to fund the provision in the proposed budget of*
19 *the state professional employer submitted to the Chief of the Budget Division of*
20 *the Office of Finance pursuant to NRS 353.210.*

21 (b) *The Governor may include in the biennial proposed executive budget of*
22 *the State any amount of money the Governor deems appropriate for the state*
23 *professional employer. If such amount is not sufficient to fully fund the provision*
24 *of the collective bargaining agreement, the Governor shall submit to the*
25 *Legislature and the state professional employer a statement setting forth the*
26 *reasons for not including the amount necessary to fully fund the provision.*

27 2. *If the Legislature does not appropriate the amount of money that is*
28 *necessary to implement fully a provision of a collective bargaining agreement,*
29 *any such agreement may be opened by either party to that agreement solely for*
30 *the purpose of renegotiating the provision that was not fully funded by the*
31 *appropriation. All other terms and conditions of the collective bargaining*
32 *agreement remain in full force and effect.*

33 **Sec. 43.** 1. *Either party may request mediation through the Federal*
34 *Mediation and Conciliation Service if the parties do not reach a collective*
35 *bargaining agreement:*

36 (a) *Not later than 120 calendar days after the date on which the parties*
37 *began negotiations; or*

38 (b) *On or before any later date set by the agreement of the parties in writing.*

39 2. *The mediator shall bring the parties together as soon as possible after his*
40 *or her appointment and shall attempt to settle each issue in dispute not later than*
41 *21 calendar days after his or her appointment or any later date set by the*
42 *agreement of the parties.*

43 **Sec. 44.** 1. *If a mediator appointed pursuant to section 43 of this act*
44 *determines that his or her services are no longer helpful, or if the parties do not*
45 *reach a collective bargaining agreement through mediation within 21 calendar*
46 *days after the appointment of the mediator or on or before any later date set by*
47 *agreement of the parties, the mediator shall discontinue mediation and the parties*
48 *shall attempt to agree upon an impartial arbitrator.*

49 2. *If the parties do not agree upon an impartial arbitrator within 5 business*
50 *days after the date on which mediation is discontinued pursuant to subsection 1*
51 *or on or before any later date set by agreement of the parties, the parties shall*
52 *request from the Federal Mediation and Conciliation Service a list of seven*
53 *potential arbitrators. Not later than 5 business days after receipt of the list of*

1 arbitrators, the parties shall select an arbitrator from the list by alternately
2 striking one name until the name of only one arbitrator remains, and the parties
3 must accept that arbitrator to hear the dispute in question. The party who will
4 strike the first name must be determined by a coin toss.

5 3. The arbitrator shall begin arbitration proceedings not later than 15
6 calendar days after the appointment or any later date set by agreement of the
7 parties.

8 4. The arbitrator and the parties shall apply and follow the procedures for
9 arbitration that are prescribed by any rules adopted by the Board pursuant to
10 NRS 288.110. During arbitration, the parties retain their respective duties to
11 negotiate in good faith.

12 5. The arbitrator may administer oaths or affirmations, take testimony and
13 issue and seek enforcement of a subpoena in the same manner as the Board
14 pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the
15 provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

16 6. The arbitrator shall render a decision not later than 15 calendar days
17 after beginning arbitration proceedings or any later date set by agreement of the
18 parties.

19 7. The state professional employer and the exclusive representative shall
20 each pay one-half of the cost of arbitration.

21 **Sec. 45.** 1. For issues in dispute after arbitration proceedings are held
22 pursuant to section 44 of this act, the arbitrator shall incorporate either the final
23 offer of the state professional employer or the final offer of the exclusive
24 representative into his or her decision. The decision of the arbitrator must be
25 limited to a selection of one of the two final offers of the parties. As incorporated
26 in his or her decision, the arbitrator shall not revise or amend the selected final
27 offer of the applicable party on any issue.

28 2. To determine which final offer to incorporate into his or her decision, the
29 arbitrator shall assess the reasonableness of:

30 (a) The position of each party as to each issue in dispute; and

31 (b) The proposed contractual terms and provisions contained in each final
32 offer.

33 3. In assessing reasonableness pursuant to subsection 2, the arbitrator
34 shall:

35 (a) Compare the salaries, wages, hours and other terms and conditions of
36 employment for the professional employees within the bargaining unit with the
37 salaries, wages, hours and other terms and conditions of employment for other
38 employees performing similar services and for other employees generally:

39 (1) In public employment in comparable communities or institutions;
40 and

41 (2) In private employment in comparable communities or institutions.

