

**Amendment No. 864**

Assembly Amendment to Assembly Bill No. 224 First Reprint (BDR 23-155)

**Proposed by:** Assembly Committee on Ways and Means

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 224 R1.

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; **making appropriations**; 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~~  
33 ~~who could be subject to certain adverse employment actions to be [provided with certain~~  
34 ~~notice and] afforded [certain rights.] **the right to be represented unless the professional**~~  
35 ~~**employee waives, in writing, that right.**~~

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

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

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

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

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

66 Examiners or the Board of Regents. **Sections 46 and 63** of this bill provide that certain  
67 meetings convened for the purpose of collective bargaining and resolving disputes relating to  
68 collective bargaining are exempt from the provisions of existing law requiring open and  
69 public meetings of public bodies.

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

72 **Section 47** of this bill prohibits certain practices in the context of collective bargaining.

73 **Section 48** of this bill sets forth procedures to establish that a party has committed such a  
74 prohibited practice.

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

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

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

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

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

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

104 **Sections 65.3 and 65.5 of this bill make appropriations to the Interim Finance**  
105 **Committee for allocation to the Nevada System of Higher Education and to the Office of**  
106 **the Attorney General for personnel and certain other expenses associated with the**  
107 **changes relating to collective bargaining in this bill.**

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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;

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

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

6 (b) May, in accordance with an agreement entered into pursuant to NRS  
7 701A.450 between the Director of the Office of Energy and the officer or employee  
8 specifying amounts, withhold those amounts and pay them to the Director of the  
9 Office of Energy for credit to the Renewable Energy Account created by NRS  
10 701A.450.

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

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

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

18 281.755 1. Except as otherwise provided in subsections 2 and 5, a public  
19 body shall provide an employee who is the mother of a child under 1 year of age  
20 with:

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

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

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

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

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

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

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

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

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

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

1 (d) If the employee is employed by a political subdivision of this State or any  
2 public or quasi-public corporation organized under the laws of this State or if the  
3 employee is employed by the Executive Department of State Government and is an  
4 employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, *or*  
5 *sections 6 to 52, inclusive, of this act*, file a complaint with the Government  
6 Employee-Management Relations Board in the manner set forth in NRS 288.115.

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

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

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

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

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

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

19 **Sec. 4.** *"Professional organization" means an organization of any kind*  
20 *that:*

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

23 2. *Provides the service of representation to professional employees,*  
24 *including, without limitation, in collective bargaining with state professional*  
25 *employers.*

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

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

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

37 **Sec. 8.** *"Bargaining unit" means a group of professional employees*  
38 *recognized by a state professional employer as having sufficient community of*  
39 *interest for representation by a professional organization for the purpose of*  
40 *collective bargaining.*

41 **Sec. 9.** *"Confidential employee" means an employee who provides*  
42 *administrative support to an employee who assists in the formulation,*  
43 *determination and effectuation of managerial personnel policies concerning*  
44 *collective bargaining.*

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

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

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

51 **Sec. 11.** *"Grievance" means an act, omission or occurrence that a*  
52 *professional employee or an exclusive representative believes to be an injustice*  
53 *relating to any condition arising out of the relationship between a state*

1 *professional employer and a professional employee, including, without limitation,*  
2 *working hours, working conditions, membership in a professional organization*  
3 *or the interpretation of any law, regulation or agreement.*

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

8 2. *The term includes, without limitation:*

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

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

14 (1) *Chancellors, presidents, provosts and deans;*

15 (2) *Vice, associate and assistant chancellors, presidents, provosts and*  
16 *deans; and*

17 (3) *Other employees who are primarily responsible for formulating and*  
18 *administering management policies and programs; and*

19 (c) *Attorneys who serve a state professional employer or advise other*  
20 *managerial employees.*

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

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

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

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

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

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

35 2. *The term does not include:*

36 (a) *A local government employee;*

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

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

40 (1) *In the classified service of the State; or*

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

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

46 (e) *An elected official or any person appointed to fill a vacancy in an elected*  
47 *office;*

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

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

53 (h) *A managerial employee;*



- 1           (i) A confidential employee;
- 2           (j) A temporary, intermittent or seasonal worker who is employed for less
- 3 than 90 calendar days in a period of 365 calendar days;
- 4           (k) A commissioned officer or an enlisted member of the Nevada National
- 5 Guard; or
- 6           (l) A person who is employed within the office of a statewide elected
- 7 constitutional officer.

