

ASSEMBLY BILL NO. 378—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 22, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing collective bargaining.
(BDR 23-1050)

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

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

AN ACT relating to public employees; revising certain provisions relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Existing law requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1** of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) **Section 1** requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to



24 the extent possible, determine and reserve with the mediator and arbitrator selected
25 by the parties the calendar days when such mediation and arbitration would occur
26 should the parties not reach a collective bargaining agreement.

27 If the representative of the Executive Department and the exclusive
28 representative of a bargaining unit do not reach a collective bargaining agreement
29 through mediation within 21 days after the appointment of a mediator, mediation is
30 required to cease and the parties are required to begin arbitration proceedings on or
31 before March 1 unless the parties agree on a later date. The arbitrator is then
32 required to render a decision on or before March 15 unless the parties agree on a
33 later date. (NRS 288.575) If the parties do not reach a collective bargaining
34 agreement through mediation, **section 3** of this bill requires mediation to cease and
35 the parties to begin arbitration proceedings within 10 days, rather than 21 days,
36 after the appointment of a mediator. **Section 3:** (1) requires arbitration proceedings
37 to begin on or before February 15, rather than March 1; and (2) requires the
38 arbitrator to render a decision on or before March 5, rather than March 15.

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

1 **Section 1.** NRS 288.565 is hereby amended to read as follows:

2 288.565 1. The Governor shall designate a representative to
3 conduct negotiations concerning collective bargaining agreements
4 on behalf of the Executive Department. The representative may,
5 with the approval of the Governor, delegate the responsibility to
6 conduct such negotiations to another person.

7 2. A representative designated pursuant to subsection 1 and an
8 exclusive representative shall **[begin]**:

9 *(a) **Begin** negotiations concerning a collective bargaining*
10 *agreement within 60 days after one party notifies the other party of*
11 *the desire to negotiate or on or before **[November] October 1** of*
12 *each even-numbered year, whichever is earlier **[.]**; and*

13 *(b) **Before beginning negotiations concerning a collective***
14 ***bargaining agreement pursuant to paragraph (a), select a***
15 ***mediator and arbitrator for the purposes of mediation and***
16 ***arbitration pursuant to NRS 288.570 and 288.575, respectively,***
17 ***and, to the extent possible, determine and reserve with the***
18 ***mediator and arbitrator selected by the parties the calendar days***
19 ***when such mediation and arbitration would occur should the***
20 ***parties not reach a collective bargaining agreement.***

21 3. As soon as practicable after the Board designates an
22 exclusive representative of an unrepresented bargaining unit
23 pursuant to NRS 288.400 to 288.630, inclusive, the exclusive
24 representative shall engage in collective bargaining with the
25 representative designated pursuant to subsection 1 as required by
26 NRS 288.540 to establish a collective bargaining agreement with a
27 term ending on June 30 of the next odd-numbered year.



1 **Sec. 2.** NRS 288.570 is hereby amended to read as follows:

2 288.570 1. Either party may request a mediator ~~from the~~
3 ~~Federal Mediation and Conciliation Service~~ *selected pursuant to*
4 *NRS 288.565* if the parties do not reach a collective bargaining
5 agreement:

6 (a) Within 120 days after the date on which the parties began
7 negotiations or on or before February 1 of an odd-numbered year,
8 whichever is earlier; or

9 (b) On or before any later date set by agreement of the parties.

10 2. The mediator shall bring the parties together as soon as
11 possible after ~~his or her appointment~~ *a request is made pursuant*
12 *to subsection 1* and shall attempt to settle each issue in dispute
13 within ~~21~~ *10* days after his or her appointment or any later date set
14 by agreement of the parties.

15 **Sec. 3.** NRS 288.575 is hereby amended to read as follows:

16 288.575 1. If a mediator ~~selected~~ *requested* pursuant to
17 NRS 288.570 determines that his or her services are no longer
18 helpful or if the parties do not reach a collective bargaining
19 agreement through mediation within ~~21~~ *10* days after ~~the~~
20 ~~appointment of the mediator~~ *a request made pursuant to NRS*
21 *288.570* or on or before any later date set by agreement of the
22 parties, the mediator shall discontinue mediation and the parties
23 shall ~~attempt to agree upon an impartial arbitrator.~~ *engage in*
24 *arbitration.* Any proposal that conflicts or is otherwise inconsistent
25 with any provision of state law, other than the provisions of chapters
26 284 and 287 of NRS, shall be considered withdrawn by the
27 proposing party when mediation is discontinued.

28 2. ~~If the parties do not agree upon an impartial arbitrator~~
29 ~~within 5 days after the date on which mediation is discontinued~~
30 ~~pursuant to subsection 1 or on or before any later date set by~~
31 ~~agreement of the parties, the parties shall request from the Federal~~
32 ~~Mediation and Conciliation Service a list of seven potential~~
33 ~~arbitrators. The parties shall select an arbitrator from this list by~~
34 ~~alternately striking one name until the name of only one arbitrator~~
35 ~~remains, and that arbitrator must hear the dispute in question. The~~
36 ~~party who will strike the first name must be determined by a coin~~
37 ~~toss.~~

38 ~~—3.]~~ The arbitrator shall begin arbitration proceedings on or
39 before ~~March 1~~ *February 15 of an odd-numbered year* or any
40 later date set by agreement of the parties.

41 ~~4.]~~ 3. The arbitrator and the parties shall apply and follow the
42 procedures for arbitration that are prescribed by any rules adopted
43 by the Board pursuant to NRS 288.110. During arbitration, the
44 parties retain their respective duties to negotiate in good faith.



1 ~~[5.]~~ 4. The arbitrator may administer oaths or affirmations,
2 take testimony and issue and seek enforcement of a subpoena in the
3 same manner as the Board pursuant to NRS 288.120, and, except as
4 otherwise provided in subsection ~~[7.]~~ 6, the provisions of NRS
5 288.120 apply to any subpoena issued by the arbitrator.

6 ~~[6.]~~ 5. The arbitrator shall render a decision on or before
7 March ~~[45]~~ 5 of an odd-numbered year or any later date set by
8 agreement of the parties.

9 ~~[7.]~~ 6. The Executive Department and the exclusive
10 representative shall each pay one-half of the cost of arbitration.

11 **Sec. 4.** This act becomes effective on July 1, 2023.