42 (b) Consider, without limitation:

43 (1) The financial ability of the state professional employer to pay the
44 costs associated with the proposed collective bargaining agreement, with due
45 regard for the primary obligation of the state professional employer to safeguard
46 the health, safety and welfare of the people of this State ~~to~~ and to fulfill the
47 mission of the state professional employer;

48 (2) Any legal or contractual restrictions on funds based on the sources of
49 those funds, including, without limitation, legislative appropriations, fees, gifts
50 and federal, state, local and private grants and contracts;

51 (3) The average prices paid by consumers for goods, services and
52 housing in the geographic location where the professional employees work; and

1 ~~(3)~~ (4) *Such other factors as are normally or traditionally used as part*
2 *of collective bargaining, mediation, arbitration or other methods of dispute*
3 *resolution to determine the wages, hours and other terms and conditions of*
4 *employment for professional employees in public or private employment.*

5 4. *The decision of the arbitrator is final and binding upon the parties.*

6 **Sec. 46.** *The following proceedings, required by or conducted pursuant to*
7 *this chapter, are not subject to any provision of NRS which requires a meeting to*
8 *be open or public:*

9 1. *Any negotiation or informal discussion between a state professional*
10 *employer and a professional organization or professional employees as*
11 *individuals.*

12 2. *Any meeting of a mediator with either party or both parties to a*
13 *negotiation.*

14 3. *Any meeting or investigation conducted by a mediator or arbitrator.*

15 4. *Any meeting of a state professional employer with its management*
16 *representative or representatives.*

17 5. *Deliberations of the Board toward a decision on a complaint, appeal or*
18 *petition for declaratory relief.*

19 **Sec. 47.** 1. *It is a prohibited practice for a state professional employer or*
20 *its designated representative to willfully:*

21 (a) *Interfere with, restrain or coerce any professional employee in the*
22 *exercise of any right guaranteed under the provisions of sections 6 to 52,*
23 *inclusive, of this act.*

24 (b) *Dominate, interfere or assist in the formation or administration of any*
25 *professional organization.*

26 (c) *Discriminate in regard to hiring, tenure or any term or condition of*
27 *employment to encourage or discourage membership in any professional*
28 *organization.*

29 (d) *Discharge or otherwise discriminate against any professional employee*
30 *because the professional employee has:*

31 (1) *Signed or filed an affidavit, petition or complaint or given any*
32 *information or testimony under this chapter; or*

33 (2) *Formed, joined or chosen to be represented by any professional*
34 *organization.*

35 (e) *Refuse to bargain collectively in good faith with an exclusive*
36 *representative as required by sections 33, 35 and 36 of this act.*

37 (f) *Deny to any professional organization the rights guaranteed to it under*
38 *sections 6 to 52, inclusive, of this act.*

39 (g) *Discriminate because of race, color, religion, sex, sexual orientation,*
40 *gender identity or expression, age, disability, national origin or because of*
41 *political or personal reasons or affiliations.*

42 (h) *Fail to provide the ~~information~~ data required by subsection 3 of section*
43 *36 of this act.*

44 (i) *Fail to comply with the requirements of NRS 281.755.*

45 2. *It is a prohibited practice for a professional organization or its designated*
46 *agent to willfully:*

47 (a) *Interfere with, restrain or coerce any professional employee in the*
48 *exercise of any right guaranteed under the provisions of sections 6 to 52,*
49 *inclusive, of this act.*

50 (b) *If the professional organization is an exclusive representative, refuse to*
51 *bargain collectively in good faith with a state professional employer, as required*
52 *by sections 33, 35 and 36 of this act.*

1 (c) Discriminate because of race, color, religion, sex, sexual orientation,
2 gender identity or expression, age, disability, national origin or because of
3 political or personal reasons or affiliations.

4 3. As used in this section:

5 (a) "Bargain collectively" includes the entire bargaining process, including
6 mediation and arbitration, as provided in sections 6 to 52, inclusive, of this act.

7 (b) "Protective hairstyle" includes, without limitation, hairstyles such as
8 natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

9 (c) "Race" includes traits associated with race, including, without limitation,
10 hair texture and protective hairstyles.

