

SENATE BILL NO. 135—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 7, 2019

Referred to Committee on Government Affairs

SUMMARY—Provides for collective bargaining by state employees. (BDR 23-650)

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 state employees; authorizing collective bargaining for certain state employees; renaming, revising the membership of and expanding the duties of the Local Government Employee-Management Relations Board; providing for bargaining units of state employees and their representatives; establishing procedures for collective bargaining and for making and amending collective bargaining agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Title 23 of NRS governs public employment. This bill authorizes collective
2 bargaining between the State and certain state employees. **Sections 2, 27, 28 and**
3 **48** of this bill expand the powers and duties of the Local Government Employee-
4 Management Relations Board to include hearing and deciding certain disputes
5 between the State and certain state employees. **Section 46** of this bill: (1) changes
6 the name of the Local Government Employee-Management Relations Board to the
7 Government Employee-Management Relations Board to conform to this change in
8 duties; (2) decreases the membership of the Board from five members to three
9 members; (3) revises the membership of the Board to include representation of
10 employee organizations or labor organizations; and (4) eliminates the requirement
11 that certain members of the Board reside in southern Nevada. **Section 47** of this bill
12 revises certain quorum and voting requirements of the Board. Existing law requires
13 the Local Government Employee-Management Relations Board annually to assess
14 a fee for the support of the Board against each local government employer. (NRS
15 288.105) **Section 23** of this bill additionally requires the newly created Government
16 Employee-Management Relations Board annually to assess a similar fee against
17 each agency or other unit of the Executive Department of State Government.
18 **Section 24** of this bill authorizes certain state employees to organize and join labor



19 organizations, or refrain from engaging in that activity, and, as applicable, to
20 engage in collective bargaining through exclusive representatives. **Section 25** of
21 this bill establishes requirements concerning collective bargaining agreements.
22 **Section 26** of this bill prohibits certain unfair labor practices in the context of
23 collective bargaining. **Section 29** of this bill provides for the creation and
24 organization of bargaining units of employees of the Executive Department.
25 **Sections 30-33** of this bill provide for the election or designation of exclusive
26 representatives of bargaining units. **Section 34** of this bill requires the exclusive
27 representative of a bargaining unit to engage in collective bargaining with the
28 Executive Department on behalf of the employees within the unit. **Section 36** of
29 this bill sets forth the term of a collective bargaining agreement.

30 **Section 38** of this bill sets forth certain time frames in which the Executive
31 Department and an exclusive representative of a bargaining unit are required to
32 engage in collective bargaining. **Sections 39-41** of this bill provide for the
33 mediation and arbitration of disputes between the Executive Department and a
34 bargaining unit. **Section 42** of this bill authorizes supplemental collective
35 bargaining between the Executive Department and the exclusive representative
36 of a bargaining unit over any terms and conditions of employment that do not affect
37 all the employees of the bargaining unit. **Sections 44 and 50** of this bill provide
38 that certain meetings convened for the purpose of collective bargaining and
39 resolving disputes relating to collective bargaining are exempt from the provisions
40 of existing law requiring open and public meetings of public bodies. **Sections 6-14,**
41 **45 and 54** of this bill reorganize certain definitions in chapter 288 of NRS to
42 conform to changes made in this bill.

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
3 Fiscal Officer, who disburses money in payment of salaries and
4 wages of officers and employees of the State:

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

- 7 (1) Charitable organizations;
8 (2) Employee credit unions;
9 (3) Except as otherwise provided in paragraph (c), insurers;
10 (4) The United States for the purchase of savings bonds and
11 similar obligations of the United States; and

12 (5) ~~Employee~~ *Except as otherwise provided in section 35*
13 *of this act, employee* organizations and labor organizations.

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

19 (c) Shall, upon receipt of information from the Public
20 Employees' Benefits Program specifying amounts of premiums or
21 contributions for coverage by the Program, withhold those amounts



1 from the salaries or wages of officers and employees who
2 participate in the Program and pay those amounts to the Program.

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

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

7 281.755 1. Except as otherwise provided in subsections 2 and
8 5, a public body shall provide an employee who is the mother of a
9 child under 1 year of age with:

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

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

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

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

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

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

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

36 (a) If the employee is employed by the Executive Department of
37 State Government, ~~and~~ is not an employee of an entity described
38 in NRS 284.013 ~~and~~ *and is not an employee in a bargaining unit*
39 *pursuant to sections 15 to 44, inclusive, of this act*, file a complaint
40 with the Employee-Management Committee in accordance with the
41 procedures provided pursuant to NRS 284.384;

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



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

4 (d) If the employee is employed by a political subdivision
5 of this State or any public or quasi-public corporation organized
6 under the laws of this State ~~§~~ *or if the employee is employed*
7 *by the Executive Department of State Government and is an*
8 *employee in a bargaining unit pursuant to sections 15 to 44,*
9 *inclusive, of this act,* file a complaint with the ~~Local~~ Government
10 Employee-Management Relations Board in the manner set forth in
11 NRS 288.115.

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

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

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

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

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

24 **Sec. 3.** NRS 284.013 is hereby amended to read as follows:

25 284.013 1. Except as otherwise provided in subsection 4, this
26 chapter does not apply to:

27 (a) Agencies, bureaus, commissions, officers or personnel in the
28 Legislative Department or the Judicial Department of State
29 Government, including the Commission on Judicial Discipline;

30 (b) Any person who is employed by a board, commission,
31 committee or council created in chapters 445C, 590, 623 to 625A,
32 inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of
33 NRS; or

34 (c) Officers or employees of any agency of the Executive
35 Department of the State Government who are exempted by specific
36 statute.

37 2. Except as otherwise provided in subsection 3, the terms and
38 conditions of employment of all persons referred to in subsection 1,
39 including salaries not prescribed by law and leaves of absence,
40 including, without limitation, annual leave and sick and disability
41 leave, must be fixed by the appointing or employing authority
42 within the limits of legislative appropriations or authorizations.

