1969

S. B. 87—Dodge, Jan. 28.

Summary—Regulates relations between local governments and employees and prohibits strikes in public employment. (BDR 23-11)

Jan. 28—Read first time. Referred to Committee on Federal, State, and Local Governments. To printer.

Jan. 29—From printer. To committee. 2/25 jt; 3/14; 3/18; 3/20; 4/8

Apr. 10—From committee: Amend, and do pass as amended. Read second time. Amended. To printer.

Apr. 11—From printer. To engrossment. Engrossed.

Apr. 12—Read third time. Passed, as amended. Title approved. To Assembly.

Apr. 14—In Assembly. Read first time. Referred to Committee on Government Affairs. To committee. 2/25 jt; 3/10; 4/14; 4/15; 4/16

Apr. 18—From committee: Amend, and do pass as amended. Declared an emergency measure under the Constitution. Read third time. Amended. To printer.

Apr. 20—From printer. To re-engrossment. Re-engrossed. Read third time. Passed, as amended. Title approved. To Senate.

Apr. 21—In Senate. Made Special Order of Business for April 21, 1969 at 2:30 p.m. Assembly amendment not concurred in. To Assembly.

Apr. 22—In Assembly. Assembly amendment not receded from. Conference requested. First Committee on Conference appointed by Assembly. To Senate. In Senate. First Committee on Conference appointed by Senate. To committee.

Apr. 23—From committee: No decision reached, and request second conference. First Conference report adopted by Senate. Second Committee on Conference appointed by Senate. First Conference report adopted by Assembly. Second Committee on Conference appointed by Assembly. To committee.

Apr. 24—From committee: Concur in Assembly amendment, and further amend. Second Conference report adopted by Senate. Second Conference report adopted by Assembly. To enrollment.

Apr. 28—Enrolled and delivered to Governor. Approved by the Governor. Chapter 650.

Effective April 28, 1969, but no employee organization, local government employer, or other person may submit to the local government employee-management relations board before October 1, 1969, any appeal, complaint, or other request for action by the board.

SENATE BILL NO. 87—SENATOR DODGE

JANUARY 28, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Regulates relations between local governments and employees and prohibits strikes in public employment. (BDR 23-11)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public employees; providing for recognition of and negotiation with employee organizations in certain instances; prohibiting strikes; providing penalties; making an appropriation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

SEC. 2. This chapter may be cited as the Local Government Employee-Management Relations Act.

SEC. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in such sections.

SEC. 4. "Board" means the local government employee-management relations board.

SEC. 5. "Employee organization" means any:

1. Association, brotherhood, council or federation composed of employees of the State of Nevada or local government employees or both; or

2. Craft, industrial or trade union whose membership includes employees of the State of Nevada or local government employees or both.

SEC. 6. "Local government employee" means any person employed by a local government employer.

SEC. 7. "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, irrigation districts and other special districts.

SEC. 8. 1. "Strike" means any concerted:

(a) Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees; or

(b) Interruption of the operations of the State of Nevada or any local government employer by any employee organization.

2. Absence from work upon any pretext or excuse, such as illness, which is not founded in fact constitutes a stoppage of work for purposes of this section.

SEC. 9. 1. It is the right of every local government employee, subject to the limitation provided in subsection 3, to join any employee organization of his choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself with respect to any condition of his employment.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

SEC. 10. 1. It is the duty of every local government employer, except as limited in subsection 2, to negotiate through a representative or representatives of its own choosing concerning wages, hours and physical conditions of employment with recognized employee organizations for each appropriate unit among its employees. Where any officer of a local government employer, other than a member of the governing body, is elected by the people and directs the work of any local government employee, such officer is the proper person to negotiate, directly or through a representative or representatives of his own choosing, in the first instance concerning any employee whose work is directed by him, but may refer to the governing body or its chosen representative or representatives any matter beyond the scope of his authority.

2. Each local government employer is entitled, without negotiation or reference to any agreement resulting from negotiation:

(a) To direct its employees;

(b) To hire, promote, classify, transfer, assign, retain, suspend, demote, discharge or take disciplinary action against any employee;

(c) To relieve any employee from duty because of lack of work or for any other legitimate reason;

(d) To maintain the efficiency of its governmental operations;

(e) To determine the methods, means and personnel by which its operations are to be conducted; and

(f) To take whatever actions may be necessary to carry out its responsibilities in situations of emergency.

SEC. 11. 1. An employee organization may apply to a local government employer for recognition by presenting:

(a) A copy of its constitution and bylaws, if any;

(b) A roster of its officers, if any, and representatives; and

(c) A pledge in writing not to strike against the local government employer under any circumstances.

A local government employer shall not recognize as representative of its employees any employee organization which has not adopted, in a manner valid under its own rules, the pledge required by paragraph (c).

2. A local government employer may recognize one or more employee organizations, or no employee organization. A local government employer may at any time, for cause, withdraw recognition.

3. If an employee organization is aggrieved by the refusal or withdrawal of recognition, or if any recognized employee organization is aggrieved by the recognition of another employee organization, the aggrieved employee organization may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 12. 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with such recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating purposes. The primary criterion for such determination shall be community of interest among the employees concerned. A local government employee who has executive responsibility for carrying out the policies and instructions of the governing body shall not be a member of the same negotiating unit as the employees who serve under his direction. A local government employee who supervises the work of other employees shall not be an officer of an employee organization which includes any of the employees whose work he supervises.

2. If any employee organization is aggrieved by determination of a negotiating unit, it may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 13. 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of such desire to the local government employer, and to any other recognized employee organization which represents any of the employees in the negotiating unit. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give such notice at least 120 days before the date fixed by law for the completion of the tentative budget of the local government employer for the first period for which the required budget is to be effective.

2. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

SEC. 14. 1. If at the expiration of 45 days from the date of service of the notice required by section 13 of this act the parties have not reached agreement, the parties or either of them may so notify the board, requesting mediation and explaining briefly the subject of negotiation. The

board shall, within 5 days, appoint a competent, impartial and disinterested person to act as mediator in the negotiation. It is the function of such mediator to promote agreement between the parties, but his recommendations, if any, are not binding upon an employee organization or the local government employer.

2. If a mediator is appointed, the board shall fix his compensation. The local government employer shall pay one-half of the costs of mediation, and the employee organization or organizations shall pay one-half.

SEC. 15. 1. If at the expiration of 75 days from the date of service of the notice required by section 13 of this act, the parties have not reached agreement, the mediator is discharged of his responsibility, and the parties shall submit their dispute to a factfinding panel. Within 5 days, the local government employer shall select one member of the panel, and the employee organization or organizations shall select one member. The members so selected shall select the third member, or if within 5 days they fail to do so, the board shall select him within 5 days thereafter. The third member shall act as chairman.

2. Each member of a factfinding panel who is not a public employee is entitled to receive $20 for each day of service. The local government employer shall pay one-half of the costs of factfinding, and the employee organization or organizations shall pay one-half.

3. The factfinding panel shall report its findings and recommendations to the parties to the dispute within 25 days after its selection is complete. These findings are not binding upon the parties, but if within 5 days after the panel has so reported the parties have not reached an agreement, the panel shall make its findings public.

SEC. 16. 1. For the purpose of investigating disputes, any factfinding panel may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any investigation is being conducted by a factfinding panel may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the factfinding panel.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the factfinding panel may report to the district court in and for the county in which the investigation is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the factfinding panel in the investigation named in the subpena, or has refused to answer questions propounded to him in the course of such investigation,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the factfinding panel.