8           **Sec. 14.** “Recognition” or “recognized” means the formal acknowledgment

9 by a state professional employer that a particular professional organization has

10 the right to represent professional employees of the state professional employer.

11           **Sec. 15.** “Showing of interest” means written or electronic documentation

12 that provides evidence of the membership of a professional employee in or his or

13 her support for a professional organization for the purpose of exclusive

14 representation. The term includes any electronic signature pursuant to chapter

15 719 of NRS.

16           **Sec. 16.** 1. “Supervisory employee” means a person who does not have

17 the responsibility for the general conduct and control of a state professional

18 employer, but who:

- 19           (a) Performs management duties, including, without limitation:
- 20               (1) Establishing performance standards for subordinate employees;
- 21               (2) Scheduling, assigning, overseeing or reviewing the work of
- 22 subordinate employees under established performance standards; or
- 23               (3) Effectively recommending the performance of the duties described in
- 24 subparagraphs (1) and (2) and the manner in which such duties are performed;
- 25 or

26           (b) Has the authority to adjust grievances, apply established personnel

27 policies and procedures, enforce the provisions of a collective bargaining

28 agreement or effectively recommend such action,

29           ↳ if the exercise of the duties or authority described in paragraph (a) or (b) is not

30 of a merely routine or clerical nature but requires the use of independent

31 judgment and occupies a regular and significant portion of the employee’s

32 workday.

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

34           (a) A professional employee shall not be deemed to be a supervisory

35 employee solely because the professional employee participates in decisions with

36 respect to courses, curriculum, personnel or other matters of educational policy

37 through shared governance mechanisms or peer review.

38           (b) A chair or head of a department or similar academic unit or program

39 who performs the duties described in paragraph (a) primarily on behalf of the

40 members of the academic unit or program shall not be deemed a supervisory

41 employee solely because of those duties.

42           **Sec. 17.** 1. The Legislature hereby finds and declares that there is a great

43 need to:

44           (a) Promote harmonious and constructive relations between state

45 professional employers and their professional employees; and

46           (b) Increase the efficiency of state professional employers.

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

48           (a) Granting certain professional employees the right to associate with others

49 in organizing and choosing exclusive representatives for the purpose of engaging

50 in collective bargaining;

51           (b) Requiring state professional employers to recognize professional

52 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       ~~*(a) Home address;*~~  
29       ~~*(b) Home telephone number or other personal telephone number; and*~~  
30       ~~*(c) 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.] (Deleted by amendment.)*~~

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~~:*

33       (a) *Is the subject of an internal administrative investigation that could lead*  
34 *to dismissal, involuntary demotion, suspension, reduction of pay, payment of*  
35 *restitution or other similar adverse employment action against the professional*  
36 *employee ; or*

37       (b) *During any questioning by a state professional employer, reasonably*  
38 *believes that the questioning could lead to the consequences set forth in*  
39 *paragraph (a),*

40       ↳ must be ~~is~~

41       ~~— (a) *Provided notice in writing of the allegations against the professional*~~  
42 ~~*employee within 30 calendar days after the date on which the state professional*~~  
43 ~~*employer becomes aware, or reasonably should have become aware, of the*~~  
44 ~~*allegations. The notice must be provided before the professional employee is*~~  
45 ~~*questioned regarding the allegations.*~~

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

52       2. ~~*If, during any questioning by a state professional employer, a*~~  
53 ~~*professional employee who does not have a representative present has a*~~

~~reasonable belief that the questioning could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or similar adverse employment action against the professional employee and makes a clear request for representation by a recognized professional organization, the state professional employer must~~

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

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

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

~~4. A state professional employer shall annually inform its professional employees of the rights afforded to professional employees under subsection 2.~~ 1.

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

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

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

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

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

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

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

(a) A recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by at least 30 percent but not more than 50 percent of the

1 *professional employees within the bargaining unit which is verified by the Board*  
2 *pursuant to section 29 of this act; and*

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

6 *2. If the Board has designated a professional organization as the exclusive*  
7 *representative of a bargaining unit following an election pursuant to subsection 1*  
8 *or without an election pursuant to section 27 of this act, the Board shall order an*  
9 *election:*

10 *(a) If:*

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

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

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

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

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

34 *2. A showing of interest filed by a professional organization pursuant to*  
35 *section 27 or 28 of this act or a written request filed by a group of professional*  
36 *employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of*  
37 *section 28 of this act is confidential and is not a public record.*