43 3. Except as otherwise provided in this subsection, leaves of
44 absence prescribed pursuant to subsection 2 must not be of lesser
45 duration than those provided for other state officers and employees



1 pursuant to the provisions of this chapter. The provisions of this
2 subsection do not govern the Legislative Commission with respect
3 to the personnel of the Legislative Counsel Bureau.

4 4. Any board, commission, committee or council created in
5 chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,
6 inclusive, 648, 652, 654 and 656 of NRS which contracts for the
7 services of a person, shall require the contract for those services to
8 be in writing. The contract must be approved by the State Board of
9 Examiners before those services may be provided.

10 *5. To the extent that they are inconsistent or otherwise in*
11 *conflict, the provisions of this chapter do not apply to any terms*
12 *and conditions of employment that are properly within the scope*
13 *of and subject to the provisions of a collective bargaining*
14 *agreement or a supplemental bargaining agreement that is*
15 *enforceable pursuant to the provisions of sections 15 to 44,*
16 *inclusive, of this act.*

17 **Sec. 4.** Chapter 287 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *To the extent that they are inconsistent or otherwise in conflict,*
20 *the provisions of this chapter do not apply to any terms and*
21 *conditions of employment that are properly within the scope of*
22 *and subject to the provisions of a collective bargaining agreement*
23 *or supplemental bargaining agreement that is enforceable*
24 *pursuant to the provisions of sections 15 to 44, inclusive, of this*
25 *act.*

26 **Sec. 5.** Chapter 288 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 6 to 44, inclusive, of this
28 act.

29 **Sec. 6.** *As used in this chapter, unless the context otherwise*
30 *requires, the words and terms defined in NRS 288.040, 288.050*
31 *and 288.060 and sections 7 to 14, inclusive, of this act have the*
32 *meanings ascribed to them in those sections.*

33 **Sec. 7.** *“Board” means the Government Employee-*
34 *Management Relations Board created by NRS 288.080.*

35 **Sec. 8.** *“Collective bargaining” means a method of*
36 *determining conditions of employment by negotiation between*
37 *representatives of the Executive Department or local government*
38 *employer and an employee organization or labor organization,*
39 *entailing a mutual obligation of the Executive Department or local*
40 *government employer, as applicable, and the representative of the*
41 *state or local government employees to meet at reasonable times*
42 *and bargain in good faith with respect to:*

43 *1. Wages, hours and other terms and conditions of*
44 *employment;*

45 *2. The negotiation of an agreement;*



1 3. *The resolution of any question arising under a negotiated*
2 *agreement; or*

3 4. *The execution of a written contract incorporating any*
4 *agreement reached if requested by either party,*
5 *↳ but this obligation does not compel either party to agree to a*
6 *proposal or require the making of a concession.*

7 **Sec. 9.** *“Commissioner” means the Commissioner appointed*
8 *by the Board pursuant to NRS 288.090.*

9 **Sec. 10.** *“Executive Department” means an agency, board,*
10 *bureau, commission, department, division, elected officer or any*
11 *other unit of the Executive Department of State Government.*

12 **Sec. 11.** *“Fact-finding” means the formal procedure by*
13 *which an investigation of a labor dispute is conducted by a person*
14 *at which:*

15 1. *Evidence is presented; and*

16 2. *A written report is issued by the fact finder describing the*
17 *issues involved and setting forth recommendations for settlement*
18 *which may or may not be binding as provided in NRS 288.200.*

19 **Sec. 12.** *“Labor organization” means an organization of any*
20 *kind having as one of its purposes improvement of the terms and*
21 *conditions of employment of state employees.*

22 **Sec. 13.** *“Mediation” means assistance by an impartial third*
23 *party to reconcile differences between the Executive Department*
24 *or a local government employer and an exclusive representative*
25 *through interpretation, suggestion and advice.*

26 **Sec. 14.** *“Strike” means any concerted:*

27 1. *Stoppage of work, slowdown or interruption of operations*
28 *by employees of the State of Nevada or local government*
29 *employees;*

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

33 3. *Interruption of the operations of the State of Nevada or*
34 *any local government employer by any employee organization or*
35 *labor organization.*

36 **Sec. 15.** *As used in sections 15 to 44, inclusive, of this act,*
37 *unless the context otherwise requires, the words and terms defined*
38 *in sections 16 to 21, inclusive, of this act have the meanings*
39 *ascribed to them in those sections.*

40 **Sec. 16.** *“Arbitration” means a process of dispute resolution*
41 *where the parties involved in an impasse or grievance dispute*
42 *submit their dispute to a third party for a final and binding*
43 *decision.*



1 **Sec. 17.** *“Bargaining unit” means a collection of employees*
2 *that the Board has established as a bargaining unit pursuant to*
3 *section 29 of this act.*

4 **Sec. 18.** *“Confidential employee” means an employee who*
5 *provides administrative support to an employee who assists in the*
6 *formulation, determination and effectuation of personnel policies*
7 *or managerial policies concerning collective bargaining or*
8 *supplemental bargaining.*

9 **Sec. 19.** 1. *“Employee” means a person who:*

10 (a) *Is employed in the classified service of the State pursuant*
11 *to chapter 284 of NRS;*

12 (b) *Is employed by the Public Employees’ Retirement System*
13 *and is required to be paid in accordance with the pay plan for the*
14 *classified service of the State; or*

15 (c) *Is employed by the Nevada System of Higher Education in*
16 *the classified service of the State or is required to be paid in*
17 *accordance with the pay plan for the classified service of the State.*

18 2. *The term does not include:*

19 (a) *A managerial employee whose primary function, as*
20 *determined by the Board, is to administer and control the business*
21 *of any agency, board, bureau, commission, department, division,*
22 *elected officer or any other unit of the Executive Department and*
23 *who is vested with discretion and independent judgment with*
24 *regard to the general conduct and control of that agency, board,*
25 *bureau, commission, department, division, elected officer or unit;*

26 (b) *An elected official or any person appointed to fill a vacancy*
27 *in an elected office;*

28 (c) *A confidential employee;*

29 (d) *A temporary employee who is employed for a fixed period*
30 *of 4 months or less;*

