

SENATE BILL NO. 465—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 27, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Authorizes the submission of certain grievances of state employees to an arbitrator. (BDR 23-1042)

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 the submission of certain grievances of state employees to an arbitrator for a final decision; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Personnel Commission of the Division of Human
2 Resource Management of the Department of Administration to adopt regulations
3 providing for the adjustment of grievances by state employees if a hearing on that
4 grievance is not otherwise provided by federal law or by certain other statutes. The
5 regulations must provide procedures for: (1) consideration and adjustment of a
6 grievance within the agency in which it arose; (2) submission to the Employee-
7 Management Committee for a final decision if the employee remains dissatisfied
8 with the resolution of the dispute; and (3) the use of a resolution conference if
9 requested by an employee or agency. (NRS 284.384) This bill requires the
10 Personnel Commission to also adopt regulations providing procedures for an
11 employee who remains dissatisfied with the resolution of a dispute to submit the
12 dispute for a final decision to an arbitrator selected by the employee. If the
13 employee submits the grievance to an arbitrator, the employee and the agency each
14 must pay one-half of the costs of the arbitration and a decision of the arbitrator is
15 binding.

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

1 **Section 1.** NRS 284.384 is hereby amended to read as
2 follows:

3 284.384 1. The Commission shall adopt regulations which
4 provide for the adjustment of grievances for which a hearing is not



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1 provided by federal law or NRS 284.165, 284.245, 284.3629,
2 284.376 or 284.390. Any grievance for which a hearing is not
3 provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390
4 is subject to adjustment pursuant to this section.

5 2. The regulations must provide procedures for:

6 (a) Consideration and adjustment of the grievance within the
7 agency in which it arose.

8 (b) ~~Submission to the Employee-Management Committee for a~~
9 ~~final decision if~~ *If the employee is still dissatisfied with the*
10 *resolution of the dispute ~~H~~, submission of the grievance for a final*
11 *decision to one of the following as selected by the employee:*

12 *(1) The Employee-Management Committee; or*

13 *(2) An arbitrator selected by the employee from a list of*
14 *seven potential arbitrators provided by the Federal Mediation and*
15 *Conciliation Service. The employee and the agency in which*
16 *the grievance arose must each pay one-half of the costs of*
17 *arbitration.*

18 (c) If requested by an employee or agency, the use of a
19 resolution conference to resolve a grievance.

20 3. The regulations must include provisions for:

21 (a) Submitting each proposed resolution of a dispute which has a
22 fiscal effect to the Budget Division of the Office of Finance for a
23 determination by that Division whether the resolution is feasible on
24 the basis of its fiscal effects; and

25 (b) Making the resolution binding.

26 4. Any grievance which is subject to adjustment pursuant to
27 this section may be appealed to the Employee-Management
28 Committee *or an arbitrator* for a final decision ~~H~~, *as selected by*
29 *the employee*. Except as otherwise provided in subsection 3, a final
30 decision of the Committee *or arbitrator, as applicable*, is binding.
31 The Committee or an employee may petition a court of competent
32 jurisdiction for enforcement of the Committee's binding decisions.
33 *The employee or the agency in which the grievance arose may*
34 *petition a court of competent jurisdiction for enforcement of the*
35 *arbitrator's binding decisions.*

36 5. The employee may represent himself or herself at any
37 hearing regarding a grievance which is subject to adjustment
38 pursuant to this section or be represented by an attorney or other
39 person of the employee's own choosing.

40 6. As used in this section, "grievance" means an act, omission
41 or occurrence which an employee who has attained permanent status
42 feels constitutes an injustice relating to any condition arising out of
43 the relationship between an employer and an employee, including,
44 but not limited to, compensation, working hours, working



- 1 conditions, membership in an organization of employees or the
- 2 interpretation of any law, regulation or disagreement.
- 3 **Sec. 2.** This act becomes effective on July 1, 2017.

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