4. The court, upon petition of the factfinding panel, shall enter an

order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the factfinding panel. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the factfinding panel, the court shall thereupon enter an order that the witness appear before the factfinding panel at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 17. The following proceedings, required by or pursuant to this chapter, are not subject to any provision of chapter 241 of NRS:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.

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

3. Any meeting or investigation conducted by a factfinding panel.

SEC. 18. 1. The local government employee-management relations board is hereby created, to consist of three members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than two of whom shall be members of the same political party. Except as provided in subsection 2, the term of office of each member shall be 4 years.

2. The governor shall appoint the members of the board. Of the first three members appointed, the governor shall designate one whose term shall expire at the end of 2 years. Whenever a vacancy occurs on the board other than through the expiration of a term of office, the governor shall fill such vacancy by appointment for the unexpired term.

SEC. 19. 1. The members of the board shall annually elect one of their number as chairman and one as vice chairman. Any two members of the board constitute a quorum.

2. The board may, within the limits of legislative appropriations:

(a) Appoint a secretary, who shall be in the unclassified service of the state; and

(b) Employ such additional clerical personnel as may be necessary, who shall be in the classified service of the state.

SEC. 20. The members of the board shall serve without compensation, but are entitled to the expenses and allowances prescribed in NRS 281.160.

SEC. 21. 1. The board may make rules governing proceedings before it and procedures for factfinding and may issue advisory guidelines for the use of local government employers in the recognition of employee organizations and determination of negotiating units.

2. The board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer or employee organization. The board, after a hearing, if it finds that the complaint is well taken, may

order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by such action.

3. Any party aggrieved by the failure of any person to obey an order of the board issued pursuant to subsection 2 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce such order.

SEC. 22. 1. For the purpose of hearing and deciding appeals or complaints, the board may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any hearing is being conducted by the board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the board.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the board in the hearing named in the subpena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the board.

4. The court, upon petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the board, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 23. Every hearing and determination of an appeal or complaint by the board is a contested case within the meaning of chapter 233B of NRS. Every such determination is subject to judicial review as provided in chapter 233B of NRS.

SEC. 24. 1. The legislature finds as facts:

(a) That the services provided by the state and local government employers are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Nevada;

(b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the state to its people; and

(c) That every person who enters or remains in the employment of the state or a local government employer accepts the facts stated in paragraphs (a) and (b) as an essential condition of his employment.

2. The legislature therefore declares it to be the public policy of the State of Nevada that strikes against the state or any local government employer are illegal.

SEC. 25. 1. If a strike occurs against the state or a local government employer, the state or local government employer shall, and if a strike is threatened against the state or a local government employer, the state or local government employer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.

2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike. The provisions of N.R.C.P. 65 and of the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the state or of any local government employer.

SEC. 26. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the court may:

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

(b) Punish any officer of an employee 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:

(1) The dismissal or suspension of such employee;

(2) The forfeiture of all or part of the credit for previous service accrued to such employee as a member of the public employees' retirement system; or

(3) If the employee is a teacher, the forfeiture of his teacher's certificate.

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

SEC. 27. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the state or the local government employer may:

(a) Dismiss, suspend or demote all or any of the employees who participate in such strike.

(b) Cancel the contracts of employment of all or any of the employees who participate in such strike.

(c) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in such strike.

2. Any of the powers conferred by subsection 1 may be exercised alternatively or cumulatively.

SEC. 28. There are hereby appropriated from the general fund in the state treasury for the support of the local government employee-management relations board the following sums:

For the fiscal year ending June 30, 1969	$5,000
For the fiscal year ending June 30, 1970	15,000
For the fiscal year ending June 30, 1971	15,000

SEC. 29. This act shall become effective upon passage and approval, but no employee organization, local government employer or other person may submit to the local government employee-management relations board before October 1, 1969, any appeal, complaint or other request for action by the board.

(30)

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 25, 1969

JOINT HEARING

Senate Committee on Federal, State and Local Governments
Assembly Committee on Government Affairs

A joint hearing of the Senate Committee on Federal, State and Local Governments and the Assembly Committee on Government Affairs was held on February 25, 1969, at 3:00 P.M. in the Senate Chambers to consider two bills, SB-87 and AB-127, and to hear testimony of interested persons.

Those in attendance were:

James I. Gibson, Chairman	)	
Marvin L. White	)	
Warren L. Monroe	)	Senate Committee on Federal, State and
Vernon E. Bunker	)	Local Governments
Chic Hecht	)	
Carl Dodge	)	
Hal Smith, Chairman	)	
Norman Hilbrecht	)	
David Branch	)	Assembly Committee on Government Affairs
Don Mello	)	
Joseph Dini, Jr.	)	
Virgil Getto	)	
C. W. Lingenfelter	)	
Bryan Hafen	)	

Also present were:

James Butler	Executive Sec'y., Nevada State Education Association
Robert Cahill	President, Washoe County Teachers Association
Audrey Huntoon	Past President, WCTA, Member WCTA Negotiating Committee
Robert Ford	Principal, Wooster High School
Ed Pine	President, Nevada State Teachers Association
Lyman Bruce	Superintendent of Schools, Humboldt County
Gilbert Craft	Superintendent of Schools, Mineral County
John Hawkins	Superintendent of Schools, Ormsby County
Louis Bergevin	President, State Board of Education
Curt Blyth	Nevada Municipal Association
I. R. Ashelman	Representative, Federated Fire Fighters
James Corey	Commissioner, Las Vegas
John Fransway	Senator
Cliff Young	Senator

Chairman Gibson explained that the purpose of the Joint Hearing was to consider Senate Bill 87 and Assembly Bill 127, along with any other suggestions that relate to the over-all matter of public employee negotiations. He introduced Mr. Smith as Chairman of the Assembly Committee, himself as Chairman of the Senate Committee and Mr. Getto as Chairman of the Assembly Subcommittee on this particular subject. He then asked Senator Dodge to present the background for Senate Bill 87, and afterward Mr. Butler to present Assembly Bill 127.

SB-87 Proposed by Senator Dodge.
Regulates relations between local governments and employees and prohibits strikes in public employment.

Senator Dodge: Chairman, members of the committee, others who are here included in this matter, this area of legislation is relatively new in America. We've had a lot of experience in private sectors under the Wagner Act and NLRB in a lot of the other pieces of Federal legislation, which has offered some pattern under which we've evolved certain procedures which we now accept and recognize as negotiations in the private sector and with private management on matters of wages and salaries and so on.

Nevada has nothing on its statutes in any respect with regard to channels of communication between public employees and public management -- it has never enunciated a policy about them, the right to strike or the right not to strike, the legality of a strike. I presume that presently the only thing that we could say in Nevada is that if we had a strike we might be able to rely on Common Law, which has always made strikes against the crown or against government illegal -- you might go into a court and ask for a restraining order when joining a strike under Common Law doctrine -- in the absence of any statutory enunciation.

With these things in mind, I started to put together a piece of legislation over a year ago, which resulted in SB-87, and I want to say that I don't have particular pride of authorship about it, and I'm sure it's not a perfect piece of legislation. As a matter of fact, in the best laws that we have in the country, some other states, Wisconsin, Michigan and New York under the Taylor Act, I found that I thought there were some weaknesses about those pieces of legislation. Some areas weren't covered that I tried to, and again, it's one of those deals that I'm sure that there will be contributions made by legislators and others -- if, in fact, we enact a piece of legislation like this -- it will be helpful to whatever proposal is under consideration.

Now, more specifically on the bill, I limited it's application to local government employees, mainly cities, counties and school districts. I did not extend it to state employees, but I see no mechanical reason why it could not be. The reason why I didn't was because there were some different considerations I thought about state employees that I wasn't knowledgeable enough to try to cover. So I decided -- and it's a fact -- in this session or some subsequent session if we wanted to cover state employees under some of these procedures, we could adapt that to this act or whatever legislation we went ahead with.

