

SENATE BILL NO. 286—SENATOR D. HARRIS

MARCH 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public employees.
(BDR 23-1012)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 public employees; revising the definition of “supervisory employee” for purposes of collective bargaining for local government and state employees to include persons who provide civilian support services to a law enforcement agency; revising the definition of “employee” for purposes of collective bargaining for state employees to include category II peace officers who are agents of the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits employees who exercise certain duties under a paramilitary command structure from being deemed supervisory employees solely due to the exercise of such duties. (NRS 288.138) **Section 1** of this bill also excludes from being deemed supervisory employees solely due to the exercise of certain duties under a paramilitary command structure certain Executive Department and local government employees who provide civilian support services to a law enforcement agency.

Existing law defines “employee” for purposes of collective bargaining with the Executive Department to mean a person who is: (1) employed in the classified service of the State; or (2) employed by the Nevada System of Higher Education in the classified service of the State or required to be paid in accordance with the pay plan for the classified service of the State. (NRS 288.425) **Section 2** of this bill includes in the definition of “employee” persons who are employed in the unclassified service of the State as agents of the Nevada Gaming Control Board with the powers of category II peace officers.

Section 4 of this bill provides that the amendatory provisions of this bill do not apply during the current term of any collective bargaining agreement entered into before October 1, 2021.



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

1 **Section 1.** NRS 288.138 is hereby amended to read as follows:

2 288.138 1. "Supervisory employee" includes:

3 (a) Any individual having authority in the interest of the
4 employer to hire, transfer, suspend, lay off, recall, promote,
5 discharge, assign, reward or discipline other employees or
6 responsibility to direct them, to adjust their grievances or effectively
7 to recommend such action, if in connection with the foregoing, the
8 exercise of such authority is not of a merely routine or clerical
9 nature, but requires the use of independent judgment. The exercise
10 of such authority shall not be deemed to place the employee in
11 supervisory employee status unless the exercise of such authority
12 occupies a significant portion of the employee's workday. If any of
13 the following persons perform some, but not all, of the foregoing
14 duties under a paramilitary command structure, such a person shall
15 not be deemed a supervisory employee solely because of such
16 duties:

17 (1) A police officer, as defined in NRS 288.215;

18 (2) A firefighter, as defined in NRS 288.215; ~~for~~

19 (3) A person who:

20 (I) Has the powers of a peace officer pursuant to NRS
21 289.150, 289.170, 289.180 or 289.190; and

22 (II) Is a local government employee who is authorized to
23 be in a bargaining unit pursuant to the provisions of this chapter ~~H~~;
24 *or*

25 (4) *A person who:*

26 (I) *Provides civilian support services to a law*
27 *enforcement agency; and*

28 (II) *Is an employee who is authorized to be in a*
29 *bargaining unit pursuant to the provisions of this chapter.*

30 (b) Any individual or class of individuals appointed by the
31 employer and having authority on behalf of the employer to:

32 (1) Hire, transfer, suspend, lay off, recall, terminate,
33 promote, discharge, assign, reward or discipline other employees or
34 responsibility to direct them, to adjust their grievances or to
35 effectively recommend such action;

36 (2) Make budgetary decisions; and

37 (3) Be consulted on decisions relating to collective
38 bargaining,

39 ↳ if, in connection with the foregoing, the exercise of such
40 authority is not of a merely routine or clerical nature, but requires
41 the use of independent judgment. The exercise of such authority



1 shall not be deemed to place the employee in supervisory employee
2 status unless the exercise of such authority occupies a significant
3 portion of the employee's workday.

4 2. Nothing in this section shall be construed to mean that an
5 employee who has been given incidental administrative duties shall
6 be classified as a supervisory employee.

7 **Sec. 2.** NRS 288.425 is hereby amended to read as follows:

8 288.425 1. "Employee" means a person who:

9 (a) Is employed in the classified service of the State pursuant to
10 chapter 284 of NRS; ~~for~~

11 (b) *Is employed as an agent of the Nevada Gaming Control*
12 *Board with the powers of a category II peace officer, as described*
13 *in subsection 9 of NRS 289.470, in the unclassified service of the*
14 *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 regard
24 to the general conduct and control of that agency, board, bureau,
25 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;

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 classified
36 service of the State; or

37 (g) Any person employed by the Public Employees' Retirement
38 System who is required to be paid in accordance with the pay plan
39 of the classified service of the State.

40 **Sec. 3.** (Deleted by amendment.)

41 **Sec. 4.** Insofar as they conflict with the provisions of such an
42 agreement, the amendatory provisions of this act do not apply
43 during the current term of any collective bargaining agreement
44 entered into before October 1, 2021, but do apply to any extension



1 or renewal of such an agreement and to any collective bargaining
2 agreement entered into on or after October 1, 2021.

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