38 *3. The Board shall not disclose to any person the identity of any*  
39 *professional employee who has participated in a showing of interest filed by a*  
40 *professional organization pursuant to section 27 or 28 of this act or a written*  
41 *request filed by a group of professional employees pursuant to subparagraph (2)*  
42 *of paragraph (a) of subsection 2 of section 28 of this act.*

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

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

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

50 *(c) A choice for any other recognized professional organization that, on or*  
51 *before the date that is prescribed by the rules adopted by the Board pursuant to*  
52 *NRS 288.110 and section 31 of this act, files with the Board a written request to*  
53 *be placed on the ballot for the election and includes with the written request a*

1 *showing of interest for that other professional organization by at least 30 percent*  
2 *of the professional employees within the bargaining unit; and*

3 *(d) A choice for “no exclusive representation.”*

4 *2. If a ballot for an election contains more than two choices and none of the*  
5 *choices on the ballot receives a majority of the votes cast at the initial election,*  
6 *the Board shall order a runoff election between the two choices on the ballot that*  
7 *received the highest number of votes at the initial election.*

8 *3. If the choice for “no exclusive representation” receives a majority of the*  
9 *votes cast at the initial election or at any runoff election, the Board shall*  
10 *designate the bargaining unit as being without an exclusive representative.*

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

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

17 *2. An election conducted pursuant to this section or section 28 or 30 of this*  
18 *act must be conducted by secret ballot. The Board may adopt rules prescribing*  
19 *the manner in which voting in such an election may be conducted, which may*  
20 *include, without limitation, voting in person, by mail or by secure electronic*  
21 *means.*

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

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

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

34 *(a) A list of each professional organization recognized by the state*  
35 *professional employer;*

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

38 *(c) A description of each bargaining unit within the state professional*  
39 *employer.*

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

43 *(a) The full name of the professional organization;*

44 *(b) The name of each state professional employer which has recognized the*  
45 *professional organization;*

46 *(c) The names of the officers of the professional organization;*

47 *(d) If applicable, the total number of professional employees in each*  
48 *bargaining unit for which the professional organization has been designated as*  
49 *the exclusive representative;*

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

1 (f) *The name, address and telephone number of the person designated by the*  
2 *professional organization to receive communications from the Board on business*  
3 *relating to the professional organization; and*

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

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

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

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

13 (b) *The negotiation of an agreement;*

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

15 (d) *The execution of a written contract incorporating the provisions of an*  
16 *agreement.*

17 2. *The scope of mandatory bargaining is limited to:*

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

19 (b) *Sick leave.*

20 (c) *Vacation leave.*

21 (d) *Holidays.*

22 (e) *Maternity or paternity leave and family medical leave.*

23 (f) *Other paid or nonpaid leaves of absence.*

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

26 (h) *Total hours of work required of a professional employee on each*  
27 *workday or workweek.*

28 (i) *Total number of days of work required of a professional employee in a*  
29 *work year.*

30 (j) *Discharge and disciplinary procedures.*

31 (k) *Recognition clause.*

32 (l) *The method for determining the classification and titles of professional*  
33 *employees in the bargaining unit.*

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

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

38 (o) ~~*No strike provisions consistent with the provisions of this chapter.*~~

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

41 ~~*(q) General savings clauses.*~~

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

44 ~~*(s) Safety of professional employees.*~~

45 ~~*(t) Facilities for meeting with students for professional employees who*~~  
46 ~~*have teaching or advising responsibilities.*~~

47 ~~*(u) Policies for the transfer and reassignment of professional*~~  
48 ~~*employees.*~~

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

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

52 (a) *Pension or retirement benefits provided by the Public Employees'*  
53 *Retirement System pursuant to chapter 286 of NRS to persons employed by this*



1 *State, state agencies, as described in subsection 2 of NRS 286.070, and the Public*  
2 *Employees' Retirement System.*

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

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

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

10 *(a) Except as otherwise provided in paragraph ~~((s))~~ (t) of subsection 2, the*  
11 *right to hire, direct, assign or transfer an employee. This right does not include*  
12 *the right to assign or transfer an employee as a form of discipline.*

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

15 *(c) Safety of the public.*

16 *5. Notwithstanding the provisions of any collective bargaining agreement*  
17 *negotiated pursuant to the provisions of sections 6 to 52, inclusive, of this act, a*  
18 *state professional employer is entitled to take whatever actions may be necessary*  
19 *to carry out its responsibilities during a state of emergency or declaration of*  
20 *disaster proclaimed pursuant to NRS 414.070. Those actions may include the*  
21 *suspension of any such collective bargaining agreement or any portion thereof*  
22 *for the duration of the emergency or disaster to the extent necessary to carry out*  
23 *the responsibilities of the state professional employer. Any action taken under the*  
24 *provisions of this subsection must not be construed as a failure to negotiate in*  
25 *good faith.*