We define a strike as meaning a stoppage of work, a slowdown, or interruption of operations by employees or the interruption by an employer organization, or the absence from work upon any pretext or excuse such as illness, which is not founded in fact -- constitutes a stoppage of work for purposes of this section. We stated it to be the right -- as it is under our right to work concept with employees from private sector -- the right to associate for purposes of negotiation in the furtherance of their interests or not to associate. We do not mandate any employee about having to belong to any organization.

We set out Section 10, a legal duty for the first time in local government management to negotiate in the areas of wages, hours and the physical conditions of employment. This mandates the local government, as I say, for the first time to actually sit down and negotiate in good faith in these areas with their employees.

We set out in the bill areas which were not subject to negotiation, subject matter which was not subject to negotiation, and this was not my own wording. I pulled this particular language out of Executive Order 10988, which was issued by John F. Kennedy when he was President of the United States, and which is appropos to two and a half million Federal employees. With the exception of one word in here, all the other language is taken directly out of that Executive Order.

Incidentally, I might say that that Executive Order which evolved in recent years to apply to Federal employees, was the work of a group of people who are thoroughly knowledgeable in this area that President Kennedy got to work at that time to evolve Executive Order 10988. So, I thought that I could take a page from work which is done by people who were knowledgeable in the area in this regard. And incidentally, I do want to say that in that Executive Order they didn't go to the extent that we did in this bill to make strikes illegal and lay down penalties because they had other legislation that has existed for a long time in the Federal system that makes a strike not only illegal, but makes it double. So in the Federal system it's a felony to strike against the Federal government.

In Section 12 we provided that the logal government employer would recognize appropriate bargaining units of employees for the purposes of discussing the areas of wages, hours, and physical conditions of employment. We provided that the primary criterion for the determination of the bargaining unit would be community of interest among the employees. Now, this is sort of broad, but actually it's a little difficult in a proposal like this to actually try to anticipate and define each type of bargaining unit which is appropriate.

But I want to explain to you what I have in mind, for example -- and let's take a school district as an example. I can see that there are probably four or five different groups of employees in a school district that would form their own bargaining units, as a result of this community of interest. I think the teachers, themselves, the professional certified people, would

be a bargaining unit; the office and clerical staff would be a bargaining unit because they have a community of interest; the maintenance people would be a bargaining unit; possibly the bus drivers would be a bargaining unit, because again, they have communities of interest. So the only reason I'm mentioning this to you is to place in proper context at least, what this community of interest would constitute. And, of course, then it would be up to the local government employers to take a look at each group of employees that comes in and make the determination in their minds as to whether these people actually were an appropriate bargaining unit, or whether you had employees with different communities of interests that needed to be split out in separate bargaining units.

Now, we provided that an employee who has an executive responsibility for carrying out the policies and instructions of the governing body -- and this is like the management personnel, like we might have if we were going to compare it to a business organization -- could not belong in the same negotiating unit as the people who work below them in the system. Now, understand that I did not say that those people could not bargain -- all I said was that they constituted a separate bargaining unit from the general employees in the system. They would come in as a separate group of administrators or top echelon management people in public management, with their own bargaining unit.

Section 13 starts to spell out a time schedule for various stages connected with this procedure. Beginning 120 days before the day fixed by law for the completion of the tentative budget of the local government employer, and that is the time for which the actual negotiation procedures start for these employee bargaining units and the local government employer. Now, at the end of 45 days if there is an impasse and an agreement has not been reached, either party may request mediation. We provided for the appointment of mediators by an employee management board, which is established later in the bill to come in and try to mediate the dispute or the impasse. If after 75 days from the beginning of this procedure, that hasn't done any good, then we provided for a public factfinding procedure, a factfinding panel of three people, and they have 25 days in which to make an investigation and make a report with recommendations back to the parties of interest. If, in fact, the thing has not been resolved within five days after reporting back in, then the factfinding report and recommendation becomes public.

Up to the point of the publication of the factfinding report, the proceedings are exempt from the open meeting law. We felt that -- this is under Section 17 -- we felt that this is a desirable thing so that people would not hold back because of the public aspect of a meeting about the types of discussions which they could have and air their "dirty linen" so to speak, whatever might be in private upto the point, as I say, of a public factfinding report. So I did want to point out that we felt there was some justification to exempt these kind of proceedings from the open meeting law.

Section 18 states a local government employee management relations board, which is an administrative board -- it's a board of review -- it's a board

which will help evolve the guidelines and the procedures under this piece of legislation. And let me say that I think they will have to evolve because again we are in a fairly new area and I think we're going to have to play it by ear as we go along and develop the procedures and the decisions which will become the guidelines of the future.

Now, I want to say that I'm not anxious to proliferate boards and commissions in Nevada's government, and this sets up a new one. I couldn't conscientiously determine any other way to do it. And if the legislators here have some other thoughts on the way we can handle these appeal and review procedures without setting up this board, why I think we should do it. And let me point out to you what the alternatives, as I saw them, were. It is not politic to involve the Department of Education and the Superintendent of Public Instruction in this sort of deal -- it really isn't. We have to deal with people on both sides of these matters in all the things that he does, and I think that it would destroy the effectiveness of that relationship with the school boards and all the educational personnel in the state if we were to ask him to be the mediator, so to speak, in these kind of proceedings. So I just felt that it was wrong to think about utilizing his office for that purpose, so I ruled him out.

I think it's too slow and cumbersome to use the courts. If you had a difference of opinion, we'll say, developing about the recognition of a representative of an employee organization. Supposing that the school board says, well, we don't recognize this employee organization that you say you want to represent you, and so there's an argument about whether there should be a recognition of that employee organization. Somebody has to go resolve it. Now, you can go into court, but again this is a slow and cumbersome procedure, and I don't think that this is a practical solution to all of the questions that might arise. Questions about bargaining units -- suppose the employer says I don't think this is a valid bargaining unit, and the employee group says well, we do. So how do you resolve it? And that's the reason why we have set under this bill, this employee management relations board, as again, a board of review. It's an administrative board -- does not have any final authority itself -- there is recourse reports from there -- so that if anybody felt that they were not satisfied with the treatment they had by this board, they can appeal on to the courts, as we do now, from our administrative boards.

I do not think it is feasible to try to set up an arbitration procedure . . . So I really couldn't see any other way to handle this part, which I think is going to be a substantial part. Wherever we enact this type of legislation, I think this board is going to have a lot of work to do, particularly in the first three or four years of its inception.

Now, we then, on Section 24 purport to enunciate for the first time, the public policy in Nevada concerning the legality of strikes. And then in Section 25 we provide that if, in fact, a strike occurs, that the local government employer can go into court and try to enjoin the strike. Now then, also in Section 25 -- and this is a fairly important point -- the court has to make it plain that strike does, in fact, exist, or unless enjoined, will occur. And that finding is pretty important, I think, because

we did not leave it in this bill to a decision of local management about whether a strike, in fact, exists. I can conceive -- and so can you -- situations where a management group is mad and the employees, some of them are staying from their work, and this sort of thing, so the management says well, we've got a strike on our hands and bang, they start trying to take dissensions against the employees. In order to prevent that, as I say, we are requiring the finding of a strike by the court.

Now then, if in fact, the court makes a finding of a strike, then Section 26, the most punitive punishment and sanctions under this bill, are left actually to the judgment of the court, not to the local management group. We provided for fine of up to $50,000.00 a day on the organization that represents the employee; punishment of an officer of the employee organization of not more than $1,000.00 a day or imprisonment; andthe court also has an authority under this to dismiss or suspend employees, forfeits accumulated time or credit in the public employees retirement system, or employs a teacher, forfeiture of the teacher's certificate. These can all be invoked by the court.