11 **Sec. 48. 1.** To establish that a party committed a prohibited practice in
12 violation of section 47 of this act, the party aggrieved by the practice must file a
13 complaint with the Board in accordance with procedures prescribed by the Board.

14 2. Except as otherwise provided in this section, the Board shall hear a
15 complaint filed pursuant to subsection 1 in accordance with the provisions of
16 NRS 288.110 and any rules adopted by the Board pursuant to that section.

17 3. The Board shall conduct any hearing on the complaint in accordance
18 with:

19 (a) The provisions of chapter 233B of NRS that apply to a contested case;
20 and

21 (b) Any rules adopted by the board pursuant to NRS 288.110.

22 4. If the Board finds at the hearing that the party accused in the complaint
23 has committed a prohibited practice, the Board:

24 (a) Shall order the party to cease and desist from engaging in the prohibited
25 practice; and

26 (b) May order any other affirmative relief that is necessary to remedy the
27 prohibited practice.

28 5. The Board or any party aggrieved by the failure of any person to obey an
29 order of the Board issued pursuant to subsection 4 may apply to a court of
30 competent jurisdiction for a prohibitory or mandatory injunction to enforce the
31 order.

32 6. Any order or decision issued by the Board pursuant to this section
33 concerning the merits of a complaint is a final decision in a contested case and
34 may be appealed pursuant to the provisions of chapter 233B of NRS that apply to
35 a contested case, except that a party aggrieved by the order or decision of the
36 Board must file a petition for judicial review not later than 10 business days after
37 being served with the order or decision of the Board.

38 **Sec. 49. 1.** Except as otherwise provided by specific statute, a professional
39 organization and a state professional employer may sue or be sued as an entity
40 pursuant to sections 6 to 52, inclusive, of this act.

41 2. If any action or proceeding is brought by or against a professional
42 organization pursuant to sections 6 to 52, inclusive, of this act, the district court
43 in and for the county in which the professional organization maintains its
44 principal office or the county in which the claim arose has jurisdiction over the
45 claim.

46 3. A natural person and his or her assets are not subject to liability for any
47 judgment awarded pursuant to sections 6 to 52, inclusive, of this act, against a
48 state professional employer or a professional organization.

49 **Sec. 50. 1.** On or before July 1 of each year, the Board shall charge and
50 collect a fee from each state professional employer that has recognized one or
51 more professional organizations in an amount not to exceed \$10 for each
52 professional employee who was, in the first pay period of the immediately
53 preceding fiscal year:

1 (a) *Employed by the state professional employer; and*

2 (b) *In a bargaining unit that had an exclusive representative.*

3 2. *A state professional employer shall pay the fee imposed pursuant to*
4 *subsection 1 on or before July 31 of each year. A state professional employer*
5 *shall not impose the fee against its employees.*

6 3. *If a state professional employer fails to pay the fee assessed pursuant to*
7 *subsection 1 on or before July 1 of that year, the Board shall impose a civil*
8 *penalty not to exceed \$10 for each professional employee employed by the state*
9 *professional employer for whom the fee was not paid.*

10 4. *A state professional employer may not receive a reduction in the amount*
11 *of the fee imposed pursuant to subsection 1 or a refund of that amount if a*
12 *professional employee is not employed for a full calendar year. The fee must be*
13 *imposed whether or not the professional employee is a member of a professional*
14 *organization.*

15 5. *To carry out the provisions of this section, the Board may, by any*
16 *reasonable means, verify the identities and number of professional employees*
17 *employed by a state professional employer in bargaining units that have an*
18 *exclusive representative.*

19 **Sec. 51.** *1. Except as otherwise provided in subsection 5, a state*
20 *professional employer may use the services of the Division of Human Resource*
21 *Management of the Department of Administration to provide support to the state*
22 *professional employer to carry out the provisions of sections 6 to 52, inclusive, of*
23 *this act.*

24 2. *If a state professional employer uses the services of the Division of*
25 *Human Resource Management pursuant to subsection 1, the Division may*
26 *charge an annual fee to the state professional employer for each professional*
27 *employee who is within a bargaining unit with a designated exclusive*
28 *representative. The state professional employer shall pay the annual fee to the*
29 *Division on or before the date on which the payment is due, as specified by the*
30 *Division. The Division may specify a different due date for the annual fee for*
31 *each state professional employer.*