26 *6. This section does not preclude, but the provisions of sections 6 to 52,*  
27 *inclusive, of this act, do not require, a state professional employer to negotiate*  
28 *subject matters outside of the scope of mandatory bargaining or consult with any*  
29 *professional employee or professional organization on any such matter. A state*  
30 *professional employer shall discuss subject matters outside the scope of*  
31 *mandatory bargaining but is not required to negotiate those matters.*

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

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

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

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

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

45 *2. A professional organization may serve as an exclusive representative for*  
46 *multiple bargaining units.*

47 **Sec. 36.** *1. A state professional employer shall designate a representative*  
48 *to conduct negotiations concerning collective bargaining agreements on behalf of*  
49 *the state professional employer. For the Nevada System of Higher Education,*  
50 *where a bargaining unit has been determined pursuant to section 26 of this act*  
51 *and that bargaining unit is unique to an institution within the System, a*  
52 *representative of that institution may be, but is not required to be, designated as*  
53 *the representative to conduct negotiations concerning collective bargaining*

1 *agreements on behalf of the Nevada System of Higher Education for that*  
2 *institution.*

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

7 3. *A state professional employer shall comply with reasonable requests by*  
8 *an exclusive representative to furnish data that is maintained in the ordinary*  
9 *course of business and which is relevant and necessary to the discussion of the*  
10 *subjects of mandatory bargaining described in section 33 of this act. This*  
11 *subsection shall not be construed to require a state professional employer to*  
12 *furnish to the exclusive representative any advice or training received by*  
13 *representatives of the state professional employer concerning collective*  
14 *bargaining.*

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

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

22 (1) *Must be used to resolve all grievances relating to employment,*  
23 *including, without limitation, the administration and interpretation of the*  
24 *collective bargaining agreements, the applicability of any law, rule or regulation*  
25 *relating to the employment and appeal of discipline and other adverse personnel*  
26 *actions; and*

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

30 (b) *A nonappropriation clause that provides that any provision of the*  
31 *collective bargaining agreement which requires the Legislature to appropriate*  
32 *money is effective only:*

33 (1) *To the extent of the legislative appropriation; and*

34 (2) *Until the collective bargaining agreement is reopened and the*  
35 *provision is renegotiated.*

36 2. *A professional employee in a bargaining unit who is aggrieved by the*  
37 *failure of the state professional employer or its designated representative to*  
38 *comply with the requirements of NRS 281.755 may pursue a grievance related to*  
39 *that failure through:*

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

42 (b) *The procedure prescribed by NRS 288.115,*

43 *↪ but once the professional employee has properly filed a grievance in writing*  
44 *under the procedure described in paragraph (a) or filed a complaint under the*  
45 *procedure described in paragraph (b), the professional employee may not proceed*  
46 *in an alternative manner.*

47 3. *If there is a conflict between any provision of a collective bargaining*  
48 *agreement between a state professional employer and an exclusive representative*  
49 *and:*

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

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

4           **Sec. 38.** *If the parties to collective bargaining cannot agree to a new*  
5 *collective bargaining agreement before the end of the term of a collective*  
6 *bargaining agreement, the terms of the existing collective bargaining agreement*  
7 *remain in effect until a new collective bargaining agreement takes effect.*

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

12           **Sec. 40.** *1. The draft of any new collective bargaining agreement or*  
13 *similar agreement or of any proposed modifications to an existing collective*  
14 *bargaining agreement or similar agreement between a state professional*  
15 *employer and an exclusive representative must be submitted in writing by the*  
16 *professional organization to the members of the organization within the relevant*  
17 *bargaining unit before a vote on the ratification of the agreement is taken.*

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

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

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

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

28           *4. Not less than 3 business days before the date of the hearing conducted*  
29 *pursuant to subsection 3, the Board of Regents of the University of Nevada or the*  
30 *State Board of Examiners, as applicable, shall cause the following documents to*  
31 *be posted and made available on the Internet website used by the Board of*  
32 *Regents or the State Board of Examiners, as applicable, to provide public notice*  
33 *of meetings:*

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

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

39           *(c) Any supporting material prepared for the Board of Regents or the State*  
40 *Board of Examiners, as applicable, relating to the financial impact of the*  
41 *agreement.*