Now then, there are some other things that can be done once a finding is made by the local management group, and they don't have to wait, necessarily, for what the court finding does, but they can dismiss, suspend, or demote employees and cancel contracts of employment, and they can withhold all, or any part, of salaries and wages which would otherwise have accrued during the time when the employee was away from work.

Now, I have been -- one of the criticisms which has been leveled against this piece of legislation is these sanctions are too punitive -- they're too harsh. I want to remind you that they're not mandates. We've said that the court can impose penalties up to this amount. Now, the reason that I set it up this way, is that I can conceive that you might have more justification for some strikes than you would for others, by virtue of the background of the thing. Maybe there's a lot of reason why the employees are all steamed up. Even though a strike is illegal, that there are some mitigating circumstances that a court might want to take a look at in making a decision about how heavy a penalty to impose. On the other hand, if it is a completely unwarranted strike, without any justification at all, we'll say a wildcat situation, then it seems to me that the court again would have to look at the gravity of the situation, and set a penalty accordingly. So that's the theory of these penalties, which as I say, they are mandated, but they are permissive up to certain levels.

Now, on the effective dates of the act, I do want to comment on that. On Section 29, the last section (there is an appropriation in Section 28, which would help implement the minimum staff of the board, and one thing or another) and then in Section 29, we have said that the act would become effective on passage and approval. This would permit for the appointment and the creation of the board where they could get their feet on the ground, but that no local government employer or other person may submit to that board before October 1st, any appeal, complaint, or other requests for action. Now the concept of this is, as I say, to give the board a little time to develop some ground rules and not be hit at their first meeting with a bunch of requests for review out of local management areas.

The board, again I want to say, that its function, as I see it, is to act as a board of review or appeal from differences of opinion about construction of the act or performance under the act that might exist locally. It is to help establish the guidelines in Section 21. "The board may make rules governing proceedings before it and procedures for factfinding and may issue advisory guidelines for the use of local government employers in the recognition of employee organizations and determination of negotiating units." So this again, it would of course, hear any kind of complaint in the nature of -- in the private sector -- what we can call an "unfair labor practice." Now, maybe the employer says we think this group has been guilty of unfair practices, so they can ask for a review by the board and a determination by the board if, in fact, there have been unfair practices. Or, conversely, the employee can say that we think the management here has been heavy-handed and unfair and they are not following what they should be doing and ask for a review. So this is the sort of thing, under this bill, that we would expect the board to become involved in. Thank you.

AB-127 Proposed by Committee on Education.
Provides for negotiation and settlement of disputes between boards of trustees and professional employees of school districts concerning terms and conditions of employment.

Mr. Butler: I'm Jim Butler, the Executive Secretary of the Nevada State Education Association, and the bill which was introduced as AB-127, was introduced at the request of the Association. I think it's generally recognized that there is a need for some type of legislation for negotiation . . . . . features and other public employees with their governing boards. So the question is not whether we have a law, but what form such a law would take.

The Nevada State Education Association, as a result of action by its representative body, feels that such a law is necessary and supports AB-127. They have basic concern for two important questions: (1) Should teachers be treated separately, or with all public employees, and (2) what mechanism should be created to resolve an impasse or persistent disagreement which might occur?

The main concern in AB-127 is to develop some clearly established legal method for involvement of teachers and principals in policy development in local school districts. It treats the educational community as a separate entity, as does the school code. We are primarily interested in the process of good faith negotiation between the employees of a school district, the administration in a governing board, and we are not primarily interested in a strike as a weapon for any selfish gains.

The teachers in this state I think have demonstrated over the years that their primary concern is with educating children. I don't think this concern has changed. The method of expressing it I think is changing, but I think the concern is the same. They feel that they have contributions to make to the change of educational policy. I don't think anyone is saying that teachers have not had a chance to go and make presentations to school boards of the State of Nevada. I think they are saying that negotiation procedure will

guarantee that they have the opportunity to put these views into the policy-making procedure, which is recognized, which is written, and which will develop a broader base of involvement of the professional personnel in the district in that policy development procedure.

AB-127 asks that teachers are able to negotiate, but it does not say, as has been indicated in some places, that teachers want the right to negotiate and strike, particularly in the area of economic benefit and salaries, or for other school financial matters -- it does not say that they should do this when there are not funds available in the existing framework on the local level. If the school board is devoting what is nationally recognized as a maximum amount of salaries and traditional local sources are not available, then we feel that the problem is just as it has always been, and that is that it lies with the legislature. Either to provide more aid through current revenues, or to vote in taxes, if that need is a real need.

Now, in regard to the strike provision, which is included in AB-127, we feel that there are some situations which are rare, but nonetheless exist, where it may be better for a child not to be in school than be in school. It's interesting that if a child is out of school because of a work stoppage or strike, then this is a disruption which cannot be continenced, but we have the scheduled disruptions in the way of Christmas vacation and Easter holidays and all the other holidays during the year, and the public seems to accommodate to these. So we feel that the fact that a child is out of school on a particular day, is not the main point at issue. The main point is, is it better that that child be in school? In most cases we would think yes, but is it better for a child to stay in a deplorable situation week-after-week, month-after-month, year-after-year, to be emotionally or mentally warped by certain intolerable conditions such as we find in some of the larger cities of our nation, and in some isolated instances, we have found these in our own state. We think, it is not better to have a child in this kind of a situation.

Let me assure you, however, that we feel that the solution to these kinds of problems lies in the normal process of trying to get the public board, which is elected to govern a particular district, to remedy the situation. And what AB-127 says that is that any strike which is not in the public interest, should be enjoined -- an injunction should be issued. If the judge in a particular district court feels that a particular strike or a work stoppage, or other disruption by teachers has merit, the kind of thing that Senator Dodge mentioned a few moments ago, then this would be a determination by the court that such a matter was intolerable and that the teachers were acting in good faith -- not for their own gain -- but for the welfare of the pupils involved. That's all we're saying. We're not saying strike for a hundred dollar pay raise or anything else.

Let me mention that there is a provision in AB-127 to set up mediation; there is a provision to set up factfinding. We have asked, in this particular bill, that these people be appointed by the Chancellor of the university system. The reason we selected the Chancellor was because he is No. 1, a member of the educational community and understands the problems of education;

No. 2, he is far enough removed from the public school system, grades 8 through 12, to be impartial in selecting an expert mediator or factfinder who can come in. Now, the only time that the Chancellor would operate, or whoever was designated in this position, would operate, is when the local bodies could not agree. The emphasis upon this bill is to avoid setting up a commission, which would be in addition to the state governmental responsibility, and to try to settle these kinds of problems on the local level. So we're saying that the authority should remain in a local area -- that the only time anyone should come in would be if the local party involved could not agree upon who the third party should be.

There is a provision in the bill which indicates that binding arbitration should be invoked. But I think there is a misunderstanding as to the intent. The wording says that it should be invoked in order to interpret the meaning of a particular local agreement which has been agreed upon. In other words, this would be submitted to binding arbitration to interpret whether or not a particular matter should be negotiated. Once that interpretation is made if the matter is negotiated, then the outcome of that particular negotiation would not be subject to binding arbitration, but would go to the mediation and factfinding, if necessary.

I'd like to emphasize that this bill says that the decision of a local school board is the final decision. What it says is that we need a better procedure before that board makes its decision, and if there cannot be agreement upon the decision, we need mediation and we need factfinding or if you want to call it under this terminology -- advisory arbitration, but not binding arbitration.