31 (e) *A commissioned officer or an enlisted member of the*
32 *Nevada National Guard; or*

33 (f) *Any person employed by the Nevada System of Higher*
34 *Education who is not in the classified service of the State or*
35 *required to be paid in accordance with the pay plan of the*
36 *classified service of the State.*

37 **Sec. 20.** *“Exclusive representative” means a labor*
38 *organization that, as a result of its designation by the Board, has*
39 *the exclusive right to represent all the employees within a*
40 *bargaining unit and to engage in collective bargaining with the*
41 *Executive Department pursuant to sections 15 to 44, inclusive, of*
42 *this act concerning wages, hours and other terms and conditions*
43 *of employment for those employees.*

44 **Sec. 21.** *“Grievance” means an act, omission or occurrence*
45 *that an employee or an exclusive representative believes to be an*



1 *injustice relating to any condition arising out of the relationship*
2 *between an employer and an employee, including, without*
3 *limitation, working hours, working conditions, membership in an*
4 *organization of employees or the interpretation of any law,*
5 *regulation or agreement.*

6 **Sec. 22.** 1. *The Legislature hereby finds and declares that*
7 *there is a great need to:*

8 (a) *Promote orderly and constructive relations between the*
9 *State and its employees; and*

10 (b) *Increase the efficiency of State Government.*

11 2. *It is therefore within the public interest that the Legislature*
12 *enact provisions:*

13 (a) *Granting certain state employees the right to associate with*
14 *others in organizing and choosing representatives for the purpose*
15 *of engaging in collective bargaining;*

16 (b) *Requiring the State to recognize and negotiate wages,*
17 *hours and other terms and conditions of employment with labor*
18 *organizations that represent state employees and to enter into*
19 *written agreements evidencing the result of collective bargaining;*
20 *and*

21 (c) *Establishing standards and procedures that protect the*
22 *rights of employees, the Executive Department and the people of*
23 *the State.*

24 **Sec. 23.** 1. *On or before July 1 of each year, the Board*
25 *shall charge and collect a fee from the Executive Department in*
26 *an amount not to exceed \$10 for each employee of the Executive*
27 *Department who was employed by the Executive Department*
28 *during the first pay period of the immediately preceding fiscal*
29 *year.*

30 2. *The Executive Department shall pay the fee imposed*
31 *pursuant to subsection 1 on or before July 31 of each year. The*
32 *Executive Department shall not impose the fee against its*
33 *employees.*

34 3. *If the Executive Department fails to pay the fee imposed*
35 *pursuant to subsection 1 on or before July 31 of that year, the*
36 *Board shall impose a civil penalty not to exceed \$10 for each*
37 *employee employed by the Executive Department for whom the fee*
38 *was not paid.*

39 4. *The Executive Department may not receive a reduction in*
40 *the amount of the fee imposed pursuant to subsection 1 or a*
41 *refund of that amount if an employee is not employed for a full*
42 *calendar year. The fee must be imposed whether or not the*
43 *employee is a member of a labor organization.*



1 5. Any money received from the fees collected pursuant to
2 subsection 1 must be accounted for separately and may be used
3 only to carry out the duties of the Board.

4 6. To carry out the provisions of this section, the Board may
5 verify the identity and number of employees employed by the
6 Executive Department by any reasonable means.

7 **Sec. 24.** 1. For the purposes of collective bargaining,
8 supplemental bargaining and other mutual aid or protection,
9 employees have the right to:

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

14 (b) Refrain from engaging in such activity.

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

19 (a) Wages, hours and other terms and conditions of
20 employment;

21 (b) The negotiation of an agreement;

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

24 (d) The execution of a written contract incorporating the
25 provisions of an agreement, if requested by either party.

26 3. The Executive Department shall furnish to an exclusive
27 representative data that is maintained in the ordinary course of
28 business and which is relevant and necessary to the discussion of
29 wages, hours and other terms and conditions of employment. This
30 subsection shall not be construed to require the Executive
31 Department to furnish to the exclusive representative any advice
32 or training received by representatives of the Executive
33 Department concerning collective bargaining.

34 **Sec. 25.** 1. Each collective bargaining agreement must be
35 in writing and must include, without limitation:

36 (a) A procedure to resolve grievances which applies to all
37 employees in the bargaining unit and culminates in final and
38 binding arbitration. The procedure must be used to resolve all
39 grievances relating to employment, including, without limitation,
40 the administration and interpretation of the collective bargaining
41 agreement, the applicability of any law, rule or regulation relating
42 to the employment and appeal of discipline and other adverse
43 personnel actions.

44 (b) A provision which provides that an officer of the Executive
45 Department shall, upon written authorization by an employee



1 *within the bargaining unit, withhold a sufficient amount of money*
2 *from the salary or wages of the employee pursuant to NRS*
3 *281.129 to pay dues or similar fees to the exclusive representative*
4 *of the bargaining unit. Such authorization may be revoked only in*
5 *the manner prescribed in the authorization.*

6 2. *Except as otherwise provided in subsections 3 and 4, the*
7 *procedure to resolve grievances required in a collective bargaining*
8 *agreement pursuant to paragraph (a) of subsection 1 is the*
9 *exclusive means available for resolving grievances described in*
10 *that paragraph.*

11 3. *An employee in a bargaining unit who has been dismissed,*
12 *demoted or suspended may pursue a grievance related to that*
13 *dismissal, demotion or suspension through:*

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

16 (b) *The procedure prescribed by NRS 284.390,*
17 *↳ but once the employee has properly filed a grievance in writing*
18 *under the procedure described in paragraph (a) or requested a*
19 *hearing under the procedure described in paragraph (b), the*
20 *employee may not proceed in the alternative manner.*

21 4. *An employee in a bargaining unit who is aggrieved by the*
22 *failure of the Executive Department or its designated*
23 *representative to comply with the requirements of NRS 281.755*
24 *may pursue a grievance related to that failure through:*