32 3. *Any money received from the fees collected pursuant to subsection 2*
33 *must be accounted for separately for each state professional employer and may*
34 *only be used by the Division of Human Resource Management to provide support*
35 *to the state professional employer to carry out the provisions of sections 6 to 52,*
36 *inclusive, of this act, including, without limitation, the personnel and operating*
37 *costs of the Division in providing such support.*

38 4. *To carry out the provisions of this section, the Division of Human*
39 *Resource Management may verify by any reasonable means the number of*
40 *professional employees of the state professional employer within bargaining units*
41 *that are represented by a professional organization as the exclusive*
42 *representative.*

43 5. *As the entity with the authority to fix salaries and establish policies and*
44 *procedures of the unclassified personnel of the Nevada System of Higher*
45 *Education pursuant to chapter 396 of NRS, the Board of Regents of the*
46 *University of Nevada shall conduct its own negotiations pursuant to the*
47 *provisions of sections 6 to 52, inclusive, of this act.*

48 **Sec. 52.** *1. A state professional employer may use the services of the*
49 *Attorney General to provide support to the state professional employer to carry*
50 *out the provisions of sections 6 to 52, inclusive, of this act.*

51 2. *If a state professional employer uses the services of the Attorney General*
52 *pursuant to subsection 1, the Attorney General may charge the state professional*
53 *employer for those services pursuant to NRS 228.113.*

1 **Sec. 53.** NRS 288.015 is hereby amended to read as follows:

2 288.015 As used in this chapter, unless the context otherwise requires, the
3 words and terms defined in NRS 288.029 to 288.074, inclusive, *and sections 4 and*
4 *5 of this act* have the meanings ascribed to them in those sections.

5 **Sec. 54.** NRS 288.032 is hereby amended to read as follows:

6 288.032 “Collective bargaining” means a method of determining conditions
7 of employment by negotiation between representatives of the Executive
8 Department , *state professional employer* or local government employer and an
9 employee organization , *professional organization* or labor organization, entailing
10 a mutual obligation of the Executive Department , *state professional employer* or
11 local government employer, as applicable, and the representative of the state or
12 local government employees to meet at reasonable times and bargain in good faith
13 with respect to:

- 14 1. Wages, hours and other terms and conditions of employment;
- 15 2. The negotiation of an agreement;
- 16 3. The resolution of any question arising under a negotiated agreement; or
- 17 4. The execution of a written contract incorporating any agreement reached if

18 requested by either party,

19 ↳ but this obligation does not compel either party to agree to a proposal or require
20 the making of a concession.

21 **Sec. 55.** NRS 288.065 is hereby amended to read as follows:

22 288.065 “Mediation” means assistance by an impartial third party to reconcile
23 differences between the Executive Department , *a state professional employer* or a
24 local government employer and an exclusive representative through interpretation,
25 suggestion and advice.

26 **Sec. 56.** NRS 288.074 is hereby amended to read as follows:

27 288.074 “Strike” means any concerted:

- 28 1. Stoppage of work, slowdown or interruption of operations by employees of
29 the State of Nevada or local government employees;
- 30 2. Absence from work by employees of the State of Nevada or local
31 government employees upon any pretext or excuse, such as illness, which is not
32 founded in fact; or
- 33 3. Interruption of the operations of the State of Nevada or any local
34 government employer by any employee organization , *professional organization* or
35 labor organization.

36 **Sec. 57.** NRS 288.080 is hereby amended to read as follows:

37 288.080 1. The Government Employee-Management Relations Board is
38 hereby created, consisting of five members, broadly representative of the public and
39 not closely allied with any employee organization, *any professional organization,*
40 any labor organization, the Executive Department , *any state professional employer*
41 or any local government employer.

42 2. Not more than three of the members of the Board may be members of the
43 same political party, and at least three of the members must reside in southern
44 Nevada. The term of office of each member is 4 years.

45 3. The Governor shall appoint the members of the Board.

46 **Sec. 58.** NRS 288.090 is hereby amended to read as follows:

47 288.090 1. The members of the Board shall annually elect one of their
48 number as Chair and one as Vice Chair. Except as otherwise provided in this
49 section, any three members of the Board constitute a quorum, and a majority of a
50 quorum present at any meeting may exercise all the power and authority conferred
51 on the Board.