I'd like to mention two or three other things before I close. The role of the principal which will be discussed by one of our speakers in just a moment -- the role of the principal I think is somewhat different from the role of persons who would be in other public employment and be in a management position. We feel that the role of the principal is such that he should have the option and principals as a group in particular districts, should have the option of deciding how they wish to be involved in this particular procedure.

We'd like to emphasize also that in the section which deals with the provision of what is negotiable we have defined this as a broadly based area of negotiation. The reason we do this is that something like 97 or 98% of all the teachers in the State of Nevada are college graduates. As the education profession matures we are getting better educated people, we are getting more people -- especially men -- who are making education a career. We are getting people trained in new methods and new approaches to education, and they are the kind of people who are asking to be directly involved in making the total educational program better. . . . . .

You are going to have to provide a method for the teacher to be deeply involved in the development of the policy on what to teach. Now, teachers don't have a monopoly on this kind of information, but neither do the

principals or the people who work in the supervisory or administrative capacities in the central office. What we're saying is that the teacher, in order to fulfill this professional role which we think the public is asking for, is going to have to be involved in the recommendations on policy relating to the selection of textbooks, kinds of situations in which the best kind of learning can go on; how better to individualize instruction; and the other kinds of things which are going to make education better.

If we come to the point where there must be a public employees bill, which we're not advocating, but if this is an eventuality, and if we must have a public employee board, we would hope that you would look closely at the composition of the board, and the manner of selection. We have great concern over the actions of such a board if it is not truly objective, and secondly, if it does not know much about education. We have a concern in these regards if there is to be a public employee relations board.

I'll close with that and turn it back to the chairman.

Mr. Ashelman: Members of the Committee, ladies and gentlemen, let me first of all apologize for us not having a bill available so that all of you can have copies. It has been in the bill drafters for two weeks and I'm sure all of the legislators, at least, will understand our plight. We did try to have it available -- we do have copies of the draft submitted. I understand all the committee members do have copies -- we have other copies we'll make available to those who would like to have them.

I don't know whether it is the assumption of the legislature or not that there should be a public collective bargaining bill -- I'm not as confident as Mr. Butler is, so for a few moments I would like to explain why we should have some form of collective bargaining bill. It simply is this: I've attended a good many seminars -- I've discussed labor problems with the chief labor people from the State of New York, Michigan -- many of the other larger states -- these are management people -- they'll say the same thing that I'm going to tell you, that if you have the bill, if you have some sort of procedure whereby you know how to handle your relations -- it's best for the municipality or for the governmental employer of any kind, as well as being best for the employees.

Our present chaotic situation in Nevada is a very poor one -- it forces us to the courts -- it forces us to the initiative petition method, which is an expensive method for all, which is a difficult method to use with any flexibility in your problems. It leads to eternal wrangling and bickering. I think Commissioner Corey, who is here in the audience today, can certainly bear witness to that in the City of Las Vegas. So we do feel that there should be some guidelines. There are public employees in the state -- there are other agencies, such as the NSEA, that do want to negotiate, that do think they have something to say about their government -- give them a method to do it so that it's orderly -- so that it matters -- so that you know what penalties are available when you go too far -- how you're going to handle matters. I think that's the only sensible and sound approach. I believe, of course, that's why there are these other bills available today.

The approach that we have taken with our bill is that as of the present time, we don't have a lot of unions seeking to represent public employees in Nevada. We don't have a history or experience of long negotiation, we're just getting our feet wet in this field. So we've endeavored to bring you a bill that is very very simple. The fact that we don't have a lot of provisions in our bill that are in some of the other bills does not mean we're for them or we're against them, it's just that we think we don't need to put all of the endless complications and complexities in until we've had some experience with this matter. We tried to set it up, therefore, as simply as possible.

Our bill, first of all, defines public employer to cover essentially the state and all of its subdivisions, and public employee to cover every public employee who is not appointed to office by the Governor or elected by popular vote. Employment relations is defined in the classical language that is used throughout the country in labor matters -- that is wages, salaries, hours, grievance procedures and other terms and conditions of employment. We use this language not to gain some particular advantage, just so we're dealing with terms that have been defined by the court before and we can hopefully avoid having to go to the courts or any other body to define what it is we can bargain about.

We defined bargaining representative as any lawful organization which has as one of its purposes representation of public employees. So it need not be a union -- it can be a public employees association or education association and so on.

Now, there are certain essential items that you need in any collective bargaining bill in my view. One of the essential items has been in one fashion or another, covered by all of the bills that I have seen submitted to you -- and that's defining your bargaining unit. Exactly who is it that you're going to bargain with and how do you determine it? As you can readily see, this is important because otherwise in the municipalities the unions themselves never know what it is they have to deal with -- who it is they have to deal with, and how far you have to organize to have a majority.

In our bill we have called upon the labor commissioner to be the determining agent when the parties themselves cannot agree or when there is a problem. The idea of using the labor commissioner is not a sacred one -- a board or a commission might perhaps do as well. The thought of using the labor commissioner was simply this: First of all, he's versed in these matters; he's educated in these matters and we won't have to spend the first part of the hearing telling the labor commissioner what labor is all about and what the disputes are all about -- he will know those. Secondly, the labor commissioner already exists. You are not going to additional expense of setting up separate offices, stationery, secretaries, travel vouchers, and so on. We felt that this might be more appealing to the legislature to be able to work with something that is now an on-going procedure.

We call in our bill for elections. This is a crucial matter to me -- otherwise you have no way of really determining who it is that represents the

employees if the employees want to be represented at all. So, in other words, there is no splintering off because 10 of the guys out of 100 in that department get together and decide they want to bargain, they won't be able to bargain -- they have to represent the government, as you do in the private sector to be able to bargain. I think this is a feature that might well appeal to the league of municipalities. I think this is something that isn't essential in the bill. The Federal government does not do it that way. Labor attorneys from both sides of the fence -- and I've done work for the government in that area, as well as for unions in that area -- will tell you that this is one of the worst parts about the present Federal government setup, because you can theoretically end up bargaining with two or three different groups of employees over the same issues, over the same department, over the same problems and you can, in some instances, end up with different agreements from the same department. I think that's folly -- I would hope that the State of Nevada would avoid that situation.

We have a provision in our bill saying that there's not going to be even an election until 30% of the public employees have properly indicated their interest. This is to cut down expense, to cut down needless and endless harrassment of the public officials by small splinter groups with no real authority from their people. This is to be an election by ballot, allowing all persons who show any substantial interest at all, to be on the ballot. It also allows for the employees to vote no union. This election procedure in my view, is very important to protect the rights of the employees. The employees can be harrassed into going into a union, if you don't have some official election ballot-type method of determining who does belong.

We have called upon -- in this case -- the commissioner to have the power to make rules, and to revise and rescind reasonable rules and regulations to administer the provisions of this channel. This is to allow flexibility -- this is to allow development as the state gets larger, and as the public employee sector, the organized public employee segment of the state gets larger. I think we don't know enough right now about what we're going to have in the way of public employer representation and problems in this state to, at this time, try to outline in detail all of the procedure -- to try to foresee all of the problems -- I just don't know what they are, and I would think that that flexibility would be desirable.

We also have a provision for mediation. That has been explained to you. Of course, mediation simply has some neutral party come in and attempt to get you to work over your differences together. He has no power except to issue recommendations -- he cannot bind anyone. If the bargaining fails, and if mediation fails, then we have a provision for arbitration. The provision that we have is that if they fail to reach agreement within a reasonable time, as determined by the labor commissioner, then at the request of either party, issues and disputes shall be referred to arbitration by a neutral third party. So the first provision is that the labor commissioner has to determine that a reasonable time to get together has gone past. This allows him to take into effect budget acts and all of the other municipal problems or state problems that might exist -- that might impose a deadline, without trying to anticipate all the different deadlines that might exist. Some of

the bills call for getting everything in front of the body for 120 days before the budgetary period. This might very well be a reasonable time if you're dealing with a budget matter, but if you're dealing with a matter of agreement, dealing with other types of matters, there's no particular usefulness to this 120 day period. If there are emergency situations that come up, this may complicate it. I think leaving some flexibility in this area would be wise, it would be useful. The parties themselves select who their arbitrator is.