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

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

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

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

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

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

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

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

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

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

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

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

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

25       **2. The mediator shall bring the parties together as soon as possible after his**  
26 **or her appointment and shall attempt to settle each issue in dispute not later than**  
27 **21 calendar days after his or her appointment or any later date set by the**  
28 **agreement of the parties.**

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

35       **2. If the parties do not agree upon an impartial arbitrator within 5 business**  
36 **days after the date on which mediation is discontinued pursuant to subsection 1**  
37 **or on or before any later date set by agreement of the parties, the parties shall**  
38 **request from the Federal Mediation and Conciliation Service a list of seven**  
39 **potential arbitrators. Not later than 5 business days after receipt of the list of**  
40 **arbitrators, the parties shall select an arbitrator from the list by alternately**  
41 **striking one name until the name of only one arbitrator remains, and the parties**  
42 **must accept that arbitrator to hear the dispute in question. The party who will**  
43 **strike the first name must be determined by a coin toss.**

44       **3. The arbitrator shall begin arbitration proceedings not later than 15**  
45 **calendar days after the appointment or any later date set by agreement of the**  
46 **parties.**

47       **4. The arbitrator and the parties shall apply and follow the procedures for**  
48 **arbitration that are prescribed by any rules adopted by the Board pursuant to**  
49 **NRS 288.110. During arbitration, the parties retain their respective duties to**  
50 **negotiate in good faith.**

51       **5. The arbitrator may administer oaths or affirmations, take testimony and**  
52 **issue and seek enforcement of a subpoena in the same manner as the Board**

1 pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the  
2 provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

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

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

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

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

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

18 (b) The proposed contractual terms and provisions contained in each final  
19 offer.

20 3. In assessing reasonableness pursuant to subsection 2, the arbitrator  
21 shall:

22 (a) Compare the salaries, wages, hours and other terms and conditions of  
23 employment for the professional employees within the bargaining unit with the  
24 salaries, wages, hours and other terms and conditions of employment for other  
25 employees performing similar services and for other employees generally:

26 (1) In public employment in comparable communities or institutions;  
27 and

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

29 (b) Consider, without limitation:

30 (1) The financial ability of the state professional employer to pay the  
31 costs associated with the proposed collective bargaining agreement, with due  
32 regard for the primary obligation of the state professional employer to safeguard  
33 the health, safety and welfare of the people of this State and to fulfill the mission  
34 of the state professional employer;

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

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

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

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

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

48 1. Any negotiation or informal discussion between a state professional  
49 employer and a professional organization or professional employees as  
50 individuals.

51 2. Any meeting of a mediator with either party or both parties to a  
52 negotiation.

53 3. Any meeting or investigation conducted by a mediator or arbitrator.

1           4. Any meeting of a state professional employer with its management  
2 representative or representatives.

3           5. Deliberations of the Board toward a decision on a complaint, appeal or  
4 petition for declaratory relief.

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

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

10           (b) Dominate, interfere or assist in the formation or administration of any  
11 professional organization.

12           (c) Discriminate in regard to hiring, tenure or any term or condition of  
13 employment to encourage or discourage membership in any professional  
14 organization.

15           (d) Discharge or otherwise discriminate against any professional employee  
16 because the professional employee has:

17           (1) Signed or filed an affidavit, petition or complaint or given any  
18 information or testimony under this chapter; or

19           (2) Formed, joined or chosen to be represented by any professional  
20 organization.

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

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

25           (g) Discriminate because of race, color, religion, sex, sexual orientation,  
26 gender identity or expression, age, disability, national origin or because of  
27 political or personal reasons or affiliations.

28           (h) Fail to provide the data required by subsection 3 of section 36 of this act.

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

30           2. It is a prohibited practice for a professional organization or its designated  
31 agent to willfully:

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

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

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

41           3. As used in this section:

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

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

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

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

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

1           3. *The Board shall conduct any hearing on the complaint in accordance*  
2 *with:*

3           (a) *The provisions of chapter 233B of NRS that apply to a contested case;*  
4 *and*

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

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

8           (a) *Shall order the party to cease and desist from engaging in the prohibited*  
9 *practice; and*

10           (b) *May order any other affirmative relief that is necessary to remedy the*  
11 *prohibited practice.*

12           5. *The Board or any party aggrieved by the failure of any person to obey an*  
13 *order of the Board issued pursuant to subsection 4 may apply to a court of*  
14 *competent jurisdiction for a prohibitory or mandatory injunction to enforce the*  
15 *order.*