52 2. Except by a majority vote of the entire membership of the Board, the Board
53 may not:

- 1 (a) Elect a Chair or Vice Chair;
2 (b) Appoint the Commissioner or Secretary of the Board, or terminate the
3 employment of the Commissioner or Secretary;
4 (c) Adjust the fee charged to local government employers pursuant to NRS
5 288.139 or impose a civil penalty for failure to pay the fee;
6 (d) Make or adopt any rule or regulation; ~~{o+}~~
7 (e) *Grant permission to a state professional employer to withdraw*
8 *recognition from a professional organization pursuant to section 19 of this act; or*
9 (f) Grant permission to a local government employer to withdraw recognition
10 from an employee organization or order an election pursuant to NRS 288.160.

11 3. Whenever less than five members of the Board are present at any meeting,
12 not more than two of the members present may be members of the same political
13 party.

14 4. The Board may, within the limits of legislative appropriations and any
15 other available money:

16 (a) Appoint a Commissioner and a Secretary, who are in the unclassified
17 service of the State; and

18 (b) Employ such additional clerical personnel as may be necessary, who are in
19 the classified service of the State.

20 **Sec. 59.** NRS 288.110 is hereby amended to read as follows:

21 288.110 1. The Board may make rules governing:

22 (a) Proceedings before it;

23 (b) Procedures for fact-finding ~~{+}~~, *mediation and arbitration*;

24 (c) *The recognition, as defined in section 14 of this act, of professional*
25 *organizations;*

26 (d) The recognition, as defined in NRS 288.136, of employee organizations;

27 ~~{+}~~ (e) *The designation of the exclusive representative, as defined in*
28 *section 10 of this act, of a bargaining unit of professional employees in*
29 *accordance with sections 27 to 31, inclusive, of this act;*

30 (f) The designation of the exclusive representative, *as defined in NRS*
31 *288.430*, of a bargaining unit in accordance with the provisions of NRS 288.520,
32 288.525 and 288.530; and

33 ~~{+}~~ (g) The determination of bargaining units.

34 2. The Board may hear and determine any complaint arising out of the
35 interpretation of, or performance under, the provisions of this chapter by the
36 Executive Department, *any state professional employer*, any local government
37 employer, any employee, as defined in NRS 288.425, *any professional employee,*
38 *as defined in section 13 of this act*, any local government employee, any employee
39 organization, *any professional organization* or any labor organization. Except as
40 otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~{+}~~
41 *and section 48 of this act*, the Board shall conduct a hearing within 180 days after
42 it decides to hear a complaint. If a complaint alleges a violation of paragraph (a) of
43 subsection 1 of NRS 288.620, ~~{o+}~~ paragraph (b) of subsection 2 of NRS 288.620,
44 *subsection 1 of section 47 of this act or paragraph (b) of subsection 2 of section*
45 *47 of this act*, the Board shall conduct a hearing not later than 45 days after it
46 decides to hear the complaint, unless the parties agree to waive this requirement.
47 The Board, after a hearing, if it finds that the complaint is well taken, may order
48 any person or entity to refrain from the action complained of or to restore to the
49 party aggrieved any benefit of which the party has been deprived by that action.
50 Except when an expedited hearing is conducted pursuant to NRS 288.115, the
51 Board shall issue its decision within 120 days after the hearing on the complaint is
52 completed.

1 3. Any party aggrieved by the failure of any person to obey an order of the
2 Board issued pursuant to subsection 2, or the Board at the request of such a party,
3 may apply to a court of competent jurisdiction for a prohibitory or mandatory
4 injunction to enforce the order.

5 4. The Board may not consider any complaint or appeal filed more than 6
6 months after the occurrence which is the subject of the complaint or appeal.

7 5. The Board may decide without a hearing a contested matter:

8 (a) In which all of the legal issues have been previously decided by the Board,
9 if it adopts its previous decision or decisions as precedent; or

10 (b) Upon agreement of all the parties.

11 6. The Board may award reasonable costs, which may include attorneys' fees,
12 to the prevailing party.

13 7. As used in this section ~~[, "bargaining unit"]~~:

14 (a) *"Arbitration"* has the meaning ascribed to it in NRS 288.410 or section 7
15 of this act, as applicable.

16 (b) *"Bargaining unit"* has the meaning ascribed to it in NRS 288.134 or
17 288.415 ~~[,]~~ or section 8 of this act, as applicable.