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

27 (b) *The procedure prescribed by NRS 288.115,*
28 *↳ but once the employee has properly filed a grievance in writing*
29 *under the procedure described in paragraph (a) or filed a*
30 *complaint under the procedure described in paragraph (b), the*
31 *employee may not proceed in the alternative manner.*

32 5. *If there is a conflict between any provision of an*
33 *agreement between the Executive Department and an exclusive*
34 *representative and:*

35 (a) *Any regulation adopted by the Executive Department, the*
36 *provision of the agreement prevails unless the provision of the*
37 *agreement is outside of the lawful scope of collective bargaining.*

38 (b) *An existing statute, other than a statute described in*
39 *paragraph (c), the provision of the agreement may not be given*
40 *effect unless the Legislature amends the existing statute in such a*
41 *way as to eliminate the conflict.*

42 (c) *A provision of chapter 284 or 287 of NRS or section 39, 40*
43 *or 41 of this act, the provision of the agreement prevails unless the*
44 *Legislature is required to appropriate money to implement the*



1 *provision, within the limits of legislative appropriations and any*
2 *other available money.*

3 **Sec. 26. 1.** *It is a prohibited practice for the Executive*
4 *Department or its designated representative willfully to:*

5 *(a) Refuse to engage in collective bargaining or otherwise fail*
6 *to bargain in good faith with an exclusive representative,*
7 *including, without limitation, refusing to engage in mediation or*
8 *arbitration.*

9 *(b) Interfere with, restrain or coerce an employee in the*
10 *exercise of any right guaranteed pursuant to sections 15 to 44,*
11 *inclusive, of this act.*

12 *(c) Dominate, interfere with or assist in the formation or*
13 *administration of a labor organization.*

14 *(d) Discriminate in regard to hiring, tenure, wages, hours or*
15 *other terms and conditions of employment to encourage or*
16 *discourage membership in a labor organization.*

17 *(e) Discharge or otherwise discriminate against an employee*
18 *because the employee has:*

19 *(1) Signed or filed an affidavit, petition or complaint or has*
20 *provided any information or given any testimony pursuant to*
21 *sections 15 to 44, inclusive, of this act; or*

22 *(2) Formed, joined or chosen to be represented by a labor*
23 *organization.*

24 *(f) Deny any right accompanying a designation as an exclusive*
25 *representative.*

26 **2.** *It is a prohibited practice for a labor organization or its*
27 *designated agent willfully to:*

28 *(a) When acting as an exclusive representative, refuse to*
29 *engage in collective bargaining or otherwise fail to bargain in*
30 *good faith with the Executive Department, including, without*
31 *limitation, refusing to engage in mediation or arbitration.*

32 *(b) Interfere with, restrain or coerce an employee in the*
33 *exercise of any right guaranteed pursuant to sections 15 to 44,*
34 *inclusive, of this act.*

35 *(c) Discriminate because of race, color, religion, sex, sexual*
36 *orientation, gender identity or expression, age, disability, national*
37 *origin, or political or personal reasons or affiliations.*

38 **Sec. 27. 1.** *To establish that a party committed a prohibited*
39 *practice in violation of section 26 of this act, the party aggrieved*
40 *by the practice must:*

41 *(a) File a complaint with the Board not later than 6 months*
42 *after the alleged prohibited practice occurred; and*

43 *(b) Send a copy of the complaint to the other party by certified*
44 *mail, return receipt requested, or by any other method authorized*
45 *by the Board.*



1 2. *Not later than 10 days after receiving a copy of a complaint*
2 *pursuant to paragraph (b) of subsection 1, each party named as a*
3 *respondent in the complaint shall file a response to the complaint*
4 *with the Board.*

5 3. *The Board may conduct a preliminary investigation of the*
6 *complaint. Based on such an investigation:*

7 (a) *If the Board determines that the complaint has no basis in*
8 *law or fact, the Board shall dismiss the complaint.*

9 (b) *If the Board determines that the complaint may have a*
10 *basis in law or fact, the Board shall order a hearing to be*
11 *conducted in accordance with:*

12 (1) *The provisions of chapter 233B of NRS that apply to a*
13 *contested case; and*

14 (2) *Any rules adopted by the Board pursuant to*
15 *NRS 288.110.*

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

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

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

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

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

33 **Sec. 28.** 1. *The Board may appoint a hearing officer to*
34 *conduct a hearing that the Board is otherwise required to conduct*
35 *pursuant to section 27 of this act.*

36 2. *A decision of the hearing officer may be appealed to the*
37 *Board.*

38 3. *On appeal to the Board, the Board may consider the record*
39 *of the hearing or may conduct a hearing de novo. A hearing de*
40 *novo conducted by the Board must be conducted in accordance*
41 *with:*

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

44 (b) *Any rules adopted by the Board pursuant to NRS 288.110.*



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

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

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

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

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

18 **Sec. 29. 1.** *The Board shall establish one bargaining unit*
19 *for each of the following occupational groups of employees of the*
20 *Executive Department:*

21 (a) *Labor, maintenance, custodial and institutional employees,*
22 *including, without limitation, employees of penal and correctional*
23 *institutions who are not responsible for security at those*
24 *institutions.*

25 (b) *Administrative and clerical employees, including, without*
26 *limitation, legal support staff and employees whose work involves*
27 *general office work, or keeping or examining records and*
28 *accounts.*

29 (c) *Technical aides to professional employees, including,*
30 *without limitation, computer programmers, tax examiners,*
31 *conservation employees and crew supervisors.*

32 (d) *Professional employees, including, without limitation,*
33 *physical therapists and other employees in medical and other*
34 *professions related to health.*

35 (e) *Employees, other than professional employees, who provide*
36 *health care and personal care, including, without limitation,*
37 *employees who provide care for children.*

38 (f) *Category I peace officers.*

39 (g) *Category II peace officers.*

40 (h) *Category III peace officers.*

41 (i) *Supervisory employees not otherwise included in other*
42 *bargaining units.*

43 (j) *Firefighters.*

44 2. *The Board shall determine the classifications of employees*
45 *within each bargaining unit. The parties to a collective bargaining*



1 agreement may assign a new classification to a bargaining unit
2 based upon the similarity of the new classification to other
3 classifications within the bargaining unit. If the parties to a
4 collective bargaining agreement do not agree to the assignment of
5 a new classification to a bargaining unit, the Board must assign a
6 new classification to a bargaining unit based upon the similarity
7 of the new classification to other classifications within the
8 bargaining unit.