Now, the reason we are doing this is so that hopefully knowledgeable local persons could be used, or knowledgeable persons in the State of California that could keep the cost down. The cost, incidentally, in our bill is borne by the parties equally -- not by the state. The reason for this provision is not, frankly, to save the state money, but because the financial . . . . . paying for arbitrators make certain that the parties will not go to arbitration over frivolous matters, over small matters -- it will have to be the kind of major matters that would really cause a disruption in your government that would lead to arbitrating. This has been done in the private sector for years -- out of some 1,000 or so greivances that I am personally familiar with -- either I or other attorneys that I work with having handled in the last few years -- we found from our records that about 1% of them actually get arbitration, that is about 10 or so actually got to the arbitration stage. They were settled before then by the parties well realizing that if they go to an arbitrator it could go either way -- you could win or you could lose -- you don't have a lot to say in your arbitrator. So it leads to compromise and it leads to avoiding the arbitration.

If the parties cannot agree upon who an arbitrator should be, then we have provided for the American Arbitration Association to furnish a list of arbitrators, and the parties then alternately strike names from that list until they arrive at one remaining. The reason we picked the American Arbitration Association is it's the largest arbitration association, as far as I know in the world -- certainly in this country. It has massive lists of experts on practically any subject you could think of, and it has a very large list of experts upon municipal and financial and fiscal problems. When they furnish you their list all of these people, their background is given so you have an opportunity to investigate them to see who, in fact, would be neutral, who, in fact, would be informed. Used in the private sector it's quite helpful -- you see more and more of what is being done every day in the private sector, both in labor matters and in other matters to avoid the courts -- to avoid expensive litigation. But the chief reason for using arbitration, and having arbitrations, is that if the parties know that their dispute is going to be ultimately settled by someone, the tendency is to put the pressure on then to settle it among themselves, and to settle it rather quickly. And that is why we are for this.

If you have some way that a final contract is going to be written, whether labor likes it or whether management likes it or is wholly satisfied, you are then avoiding strikes, you are avoiding demonstrations, you are avoiding all these kinds of problems, because you are going to have a contract, you are going to have working conditions -- you'are going to have some way to resolve your differences, so you try to starve each other to death and whoever gives in first, as you well know, then has to give up something.

Under arbitration that does not accord. Therefore, using this arbitration on the parties, using social and legislative pressure, the pressure of the arbitration approach, is much more likely to prevent a strike than any type of fine. This has been the experience all over the country. Even states who are very heavy in punitive provisions have not been able to avoid strikes, primarily because they could not reach an agreement. This assures us that an agreement will be reached.

The final two provisions are one for adduced checkoff provisions so that deductions can be taken from the payroll to pay the union dues. This has a number of advantages -- of course it makes the union stable, it makes it more secure and less likely to be rambling around looking for little individual greivances to try to appeal to that guy to join that union. It also has the advantage to the public of nobody circulating around in the offices trying to collect money, or badgering a member at home, or at any point to try to collect the money.

Finally, the last provision, Section 12, prohibits strikes by public employees. There is no need, in my view, for an elaborate enforcement provision. Anything that is prohibited by law, the courts have the power to enjoin, the courts have the power to fine, they have the power to hold in contempt of court, to jail for disobiedence at any of their injunctions -- that's all set up -- it is certainly used in many dozens of instances in the State of Nevada every year, and in my view, can handle that situation without great elaboration as to what can be done.

Chairman Gibson: Let's ask an additional speaker who would like to speak in favor of this bill -- Mr. Cahill.

Mr. Cahill: I would like to speak in regard to Assembly Bill 127, which has been introduced at the request of the NSEA, I believe, our professional association in education.

I would like to refer back to one remark of Mr. Ashelman, if I might, who said that experience is needed. I certainly believe that he is correct, however, I hope that the legislature -- if and when it passes negotiation legislation -- would provide sufficient procedure to keep any experience from being bad. I don't know that that's a clear danger at this point, but I think it's a possibility. Around the country public employee reaction strikes have hurt -- I don't know whether they are eminent in Nevada, I hope they are not. I think that legislation of this kind is precautionary in nature.

I would like to describe our present attempts as Washoe County teachers to negotiate. It has been determined by our association through resolutions over the past few years that it should be our goal to negotiate with the school administration or the school trustees on questions of salary and working conditions. I might say that it's with some difficulty that we tried to do this in the past, and currently, at this point this year. And it isn't particularly anybody's fault. The problem is that there is no precedent -- there is no established procedure, which we may refer back to

in determining with whom we should meet -- what types of requests we should make of these people, if and when we meet with them. At the moment our Washoe County Teachers Association have established a negotiation committee consisting of 7 people who are ratified by our representative counsel, and this group has requested a meeting with the school administration to discuss items of salary, insurance, working conditions which would include leave policy, transfer policy, these will be presented to a group of administrators and principals. We hope that we will be able to meet with them -- we have not done so as yet, but are hoping that such a meeting will occur shortly.

This does not have any official sanction of the school trustees because in approaching the administration, through the school administration, the school trustees -- we find that there is some doubt as to what the legality of these matters is as to what authority anyone would have who represented the school trustees or purported to do that. We are left in a position of meeting with people who have no particular authority other than the fact that they are in school administration and would carry back to the school trustees the results of the various conferences that we might have.

I feel that a negotiation agreement is necessary to provide procedures and to establish authorities. As it is we don't know what will happen. If we do meet and confer voluntarily on each side with administrative groups, and fail to agree, what should happen then? Presumably if we follow past experience, we could call a press conference and air what we think would be our greivances -- we could have a mass meeting of teachers and say to them in effect, what should we do? I don't think that is a particularly good situation. It isn't well established what we may or may not do within the law. As things stand now if we do meet with administration representatives and they confer with us and discuss salary, insurance, leave, transfer, we representatives would go back to the school trustees and that they could recommend a particular package of items. And likewise, we would go back to the teachers with a ballot from our negotiating committee and indicate that we could recommend a similar package of items. It would then be up to the school trustees to decide whether or not they would accept these items. It would also be up to the teachers group to decide whether or not they would accept them. If they gave us a "no" vote, frankly I don't know what we would do.

As President I have said to our representatives in the past that this comes to a vote and the teachers vote "no," then you would have to tell me what we are going to do. Don't look to me and say, "What are we going to do?" We have leadership, but leadership is not going to lead unless someone is following. This has been my philosophy as President. I would turn it back to them at that point if we did come up with a "no" vote. I don't think that this likely -- I hope it wouldn't happen. It is a possibility, however -- something that we have to be prepared to contend with. I think procedures to resolve impasse will be needed at some point. I can't say what that point will be, whether it's here now, or it will come in six months, whether it will be five years from now, or whatever. I do feel that it is what I would term "chancey" to wait to discover what that point is and have a crisis of some sort. We prefer to avoid that.

Also there are many additional items that probably we should be negotiating for our members, but are not. I will speak in regard to a survey that the Washoe County teachers took several years ago which did reveal a number of items in which teachers showed concern, but had no channels through which to express their concern. Again, it was not particularly anyone's fault. The procedures just did not exist until that type of survey was taken. As it is we're considering limited items -- salary, insurance, leave and transfer at this time, because we feel these are most important to the membership.