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

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

25           2. *If any action or proceeding is brought by or against a professional*  
26 *organization pursuant to sections 6 to 52, inclusive, of this act, the district court*  
27 *in and for the county in which the professional organization maintains its*  
28 *principal office or the county in which the claim arose has jurisdiction over the*  
29 *claim.*

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

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

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

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

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

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

47           4. *A state professional employer may not receive a reduction in the amount*  
48 *of the fee imposed pursuant to subsection 1 or a refund of that amount if a*  
49 *professional employee is not employed for a full calendar year. The fee must be*  
50 *imposed whether or not the professional employee is a member of a professional*  
51 *organization.*

52           5. *To carry out the provisions of this section, the Board may, by any*  
53 *reasonable means, verify the identities and number of professional employees*

1 employed by a state professional employer in bargaining units that have an  
2 exclusive representative.

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

8 2. If a state professional employer uses the services of the Division of  
9 Human Resource Management pursuant to subsection 1, the Division may  
10 charge an annual fee to the state professional employer for each professional  
11 employee who is within a bargaining unit with a designated exclusive  
12 representative. The state professional employer shall pay the annual fee to the  
13 Division on or before the date on which the payment is due, as specified by the  
14 Division. The Division may specify a different due date for the annual fee for  
15 each state professional employer.

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

22 4. To carry out the provisions of this section, the Division of Human  
23 Resource Management may verify by any reasonable means the number of  
24 professional employees of the state professional employer within bargaining units  
25 that are represented by a professional organization as the exclusive  
26 representative.

27 5. As the entity with the authority to fix salaries and establish policies and  
28 procedures of the unclassified personnel of the Nevada System of Higher  
29 Education pursuant to chapter 396 of NRS, the Board of Regents of the  
30 University of Nevada shall ~~conduct~~ carry out the provisions of sections 6 to 52,  
31 inclusive, of this act, including, without limitation:

- 32 (a) Conducting its own negotiations ; and  
33 (b) Providing for its own representation in any disciplinary matter,  
34 investigation or grievance process.

35 ↳ pursuant to the provisions of sections 6 to 52, inclusive, of this act.

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

39 2. If a state professional employer uses the services of the Attorney General  
40 pursuant to subsection 1, the Attorney General may charge the state professional  
41 employer for those services pursuant to NRS 228.113.

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

43 288.015 As used in this chapter, unless the context otherwise requires, the  
44 words and terms defined in NRS 288.029 to 288.074, inclusive, and sections 4 and  
45 5 of this act have the meanings ascribed to them in those sections.

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

47 288.032 “Collective bargaining” means a method of determining conditions  
48 of employment by negotiation between representatives of the Executive  
49 Department , state professional employer or local government employer and an  
50 employee organization , professional organization or labor organization, entailing  
51 a mutual obligation of the Executive Department , state professional employer or  
52 local government employer, as applicable, and the representative of the state or



1 local government employees to meet at reasonable times and bargain in good faith  
2 with respect to:

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

7 requested by either party,

8 but this obligation does not compel either party to agree to a proposal or require  
9 the making of a concession.

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

11 288.065 "Mediation" means assistance by an impartial third party to reconcile  
12 differences between the Executive Department, *a state professional employer* or a  
13 local government employer and an exclusive representative through interpretation,  
14 suggestion and advice.

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

16 288.074 "Strike" means any concerted:

17 1. Stoppage of work, slowdown or interruption of operations by employees of  
18 the State of Nevada or local government employees;

19 2. Absence from work by employees of the State of Nevada or local  
20 government employees upon any pretext or excuse, such as illness, which is not  
21 founded in fact; or

22 3. Interruption of the operations of the State of Nevada or any local  
23 government employer by any employee organization, *professional organization* or  
24 labor organization.

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

26 288.080 1. The Government Employee-Management Relations Board is  
27 hereby created, consisting of five members, broadly representative of the public and  
28 not closely allied with any employee organization, *any professional organization*,  
29 any labor organization, the Executive Department, *any state professional employer*  
30 or any local government employer.

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

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

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

36 288.090 1. The members of the Board shall annually elect one of their  
37 number as Chair and one as Vice Chair. Except as otherwise provided in this  
38 section, any three members of the Board constitute a quorum, and a majority of a  
39 quorum present at any meeting may exercise all the power and authority conferred  
40 on the Board.