9 3. As used in this section:

10 (a) "Category I peace officer" has the meaning ascribed to it
11 in NRS 289.460.

12 (b) "Category II peace officer" has the meaning ascribed to it
13 in NRS 289.470.

14 (c) "Category III peace officer" has the meaning ascribed to it
15 in NRS 289.480.

16 (d) "Professional employee" means an employee engaged in
17 work that:

18 (1) Is predominately intellectual and varied in character as
19 opposed to routine mental, manual, mechanical or physical work;

20 (2) Involves the consistent exercise of discretion and
21 judgment in its performance;

22 (3) Is of such a character that the result accomplished or
23 produced cannot be standardized in relation to a given period; and

24 (4) Requires advanced knowledge in a field of science or
25 learning customarily acquired through a prolonged course of
26 specialized intellectual instruction and study in an institution of
27 higher learning, as distinguished from general academic
28 education, an apprenticeship or training in the performance of
29 routine mental or physical processes.

30 (e) "Supervisory employee" has the meaning ascribed to it in
31 paragraph (a) of subsection 1 of NRS 288.075.

32 **Sec. 30.** If no labor organization is designated as the
33 exclusive representative of a bargaining unit and a labor
34 organization files with the Board a list of its membership or other
35 evidence showing that the labor organization has been authorized
36 to serve as a representative by more than 50 percent of the
37 employees within the bargaining unit, the Board shall designate
38 the labor organization as the exclusive representative of the
39 bargaining unit without ordering an election.

40 **Sec. 31. 1.** If no labor organization is designated as the
41 exclusive representative of a bargaining unit, the Board shall
42 order an election to be conducted within the bargaining unit if:

43 (a) A labor organization files with the Board a written request
44 for an election which includes a list of its membership or other
45 evidence showing that it has been authorized to serve as a



1 *representative by at least 30 percent but not more than 50 percent*
2 *of the employees within the bargaining unit; and*

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

6 *2. If the Board designates a labor organization as the*
7 *exclusive representative of a bargaining unit following an election*
8 *pursuant to subsection 1 or pursuant to section 30 of this act, the*
9 *Board shall order an election:*

10 *(a) If either:*

11 *(1) Another labor organization files with the Board a*
12 *written request for an election which includes a list of its*
13 *membership or other evidence showing that the labor organization*
14 *has been authorized to serve as a representative by at least 50*
15 *percent of the employees within the bargaining unit; or*

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

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

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

28 **Sec. 32. 1.** *If the Board orders an election within a*
29 *bargaining unit pursuant to section 31 of this act, the Board shall*
30 *order that each of the following be placed as a choice on the ballot*
31 *for the election:*

32 *(a) If applicable, the labor organization that requested the*
33 *election pursuant to section 31 of this act;*

34 *(b) If applicable, the labor organization that is presently*
35 *designated as the exclusive representative of the bargaining unit;*

36 *(c) Any other labor organization that, on or before the date*
37 *that is prescribed by the rules adopted by the Board, files with the*
38 *Board a written request to be placed on the ballot for the election*
39 *and includes with the written request a list of its membership or*
40 *other evidence showing that the labor organization has been*
41 *authorized to serve as a representative by at least 30 percent of the*
42 *employees within the bargaining unit; and*

43 *(d) A choice for "no representation."*

44 *2. If a ballot for an election contains more than two choices*
45 *and none of the choices on the ballot receives a majority of the*



1 *votes cast at the initial election, the Board shall order a runoff*
2 *election between the two choices on the ballot that received the*
3 *highest number of votes at the initial election.*

4 *3. If the choice for "no representation" receives a majority of*
5 *the votes cast at the initial election or at any runoff election, the*
6 *Board shall designate the bargaining unit as being without*
7 *representation.*

8 *4. If a labor organization receives a majority of the votes cast*
9 *at the initial election or at any runoff election, the Board shall*
10 *designate the labor organization as the exclusive representative of*
11 *the bargaining unit.*

12 **Sec. 33.** *1. The Board shall preside over all elections that*
13 *are conducted pursuant to section 31 of this act and shall*
14 *determine the eligibility requirements for employees to vote in any*
15 *such election.*

16 *2. A labor organization that is placed as a choice on the*
17 *ballot for an election or any employee who is eligible to vote at an*
18 *election may file with the Board a written objection to the results*
19 *of the election. The objection must be filed not later than 10 days*
20 *after the date on which the notice of the results of the election is*
21 *given by the Board.*

22 *3. In response to a written objection filed pursuant to*
23 *subsection 2 or upon its own motion, the Board may invalidate the*
24 *results of an election and order a new election if the Board finds*
25 *that any conduct or circumstances raise substantial doubt that the*
26 *results of the election are reliable.*

27 **Sec. 34.** *1. Except as otherwise provided in subsection 2, an*
28 *exclusive representative shall:*

29 *(a) Act as the agent and exclusive representative of all*
30 *employees within each bargaining unit that it represents; and*

31 *(b) In good faith and on behalf of each bargaining unit that it*
32 *represents, individually or collectively, bargain with the Executive*
33 *Department concerning the wages, hours and other terms and*
34 *conditions of employment for the employees within each*
35 *bargaining unit that it represents, including, without limitation,*
36 *any terms and conditions of employment that are within the scope*
37 *of supplemental bargaining pursuant to section 42 of this act.*

38 *2. If an employee is within a bargaining unit that has an*
39 *exclusive representative, the employee has the right to present*
40 *grievances to the Executive Department at any time and to have*
41 *those grievances adjusted without the intervention of the exclusive*
42 *representative if:*

43 *(a) The exclusive representative is given an opportunity to be*
44 *present at any meetings or hearings related to the adjustment of*