18 **Sec. 60.** NRS 288.710 is hereby amended to read as follows:

19 288.710 1. If a strike is commenced or continued in violation of an order
20 issued pursuant to NRS 288.705, the court may:

21 (a) Punish each employee organization , *professional organization* or labor
22 organization guilty of such violation by a fine of not more than \$50,000 against
23 each employee organization , *professional organization* or labor organization for
24 each day of continued violation.

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

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

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

34 **Sec. 61.** NRS 218D.175 is hereby amended to read as follows:

35 218D.175 1. Except as otherwise provided in subsection 2, for a regular
36 session, the Governor or the Governor's designated representative may request the
37 drafting of not more than 110 legislative measures which have been approved by
38 the Governor or the Governor's designated representative on behalf of the officers,
39 agencies, boards, commissions, departments and other units of the Executive
40 Department. The requests must be submitted to the Legislative Counsel on or
41 before August 1 preceding the regular session.

42 2. The Governor or the Governor's designated representative may request at
43 any time before or during a regular session, without limitation, the drafting of as
44 many legislative measures as are necessary to carry out the provisions of NRS
45 288.400 to 288.630, inclusive ~~[,]~~ , or sections 6 to 52, inclusive, of this act.

46 3. The Director of the Office of Finance may request on or before the 19th
47 day of a regular session, without limitation, the drafting of as many legislative
48 measures as are necessary to implement the budget proposed by the Governor and
49 to provide for the fiscal management of the State. In addition to the requests
50 otherwise authorized pursuant to this section, the Governor may request the drafting
51 of not more than 5 legislative measures on or before the 19th day of a regular
52 session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor’s designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General.....	20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor’s designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 62. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,

1 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
2 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
3 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
4 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
5 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
6 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
7 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
8 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
9 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
10 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
11 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
12 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
13 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15969,
14 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
15 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
16 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
17 485.316, 491.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
18 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
19 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
20 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
21 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
22 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
23 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
24 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
25 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
26 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
27 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
28 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
29 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
30 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
31 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
32 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
33 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
34 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
35 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
36 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
37 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
38 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
39 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
40 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
41 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
42 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 21, 29 and 46 of*
43 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section
44 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to
45 be confidential, all public books and public records of a governmental entity must
46 be open at all times during office hours to inspection by any person, and may be
47 fully copied or an abstract or memorandum may be prepared from those public
48 books and public records. Any such copies, abstracts or memoranda may be used to
49 supply the general public with copies, abstracts or memoranda of the records or
50 may be used in any other way to the advantage of the governmental entity or of the
51 general public. This section does not supersede or in any manner affect the federal
52 laws governing copyrights or enlarge, diminish or affect in any other manner the

1 rights of a person in any written book or record which is copyrighted pursuant to
2 federal law.

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

5 3. A governmental entity that has legal custody or control of a public book or
6 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
7 receive a copy of a public book or record on the basis that the requested public
8 book or record contains information that is confidential if the governmental entity
9 can redact, delete, conceal or separate, including, without limitation, electronically,
10 the confidential information from the information included in the public book or
11 record that is not otherwise confidential.

12 4. If requested, a governmental entity shall provide a copy of a public record
13 in an electronic format by means of an electronic medium. Nothing in this
14 subsection requires a governmental entity to provide a copy of a public record in an
15 electronic format or by means of an electronic medium if:

16 (a) The public record:

17 (1) Was not created or prepared in an electronic format; and

18 (2) Is not available in an electronic format; or

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

21 (1) Give access to proprietary software; or

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

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

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

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

33 **Sec. 63.** NRS 241.016 is hereby amended to read as follows:

34 241.016 1. The meetings of a public body that are quasi-judicial in nature
35 are subject to the provisions of this chapter.

36 2. The following are exempt from the requirements of this chapter:

37 (a) The Legislature of the State of Nevada.

38 (b) Judicial proceedings, including, without limitation, proceedings before the
39 Commission on Judicial Selection and, except as otherwise provided in NRS
40 1.4687, the Commission on Judicial Discipline.

41 (c) Meetings of the State Board of Parole Commissioners when acting to grant,
42 deny, continue or revoke the parole of a prisoner or to establish or modify the terms
43 of the parole of a prisoner.