Furthermore, we have had a survey of membership -- all teachers balloted "yes" or "no" on specific items they represented, so that we do know whether or not a majority -- or if it is a majority, how much of a majority -- of our association wants a particular item. A negotiating committee can be guided by that. This has been our pattern of procedure, lacking any other procedure.

The policy that we've used to date in dealing with the school trustees, I don't think is any longer acceptable. It's what we are beginning to refer to among teachers now as "request and retire." We appear, make the request, state reasons, and then retire to hear the results. We do feel that more concentrated sessions are needed before decisions are made. We do not quedstion that it is a legal right and that it should remain the legal right of the school board, the school trustees, to make decisions. However, I think that much more procedure could be used beforehand -- before the decision making is actually arrived at.

Our request for a written negotiation agreement from the Washoe County School District Board of Trustees has been met so far by legal ballots. We have not dealt directly with the Board of Trustees, we have dealt through administration, and have met with the response of the Attorney General's decision in this area, and the fact that the legislature may be pondering such items as you are faced with now have tended to throw this in doubt, and I believe the school trustees prefer towait and see what the developments will be. Therefore, we have no written negotiation agreement with our school board and trustees, and we have requested such.

The final concluding item, I believe, is the fact that legislation is needed, in my opinion. The work stoppage I think is more likely without it than it is with it. And again, I'm not here to say that one would occur in any specified length of time, I'm no seer -- I don't know. And particularly in regard to 127 -- AB-127 -- I think that school people would need a separate bill because of the items that Mr. Butler referred to that teachers are interested in many areas that other public employees might not have interests. In school systems, for example, the items of curriculum, textbook selection, and matters such as these, probably would not arise in other areas. Thank you.

Mrs. Huntoon: Legislators, and ladies and gentlemen. Negotiating is certainly new to teachers. We have often thought that we could accomplish a great deal if we could sit down and talk things over. And being a woman, of course, I know that a great deal can be accomplished by sitting

down and talking things over, particularly when the woman has the last word. And so that's going to take place, I'm sure, in negotiating too.

Negotiating is new to school boards -- that's very evident. Looking at the school board magazine, they have had a great deal of information given to them on the need for negotiating with teachers. I distinctly get the feeling here this afternoon that writing legislation is new to legislators. I mean writing legislation on professional negotiations. And so we're all in something new together. But since teachers are as interested as they are in the young people in our community, I can't think of a better way that you and the administrators and the school board and the teachers could get together in the interest of children, than for us to write and pass a good piece of legislation on professional negotiation.

We teachers hear all the time how much education needs to change, and we know it has to change. The mood of our country is changing -- we all know that. The need of our children is changing -- the children who come to me now -- I've been teaching third grade for 14 years -- and it's a highly different type of child sitting in my room now than there was that sat there 14 years ago. The methods I use in teaching those children must be entirely different. And so I certainly urge that we get together and make it feasible and make it allowed that teachers sit down with administrators and with school boards and help set the policy that is going to have to be set if education is going to continue to meet the needs of people in our country.

I couldn't help but feel impressed as I viewed Cape Canaveral and thought that certainly our education has done wonders to produce the space men that it had and the knowledge in science that it has -- there's a great deal right about it. But because these changes have to be made, we better be ready to make them and not wait for some impossible situation and then do things in a hurry.

Maybe this AB-127 isn't the perfect bill -- maybe it won't fill every need -- but wouldn't it be a good basis on which to start? It's very evident from the news and from what you gentlemen have to do over here whenever you come, is go back and look at legislation that you have passed and change it. We're not writing legislation for eternity, we're doing it for the best things, and the best interests of the most people now. And so I would surely urge that we pass the bill enabling teachers to sit down with their school boards and with administrators and talk things over. I'm sure we'll do it in good faith.

Teachers are just as reluctant as anyone to withdraw their services or withhold them, because if we didn't have the interests of the children at heart, we wouldn't go through all we go through to teach them, and we've been doing that for years and years. So, we are a dedicated group and dedicated to your children, and the fact that we are becoming a little more militant in no way means that we are less dedicated. Perhaps that very militancy means that we are dedicated and that we really do want to give these kids the best that they can have. We're certainly not handing them an easy world to live in, so the next best thing we can do is educate them to the very best of our ability.

I strongly feel -- and the teachers that I represent -- feel that we can do that, if by law, we can sit down and talk about the things that we teach them and the way we teach them. We want to be involved in the policy making, and we feel that if we have the right to professionally negotiate that would give us the right to help set policy. We have no desire to take any policies away from any school boards or any administrators. The job is becoming so tremendous that it needs us all, and the very best effort that we can put into it. And so let me speak in favor of AB-127 or some bill just like it that will give us a start in this direction. Thank you.

Mr. Ford: I am Bob Ford, speaking here today in my capacity as a member of the Washoe County Principals Association Negotiating Committee, also as a member of the Nevada State Education Association Legislative Committee. I will make my remarks brief by not attempting to repeat certain things that have been previously stated by other people speaking in support of AB-127.

I speak here in support of the basic concept that a separate professional negotiating act for education is needed in the State of Nevada. I feel that education has certain unique qualities about it which I believe separates this from other public employee groups.

We see in this proposed bill, AB-127, an act which will establish a procedure by which the various groups within a school district can come together, negotiate, discuss their various problems and reach an agreement previous to the presentation of these requests to the board of trustees. We feel strongly that in so doing, many of the things which in reality are rather trivial that come before the board of trustees, can be eliminated. And that the basic concept and the feelings and the griefs of these teachers, the principal, the area supervisors, the district personnel, can be solved and then presented to the board of trustees as a unified opinion of the entire educational structure within a county.

We see it no other way than as a help to all units within a county. They allow this to be an open discussion of issues. It causes us to reach an agreement to understand, and as we talk of this, we feel strongly that a better education within a district and within the State of Nevada can be developed.

The principals, as Mr. Butler said, are in a rather unique position themselves. We are continually asked as to where are we because we speak of administration and exclude the principals. We speak of teachers and exclude the principals. We, who are principals feel strongly, however, that principals are part of education, and that we are all one group and we are not three or four separate groups struggling against each other, but we are four groups working together. We need a framework in which to do this job, and we feel that the separate professional practices act -- negotiation, I'm sorry -- act concerning education is the best method to achieve this.

We want to emphasize that at present and in the past, we, in this area of school administration, have not had problems in the area of communication,

whether it is with teachers, whether it is with area administrators, or whether it is with school boards. We do see a danger to the teacher, that if something isn't constructed to give us a guide to follow, that this problem may develop. We feel that AB-127 gives us this guide, and as has been previously stated, we recognize full well that it is not perfect -- we recognize full well changes would have to be made as time changes, but we feel that this is a good start. Thank you.

Mr. Pine: Mr. President, members of the committee, legislators, ladies and gentlemen. My name is Edward Pine. I have been educated in the public schools of Nevada, hold three degrees from the University of Nevada, spent a year and a half in graduate study outside of Nevada, from which I have one degree -- all of my education has been in the engineering field. To some degree I do believe that I do know a small amount about the education system.

I have been a member of the Washoe County School Board since 1956 when the schools were consolidated into a county-wide system. I have consistently served in school boards since that time. I'm speaking of myself personally first, and would like to leave with you some of the information that I have been able to obtain.

If it's necessary that we have a negotiation law in Nevada, I favor strongly the Senate bill. The recent issue of school management pointed out some pitfalls that we should watch for in negotiation. One is that first, it's going to cost us more money; secondly, that school boards require capable negotiators. School boards come and go -- they are representative of the people, and they have, we hope, the confidence of the people. Therefore, many of them do not have to pass down through the long years in education. It is recommended in school management that they employ capable negotiators. They also recommend that areas of discussion occasionally will require the closed meeting procedure, which is set forth in Senator Dodge's bill.