1 *the grievance and provided a copy of the adjustment of the*
2 *grievance; and*

3 *(b) The adjustment of the grievance is not inconsistent with the*
4 *provisions of the collective bargaining agreement or any*
5 *supplemental bargaining agreement then in effect.*

6 *3. Except as otherwise provided in subsection 4, a labor*
7 *organization may serve as an exclusive representative for multiple*
8 *bargaining units established pursuant to section 29 of this act.*

9 *4. An employee organization or labor organization serving as*
10 *the exclusive representative of category I peace officers employed*
11 *by the Executive Department or a local government employer may*
12 *not serve as an exclusive representative of any other bargaining*
13 *unit of state employees established pursuant to section 29 of this*
14 *act.*

15 *5. As used in this section "category I peace officer" has the*
16 *meaning ascribed to it in NRS 289.460.*

17 **Sec. 35.** *If the Board designates a labor organization as the*
18 *exclusive representative of a bargaining unit pursuant to sections*
19 *15 to 44, inclusive, of this act, an officer of the Executive*
20 *Department shall not, pursuant to NRS 281.129, withhold any*
21 *amount of money from the salary or wages of an employee within*
22 *the bargaining unit to pay dues or similar fees to a labor*
23 *organization other than the labor organization that is the*
24 *exclusive representative of the bargaining unit.*

25 **Sec. 36.** *Except as otherwise provided in this section, the*
26 *term of a collective bargaining agreement must begin on July 1 of*
27 *an odd-numbered year and must end on June 30 of the next odd-*
28 *numbered year. If the parties cannot agree to a new collective*
29 *bargaining agreement before the end of the term of a collective*
30 *bargaining agreement, the terms of that collective bargaining*
31 *agreement remain in effect until a new collective bargaining*
32 *agreement takes effect.*

33 **Sec. 37.** *If a provision of a collective bargaining agreement:*
34 *1. Does not require an act of the Legislature to be given*
35 *effect, the provision becomes effective in accordance with the*
36 *terms of the agreement.*

37 *2. Requires an act of the Legislature to be given effect:*
38 *(a) The Governor shall request the drafting of a legislative*
39 *measure pursuant to NRS 218D.175 to effectuate the provision;*
40 *and*

41 *(b) The provision becomes effective, if at all, on the date on*
42 *which the act of the Legislature becomes effective.*

43 **Sec. 38.** *1. The Executive Department and an exclusive*
44 *representative shall begin negotiations concerning a collective*
45 *bargaining agreement within 60 days after one party notifies the*



1 *other party of the desire to negotiate or on or before November 1*
2 *of each even-numbered year, whichever is earlier.*

3 2. *As soon as practicable after the Board designates an*
4 *exclusive representative of an unrepresented bargaining unit*
5 *pursuant to sections 15 to 44, inclusive, of this act, the exclusive*
6 *representative shall engage in collective bargaining with the*
7 *Executive Department as required by section 34 of this act to*
8 *establish a collective bargaining agreement with a term ending on*
9 *June 30 of the next odd-numbered year.*

10 **Sec. 39. 1.** *Either party may request a mediator from the*
11 *Federal Mediation and Conciliation Service if the parties do not*
12 *reach a collective bargaining agreement:*

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

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

17 2. *The mediator shall bring the parties together as soon as*
18 *possible after his or her appointment and shall attempt to settle*
19 *each issue in dispute within 21 days after his or her appointment*
20 *or any later date set by agreement of the parties.*

21 **Sec. 40. 1.** *If a mediator selected pursuant to section 39 of*
22 *this act determines that his or her services are no longer helpful or*
23 *if the parties do not reach a collective bargaining agreement*
24 *through mediation within 21 days after the appointment of the*
25 *mediator or on or before any later date set by agreement of the*
26 *parties, the mediator shall discontinue mediation and the parties*
27 *shall attempt to agree upon an impartial arbitrator. Any proposal*
28 *that conflicts or is otherwise inconsistent with any provision of*
29 *state law, other than the provisions of chapters 284 and 287 of*
30 *NRS, shall be considered withdrawn by the proposing party when*
31 *mediation is discontinued.*

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

42 3. *The arbitrator shall begin arbitration proceedings on or*
43 *before March 1 or any later date set by agreement of the parties.*

44 4. *The arbitrator and the parties shall apply and follow the*
45 *procedures for arbitration that are prescribed by any rules adopted*



1 *by the Board pursuant to NRS 288.110. During arbitration, the*
2 *parties retain their respective duties to negotiate in good faith.*

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

8 6. *The arbitrator shall render a decision on or before*
9 *March 15 or any later date set by agreement of the parties.*

10 7. *The Executive Department and the exclusive representative*
11 *shall each pay one-half of the cost of arbitration.*

12 **Sec. 41.** 1. *For issues in dispute after arbitration*
13 *proceedings are held pursuant to section 40 of this act, the*
14 *arbitrator shall incorporate either the final offer of the Executive*
15 *Department or the final offer of the exclusive representative into*
16 *his or her decision. The decision of the arbitrator shall be limited*
17 *to a selection of one of the two final offers of the parties. The*
18 *arbitrator shall not revise or amend the final offer of either party*
19 *on any issue.*

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

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

23 (b) *The contractual terms and provisions contained in each*
24 *final offer.*

25 3. *In assessing reasonableness pursuant to subsection 2, the*
26 *arbitrator shall:*

27 (a) *Compare the wages, hours and other terms and conditions*
28 *of employment for the employees within the bargaining unit with*
29 *the wages, hours and other terms and conditions of employment*
30 *for other employees performing similar services and for other*
31 *employees generally:*

32 (1) *In public employment in comparable communities; and*

33 (2) *In private employment in comparable communities; and*

34 (b) *Consider, without limitation:*

35 (1) *The financial ability of the State to pay the costs*
36 *associated with the proposed collective bargaining agreement, with*
37 *due regard for the primary obligation of the State to safeguard the*
38 *health, safety and welfare of the people of this State;*