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

43 (a) Elect a Chair or Vice Chair;

44 (b) Appoint the Commissioner or Secretary of the Board, or terminate the  
45 employment of the Commissioner or Secretary;

46 (c) Adjust the fee charged to local government employers pursuant to NRS  
47 288.139 or impose a civil penalty for failure to pay the fee;

48 (d) Make or adopt any rule or regulation; ~~to~~

49 (e) *Grant permission to a state professional employer to withdraw*  
50 *recognition from a professional organization pursuant to section 19 of this act; or*

51 (f) Grant permission to a local government employer to withdraw recognition  
52 from an employee organization or order an election pursuant to NRS 288.160.

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

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

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

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

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

11 288.110 1. The Board may make rules governing:

12 (a) Proceedings before it;

13 (b) Procedures for fact-finding ~~(f)~~, *mediation and arbitration*;

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

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

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

20 (f) The designation of the exclusive representative, *as defined in NRS  
21 288.430*, of a bargaining unit in accordance with the provisions of NRS 288.520,  
22 288.525 and 288.530; and

23 ~~(g)~~ (g) The determination of bargaining units.

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

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

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

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

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

52 (b) Upon agreement of all the parties.

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

7. As used in this section ~~[“bargaining unit”]~~:

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

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

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

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

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

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

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

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

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

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

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

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

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

6           6. Each request made pursuant to this section must be on a form prescribed by  
7 the Legislative Counsel. The legislative measures requested pursuant to subsections  
8 1 and 4 must be prefiled on or before the third Wednesday in November preceding  
9 the regular session. A legislative measure that is not prefiled on or before that day  
10 shall be deemed withdrawn.

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

12           239.010 1. Except as otherwise provided in this section and NRS 1.4683,  
13 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,  
14 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,  
15 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,  
16 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,  
17 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,  
18 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,  
19 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
20 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,  
21 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,  
22 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,  
23 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,  
24 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,  
25 211A.140, 213.010, 213.040, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,  
26 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,  
27 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,  
28 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,  
29 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,  
30 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,  
31 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,  
32 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
33 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,  
34 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,  
35 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,  
36 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
37 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,  
38 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,  
39 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,  
40 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,  
41 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,  
42 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,  
43 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
44 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,  
45 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,  
46 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,  
47 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
48 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,  
49 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,  
50 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,  
51 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,  
52 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,  
53 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,

1 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
2 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,  
3 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,  
4 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,  
5 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,  
6 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,  
7 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
8 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,  
9 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
10 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,  
11 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,  
12 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,  
13 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,  
14 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,  
15 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,  
16 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,  
17 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,  
18 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,  
19 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,  
20 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
21 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
22 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
23 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,  
24 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,  
25 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,  
26 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,  
27 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
28 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
29 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,  
30 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and sections ~~24~~ 29 and 46 of**  
31 **this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section  
32 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to  
33 be confidential, all public books and public records of a governmental entity must  
34 be open at all times during office hours to inspection by any person, and may be  
35 fully copied or an abstract or memorandum may be prepared from those public  
36 books and public records. Any such copies, abstracts or memoranda may be used to  
37 supply the general public with copies, abstracts or memoranda of the records or  
38 may be used in any other way to the advantage of the governmental entity or of the  
39 general public. This section does not supersede or in any manner affect the federal  
40 laws governing copyrights or enlarge, diminish or affect in any other manner the  
41 rights of a person in any written book or record which is copyrighted pursuant to  
42 federal law.

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

45 3. A governmental entity that has legal custody or control of a public book or  
46 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
47 receive a copy of a public book or record on the basis that the requested public  
48 book or record contains information that is confidential if the governmental entity  
49 can redact, delete, conceal or separate, including, without limitation, electronically,  
50 the confidential information from the information included in the public book or  
51 record that is not otherwise confidential.

52 4. If requested, a governmental entity shall provide a copy of a public record  
53 in an electronic format by means of an electronic medium. Nothing in this

1 subsection requires a governmental entity to provide a copy of a public record in an  
2 electronic format or by means of an electronic medium if:

3 (a) The public record:

- 4 (1) Was not created or prepared in an electronic format; and  
5 (2) Is not available in an electronic format; or

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

8 (1) Give access to proprietary software; or

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

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

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

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

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

21 241.016 1. The meetings of a public body that are quasi-judicial in nature  
22 are subject to the provisions of this chapter.

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

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

25 (b) Judicial proceedings, including, without limitation, proceedings before the  
26 Commission on Judicial Selection and, except as otherwise provided in NRS  
27 1.4687, the Commission on Judicial Discipline.