44 3. Any provision of law, including, without limitation, NRS 91.270,
45 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690,
46 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220,
47 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495,
48 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671,
49 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774,
50 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050,
51 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 **and section 46**
52 **of this act**, which:

1 (a) Provides that any meeting, hearing or other proceeding is not subject to the
 2 provisions of this chapter; or

3 (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,
 4 ➤ prevails over the general provisions of this chapter.

5 4. The exceptions provided to this chapter, and electronic communication,
 6 must not be used to circumvent the spirit or letter of this chapter to deliberate or act,
 7 outside of an open and public meeting, upon a matter over which the public body
 8 has supervision, control, jurisdiction or advisory powers.

9 **Sec. 64.** NRS 396.251 is hereby amended to read as follows:

10 396.251 1. The Board of Regents may establish policies and procedures for
 11 personnel which govern student employees, physicians engaged in a program for
 12 residency training and postdoctoral fellows of the System and which are separate
 13 from the policies and procedures established for the unclassified personnel of the
 14 System. Any such policy or procedure does not diminish the eligibility of those
 15 persons for coverage as employees under the provisions of chapters 616A to 616D,
 16 inclusive, or chapter 617 of NRS.

17 2. *Except as otherwise provided in sections 6 to 52, inclusive, of this act:*

18 (a) In establishing policies and procedures pursuant to subsection 1, the Board
 19 of Regents is not bound by any of the other provisions of this chapter or the
 20 provisions of title 23 of NRS. ~~[Those]~~

21 (b) *The provisions of this chapter and the provisions of title 23 of NRS* do not
 22 apply to a student employee, a physician engaged in a program for residency
 23 training or a postdoctoral fellow of the System unless otherwise provided by the
 24 Board of Regents.

25 3. *In the event of a conflict between the policies and procedures established*
 26 *pursuant to subsection 1 and the provisions of a collective bargaining agreement*
 27 *entered into pursuant to sections 6 to 52, inclusive, of this act, the provisions of*
 28 *the agreement prevail.*

29 **Sec. 65.** NRS 396.280 is hereby amended to read as follows:

30 396.280 The Board of Regents shall have ~~[the]~~:

31 1. The power to fix the salaries of the academic staff of the System.

32 2. *The authority to conduct collective bargaining negotiations and to enter*
 33 *into collective bargaining agreements with the professional employees of the*
 34 *System pursuant to sections 6 to 52, inclusive, of this act to establish the terms*
 35 *and conditions of employment of the academic staff and other professional*
 36 *employees of the System. As used in this subsection, "professional employee" has*
 37 *the meaning ascribed to it in section 13 of this act.*

38 **Sec. 66.** 1. ~~[Insofar]~~ Except as otherwise provided in subsection 2,
 39 insofar as they conflict with the provisions of such an agreement, the amendatory
 40 provisions of this act do not apply during the current term of any collective
 41 bargaining agreement entered into before July 1, 2023, but do apply to any
 42 extension or renewal of such an agreement and to any such agreement entered into
 43 on or after July 1, 2023.

44 2. If a collective bargaining agreement entered into before July 1, 2023,
 45 has a provision authorizing the reopening of negotiations, the amendatory
 46 provisions of this act do not apply to the reopened negotiations of the
 47 provisions of that collective bargaining agreement if a renegotiated collective
 48 bargaining agreement is entered into before January 1, 2024.

49 3. If a state professional employer has established a bargaining unit for any of
 50 its professional employees or has designated a professional organization as the
 51 exclusive representative for a bargaining unit as of July 1, 2023, such bargaining
 52 unit or exclusive representative shall be deemed the bargaining unit or exclusive
 53 representative representing the same professional employees on and after July 1,

1 2023, until such time, if any, the bargaining unit or exclusive representative is
2 changed or modified in accordance with the provisions of this act.

3 ~~2~~ 4. As used in this section:

4 (a) "Bargaining unit" has the meaning ascribed to it in section 8 of this act.

5 (b) "Exclusive representative" has the meaning ascribed to it in section 10 of
6 this act.

7 (c) "Professional employee" has the meaning ascribed to it in section 13 of this
8 act.

9 (d) "Professional organization" has the meaning ascribed to it in section 4 of
10 this act.

11 (e) "State professional employer" has the meaning ascribed to it in section 5 of
12 this act.

13 **Sec. 67.** This act becomes effective on July 1, 2023.