39 (2) *The average prices paid by consumers for goods and*
40 *services in geographic location where the employees work; and*

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



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

3 **Sec. 42.** 1. *Except as otherwise provided in this section, the*
4 *Executive Department and the exclusive representative of a*
5 *bargaining unit may engage in supplemental bargaining agree-*
6 *ment concerning any terms and conditions of employment which are*
7 *peculiar to or which uniquely affect fewer than all the employees*
8 *within the bargaining unit.*

9 2. *The Executive Department and an exclusive representative*
10 *may engage in supplemental bargaining pursuant to subsection 1*
11 *for fewer than all the employees within two or more bargaining*
12 *units that the exclusive representative represents if the*
13 *requirements of subsection 1 are met for each such bargaining*
14 *unit. Supplemental bargaining must be conducted in the manner*
15 *prescribed by sections 15 to 44, inclusive, of this act.*

16 3. *If the parties reach a supplemental bargaining agreement*
17 *pursuant to this section, the provisions of the supplemental*
18 *bargaining agreement:*

19 (a) *Must be in writing; and*

20 (b) *Shall be deemed to be incorporated into the provisions of*
21 *each collective bargaining agreement then in effect between*
22 *the Executive Department and the employees who are subject to*
23 *the supplemental bargaining agreement if the provisions of the*
24 *supplemental bargaining agreement do not conflict with the*
25 *provisions of the collective bargaining agreement.*

26 4. *If any provision of the supplemental bargaining*
27 *agreement conflicts with any provision of the collective*
28 *bargaining agreement, the provision of the supplemental*
29 *bargaining agreement is void and the provision of the*
30 *collective bargaining agreement must be given effect.*

31 5. *The provisions of the supplemental bargaining agreement*
32 *expire at the same time as the other provisions of the collective*
33 *bargaining agreement into which they are incorporated.*

34 6. *The Executive Department and an exclusive representative*
35 *may, during collective bargaining conducted pursuant to sections*
36 *15 to 44, inclusive, of this act, negotiate and include in a collective*
37 *bargaining agreement any terms and conditions of employment*
38 *that would otherwise be within the scope of supplemental*
39 *bargaining conducted pursuant to this section.*

40 **Sec. 43.** 1. *Except as otherwise provided by specific statute,*
41 *a labor organization and the Executive Department may sue or be*
42 *sued as an entity pursuant to sections 15 to 44, inclusive, of this*
43 *act.*

44 2. *If any action or proceeding is brought by or against a labor*
45 *organization pursuant to sections 15 to 44, inclusive, of this act,*



1 *the district court in and for the county in which the labor*
2 *organization maintains its principal office or the county in which*
3 *the claim arose has jurisdiction over the claim.*

4 3. *A natural person and his or her assets are not subject to*
5 *liability for any judgment awarded pursuant to sections 15 to 44,*
6 *inclusive, of this act against the Executive Department or a labor*
7 *organization.*

8 **Sec. 44.** *The following proceedings, required by or conducted*
9 *pursuant to this chapter, are not subject to any provision of NRS*
10 *which requires a meeting to be open or public:*

11 1. *Any negotiation or informal discussion between the*
12 *Executive Department and a labor organization or employees as*
13 *individuals.*

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

16 3. *Any meeting or investigation conducted by an arbitrator.*

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

19 **Sec. 45.** NRS 288.020 is hereby amended to read as follows:

20 288.020 As used in ~~[this chapter,]~~ *NRS 288.140 to 288.220,*
21 *inclusive, 288.270 and 288.280,* unless the context otherwise
22 requires, the words and terms defined in NRS 288.025 to 288.075,
23 inclusive, have the meanings ascribed to them in those sections.

24 **Sec. 46.** NRS 288.080 is hereby amended to read as follows:

25 288.080 1. The ~~[Local]~~ Government Employee-Management
26 Relations Board is hereby created, consisting of ~~[five]~~ *three*
27 members. ~~[.]~~ *The Board must consist of:*

28 (a) *One member appointed by the Governor who is* broadly
29 representative of the public and not closely allied with any
30 employee organization ~~[or], any labor organization, the Executive~~
31 *Department or any local government employer* ~~[,not];~~

32 (b) *One member appointed by the Governor from a list of*
33 *recommendations submitted to the Governor by the American*
34 *Federation of Labor and Congress of Industrial Organizations or*
35 *its successor organization; and*

36 (c) *One member appointed by agreement of the members*
37 *appointed pursuant to paragraphs (a) and (b).*

38 2. *Not more than* ~~[three]~~ *two of* ~~[whom]~~ *the members of the*
39 *Board may be members of the same political party.* ~~[, and at least~~
40 ~~three of whom must reside in southern Nevada. The]~~ *After the*
41 *initial terms, the* term of office of each member is 4 years.

42 ~~[2.—The Governor shall appoint the members of the Board.]~~

43 **Sec. 47.** NRS 288.090 is hereby amended to read as follows:

44 288.090 1. The members of the Board shall annually elect
45 one of their number as Chair and one as Vice Chair. ~~[Except as~~



1 ~~otherwise provided in this section, any three~~ **Any two** members of
2 the Board constitute a quorum . ~~[-, and a majority of a quorum~~
3 ~~present at any meeting may exercise all the power and authority~~
4 ~~conferred on the Board.]~~

5 2. ~~[Except by a majority vote of the entire membership of the~~
6 ~~Board, the Board may not:~~

7 ~~—(a) Elect a Chair or Vice Chair;~~

8 ~~—(b) Appoint the Commissioner or Secretary of the Board, or~~
9 ~~terminate the employment of the Commissioner or Secretary;~~

10 ~~—(c) Adjust the fee charged to local government employers~~
11 ~~pursuant to NRS 288.105 or impose a civil penalty for failure to pay~~
12 ~~the fee;~~

13 ~~—(d) Make or adopt any rule or regulation; or~~

14 ~~—(e) Grant permission to a local government employer to~~
15 ~~withdraw recognition from an employee organization or order an~~
16 ~~election pursuant to NRS 288.160.~~

17 ~~—3. Whenever less than five members of the Board are present at~~
18 ~~any meeting, not more than two of the members present may be~~
19 ~~members of the same political party.~~

20 ~~—4.]~~ The Board may, within the limits of legislative
21 appropriations and any other available money:

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

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

26 **Sec. 48.** NRS 288.110 is hereby amended to read as follows:

27 288.110 1. The Board may make rules governing:

28 (a) Proceedings before it;

29 (b) Procedures for fact-finding;

30 (c) The recognition , *as defined in NRS 288.067*, of employee
31 organizations; and

32 (d) The determination of bargaining units.