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

31 3. Any provision of law, including, without limitation, NRS 91.270,  
32 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690,  
33 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220,  
34 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495,  
35 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671,  
36 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774,  
37 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050,  
38 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 **and section 46**  
39 **of this act**, which:

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

42 (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,  
43 **↪** prevails over the general provisions of this chapter.

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

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

49 396.251 1. The Board of Regents may establish policies and procedures for  
50 personnel which govern student employees, physicians engaged in a program for  
51 residency training and postdoctoral fellows of the System and which are separate  
52 from the policies and procedures established for the unclassified personnel of the  
53 System. Any such policy or procedure does not diminish the eligibility of those

1 persons for coverage as employees under the provisions of chapters 616A to 616D,  
2 inclusive, or chapter 617 of NRS.

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

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

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

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

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

16 396.280 The Board of Regents shall have ~~[the]~~ :

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

18 2. *The authority to conduct collective bargaining negotiations and to enter*  
19 *into collective bargaining agreements with the professional employees of the*  
20 *System pursuant to sections 6 to 52, inclusive, of this act to establish the terms*  
21 *and conditions of employment of the academic staff and other professional*  
22 *employees of the System. As used in this subsection, "professional employee" has*  
23 *the meaning ascribed to it in section 13 of this act.*

24 **Sec. 65.3.** 1. There is hereby appropriated from the State General  
25 Fund to the Interim Finance Committee for allocation to the Nevada System of  
26 Higher Education for personnel and operating expenses associated with the  
27 changes relating to collective bargaining in this act the following sums:

28 For the Fiscal Year 2023-2024 ..... \$600,671

29 For the Fiscal Year 2024-2025 ..... \$1,290,630

30 2. Any balance of the sums appropriated by subsection 1 remaining at  
31 the end of the respective fiscal years must not be committed for expenditure  
32 after June 30 of the respective fiscal years by the entity to which the  
33 appropriation is made or any entity to which money from the appropriation is  
34 granted or otherwise transferred in any manner, and any portion of the  
35 appropriated money remaining must not be spent for any purpose after  
36 September 20, 2024, and September 19, 2025, respectively, by either the entity  
37 to which the money was appropriated or the entity to which the money was  
38 subsequently granted or transferred, and must be reverted to the State  
39 General Fund on or before September 20, 2024, and September 19, 2025,  
40 respectively.

41 **Sec. 65.5.** 1. There is hereby appropriated from the State General  
42 Fund to the Interim Finance Committee for allocation to the Office of the  
43 Attorney General for personnel, operating and information services expenses  
44 associated with the changes relating to collective bargaining in this act the  
45 following sums:

46 For the Fiscal Year 2023-2024 ..... \$181,380

47 For the Fiscal Year 2024-2025 ..... \$230,755

48 2. Any balance of the sums appropriated by subsection 1 remaining at  
49 the end of the respective fiscal years must not be committed for expenditure  
50 after June 30 of the respective fiscal years by the entity to which the  
51 appropriation is made or any entity to which money from the appropriation is  
52 granted or otherwise transferred in any manner, and any portion of the  
53 appropriated money remaining must not be spent for any purpose after

1 September 20, 2024, and September 19, 2025, respectively, by either the entity  
2 to which the money was appropriated or the entity to which the money was  
3 subsequently granted or transferred, and must be reverted to the State  
4 General Fund on or before September 20, 2024, and September 19, 2025,  
5 respectively.

6 **Sec. 66.** 1. Except as otherwise provided in subsection 2, insofar as they  
7 conflict with the provisions of such an agreement, the amendatory provisions of this  
8 act do not apply during the current term of any collective bargaining agreement  
9 entered into before July 1, 2023, but do apply to any extension or renewal of such  
10 an agreement and to any such agreement entered into on or after July 1, 2023.

11 2. If a collective bargaining agreement entered into before July 1, 2023, has a  
12 provision authorizing the reopening of negotiations, the amendatory provisions of  
13 this act do not apply to the reopened negotiations of the provisions of that collective  
14 bargaining agreement if a renegotiated collective bargaining agreement is entered  
15 into before January 1, 2024.

16 3. If a state professional employer has established a bargaining unit for any of  
17 its professional employees or has designated a professional organization as the  
18 exclusive representative for a bargaining unit as of July 1, 2023, such bargaining  
19 unit or exclusive representative shall be deemed the bargaining unit or exclusive  
20 representative representing the same professional employees on and after July 1,  
21 2023, until such time, if any, the bargaining unit or exclusive representative is  
22 changed or modified in accordance with the provisions of this act.

23 4. As used in this section:

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

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

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

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

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

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