33 2. The Board may hear and determine any complaint arising
34 out of the interpretation of, or performance under, the provisions of
35 this chapter by *the Executive Department*, any local government
36 employer, *any employee, as defined in section 19 of this act, any*
37 *local government employee, [or] employee organization [.] or labor*
38 *organization*. Except as otherwise provided in this subsection and
39 NRS 288.115 and 288.280, *and section 27 of this act*, the Board
40 shall conduct a hearing within 180 days after it decides to hear a
41 complaint. If a complaint alleges a violation of paragraph (e) of
42 subsection 1 of NRS 288.270 , ~~[or]~~ paragraph (b) of subsection 2 of
43 ~~[that section,]~~ *NRS 288.270, paragraph (a) of subsection 1 of*
44 *section 26 of this act or paragraph (b) of subsection 2 of section 26*
45 *of this act*, the Board shall conduct a hearing not later than 45 days



1 after it decides to hear the complaint, unless the parties agree to
2 waive this requirement. The Board, after a hearing, if it finds that
3 the complaint is well taken, may order any person *or entity*
4 refrain from the action complained of or to restore to the party
5 aggrieved any benefit of which the party has been deprived by that
6 action. Except when an expedited hearing is conducted pursuant to
7 NRS 288.115, the Board shall issue its decision within 120 days
8 after the hearing on the complaint is completed.

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

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

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

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

21 (b) Upon agreement of all the parties.

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

24 7. *As used in this section, "bargaining unit" has the meaning*
25 *ascribed to it in NRS 288.028 or section 17 of this act.*

26 **Sec. 49.** NRS 288.250 is hereby amended to read as follows:

27 288.250 1. If a strike is commenced or continued in violation
28 of an order issued pursuant to NRS 288.240, the court may:

29 (a) Punish ~~[the]~~ *each* employee organization or ~~[organizations]~~
30 *labor organization* guilty of such violation by a fine of not more
31 than \$50,000 against each *employee organization or labor*
32 organization for each day of continued violation.

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

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

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

42 **Sec. 50.** NRS 241.016 is hereby amended to read as follows:

43 241.016 1. The meetings of a public body that are quasi-
44 judicial in nature are subject to the provisions of this chapter.



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

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

4 (b) Judicial proceedings, including, without limitation,
5 proceedings before the Commission on Judicial Selection and,
6 except as otherwise provided in NRS 1.4687, the Commission on
7 Judicial Discipline.

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

11 3. Any provision of law, including, without limitation, NRS
12 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
13 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
14 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
15 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,
16 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
17 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
18 696B.550, 703.196 and 706.1725, *and section 44 of this act*, which:

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

21 (b) Otherwise authorizes or requires a closed meeting, hearing
22 or proceeding,

23 ↪ prevails over the general provisions of this chapter.

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

29 **Sec. 51.** NRS 597.995 is hereby amended to read as follows:

30 597.995 1. Except as otherwise provided in subsection 3, an
31 agreement which includes a provision which requires a person to
32 submit to arbitration any dispute arising between the parties to the
33 agreement must include specific authorization for the provision
34 which indicates that the person has affirmatively agreed to the
35 provision.

36 2. If an agreement includes a provision which requires a person
37 to submit to arbitration any dispute arising between the parties to the
38 agreement and the agreement fails to include the specific
39 authorization required pursuant to subsection 1, the provision is void
40 and unenforceable.

41 3. The provisions of this section do not apply to an agreement
42 that is a collective bargaining agreement. As used in this subsection,
43 "collective bargaining" has the meaning ascribed to it in ~~NRS~~
44 ~~288.033~~ *section 8 of this act.*



1 **Sec. 52.** 1. The terms of all members of the Local
2 Government Employee-Management Relations Board created by
3 NRS 288.080 who are serving on July 1, 2019, expire on that date.

4 2. As soon as practicable after the effective date of this act:

5 (a) The Governor shall appoint to the Government-
6 Management Relations Board the members described in paragraphs
7 (a) and (b) of subsection 1 of NRS 288.080, as amended by section
8 46 of this act, to terms that begin on July 1, 2019, and expire on
9 July 1, 2023; and

10 (b) The members of the Government Employee-Management
11 Relations Board appointed pursuant to paragraph (a) shall appoint
12 the member described in paragraph (c) of subsection 1 of NRS
13 288.080, as amended by section 46 of this act, to a term that begins
14 on July 1, 2019, and expires on July 1, 2021.

15 **Sec. 53.** 1. As soon as practicable after the effective date of
16 this act but not later than October 1, 2019, the Government
17 Employee-Management Relations Board created by NRS 288.080,
18 as amended by section 46 of this act, shall:

19 (a) Establish bargaining units pursuant to section 29 of this act;
20 and

21 (b) Designate exclusive representatives for those bargaining
22 units in accordance with sections 30, 31 and 32 of this act.

23 2. As used in this section, "bargaining unit" has the meaning
24 ascribed to it in section 17 of this act.

25 **Sec. 54.** NRS 288.030, 288.033, 288.034, 288.045, 288.063
26 and 288.070 are hereby repealed.

27 **Sec. 55.** This act becomes effective upon passage and
28 approval.

LEADLINES OF REPEALED SECTIONS

288.030 "Board" defined.

288.033 "Collective bargaining" defined.

288.034 "Commissioner" defined.

288.045 "Fact-finding" defined.

288.063 "Mediation" defined.

288.070 "Strike" defined.