Another recommendation, of course, is not to agree before we know our finances, or do not make any agreements prior to the time that we know exactly where we are going. And finally, among several other items that I do not recall, they recommend that we be careful about binding arbitration. I'd like to point out to you that the school boards in Nevada are highly diversified. We have school districts and school boards who employ teachers in the numbers of thousands and other employees in the hundreds. On the same hand, we have other school districts in Nevada that have small numbers of employees -- teachers may number in the tens, and other employees in small units. We have, in my opinion, on school boards negotiated. Certainly it may not have been a formal negotiation and principally the negotiations have been on finance.

We certainly have, in my district, negotiated a policy that was worked out with principals, teachers -- it's a large volume -- involves much of the information that was presented to you about leaves, sick leave, community leaves, these were all negotiated, and it took a long period of time. I would hope that any bill that may become a law in the statutes of Nevada prohibits strikes. I also hope that it does not make arbitration mandatory.

Out of the 50 states, 17 of them have laws on their books concerning negotiation, and only six of them really place it in a mandatory area. I am a school board member because I am interested in the young people of my community, and I am very concerned on this matter of negotiation. I am not aware of the fact that our staff members have not had an open door to our board, or to our administrators. If that is one of their complaints, it certainly is unjustified and we can make corrections on a local level.

I realize that we seem to be living in a time of extreme permissiveness. It appears that even some teachers do not wish to allow the school board any further authority. Of course, this may also be reflected in the children that they teach, and in some case, they, the children, have not left the teachers any authority, and have tried to take over the entire program. However, the general intelligent and thinking members of our society are beginning to get fed up with the permissive action and the flaunting of authority, and I am sure that the pendulum is pointing the other way. If this type of action continues, it would seem to me that governing boards of any kind, including the state legislature, will soon be a thing of the past.

As a board member, I have felt a close relationship with the majority of our staff, and we have always strived to do the best we could for our teachers and our children with the funds at our disposal. We could not do any more if we had a negotiation clause. It appears to me that the teachers would have to negotiate, with the legislators -- not the board. And perhaps this is the ultimate goal. Collective bargaining might tend to coerce more money from local boards than it rightfully deserves at the expense of other needs. It could result in illegal local control by teachers, and could cause the relationship between the teacher and the administrator to lose much of its flexibility and trust. I hope that we continue to have citizens who are willing to serve on school boards in the years ahead, and who try, as we have, to do the best we can with the welfare of the children at heart, and that we do not have to be placed in a position of negotiating and bargaining on a formal basis with the children used as pawns. Nevada is still a state of close friendships and one of individual trust. I hope we may be able to continue our good relationship with our teachers on this basis. Those are my words and my position.

I would like to give you the position of the Nevada School Trustees Association which at the present time, I am serving as President. This position has been adopted by the 17 counties trustees. We have been discussing this for a long period of time -- I would like to again point out in the wisdom of the committee and of this legislature -- they feel that negotiations are necessary. I strongly urge on my own behalf that the Senate Bill of Senator Dodge receive your very serious consideration.

I'd now like to give this statement for the trustees: "The Nevada School Trustees Association Legislative Committee recognizes that the subject of negotiations appear to be an issue that will be presented the 1969 Nevada

"Legislative Session, and it is well aware of the problem involved. They also recognize that the conditions that exist in some highly populated areas in other states have perhaps forced measures of a legislative type to assure and strengthen communications and solve problems in these particular locations.

"The National School Board Association points out in their December, 1968 Journal, that at present only 17 states have legislation either permitting or mandating selective bargaining between teachers and boards of education. It is also apparent that all of these existing laws on teacher bargaining will have to be revised. It is the opinion of the Nevada school board members that the doors to the board sessions have been and are wide open, and the members have conducted negotiations in a sense with staff members whenever requested and have arrived at agreements in the great majority of cases.

"Therefore, the Nevada School Trustees Association recommends as follows: If the Nevada legislature determines that a negotiation act is necessary and desirable at the 1969 session: (1) that they recognize the procedures involved in establishing a negotiations act are most complex and require the counsel and advice of experts in this field as past experience in other states clearly indicates; (2) sufficient time and study should be devoted to any proposed act or acts by the state legislature, state board of education, state school trustees association, the Nevada State Education Association, as well as representatives of other governmental agencies which may be directly or indirectly involved prior to any action on passage of legislation of this type; (3) that if legislation of this nature is found to be warranted that it be of a permissive nature; (4) that the withdrawal of services by any employee of a school district is contradictory to the welfare of the general public and that this action should be prohibited by law. Further that if this provision is violated that strict penalties in any action under consideration; (5) that a stipulation should be made of items that are to be negotiable; (6) that administrative personnel should not be included with those that they supervise; (7) statutory powers of the school board as elected representatives of the people, shall be preserved; and (8) that in the event legislation is passed that sufficient time be allowed for school boards to tool up in order to be in a position to administer such a legislative action.

"The earliest possible date of enactment should not b e prior to September 1, 1970."

I would like to thank the committee and the legislators for this opportunity of speaking.

Mr. Bruce: Members of the legislative committee and visitors. I'm Lyman Bruce, Superintendent of the schools in the Humboldt County School District and I am speaking now as a representative of the school trustees board of that county, some of whom are in attendance at this meeting.

Mr. Pine mentioned one of the areas that I particularly wish to speak to, particularly the area that the board wished to bring to the attention -- that is the concept of a mandatory negotiations law or a permissive legislative enactment. We feel, representing not only Humboldt County, but I'm sure many of the other small counties in the State of Nevada, that a mandatory legislative enactment would be detrimental to the rapport between school board administrators and teachers in many instances. While we know that there are many entities in the State of Nevada that are of such size that possibly formal negotiating agreements, mandatory agreements would be desirable, we feel that there are instances where the number of employees involved and the relationships that have historically been possible between the employer and the employee have been such that the informal negotiations approach has been very practical.

In Humboldt County at the present time, for example, we feel -- and I'm speaking as administrator and for the board -- that our employees are involved in almost every area of decision making in the district, on an informal basis -- on a basis where we feel voices are heard from all sections. Teachers in the Humboldt County School District are involved directly, not only in preparing their own salary schedules for presentation, but involved in curriculum planning and curriculum development and curriculum implementation, in selection of textbooks, to the point where actual teacher-principal-administrator committees are set up and are involved in the actual selection of all materials -- particularly textbooks.

In the past years that I have been involved in the administration in this county there have been salary schedules given to the school board by the teachers association and in each case these salary schedules have been adopted by the school trustees as submitted.

Now again, as I say, while some political entities may feel that there is a need for a mandatory legislative action here, there are many of the smaller political entities -- not only school districts, but I think other entities -- that feel this would be damaging to the relationships that now exist between the employer and the employee, that if legislation is to be enacted, that it should be permissive rather than mandatory. So that those entities that feel a continuation of the status quo is to the best interest, could be maintained. Thank you very much.

Mr. Hawkins: Members of the legislative committee, chairman, I'm John Hawkins, Superintendent of Schools in Ormsby County. I'm here speaking in my behalf, not for my school trustees, as they have not taken any official action for or against negotiations.

Some of the problems facing a superintendent are as follows: Limited financing, demands for additional services, demands for improvement instruction, demands for increased certified and non-certified salaries. Each area here has a great deal of merit. A possible solution that presents itself to school trustees and superintendents in order to meet such demands as salary demand, with limited finances and under the pressure that might be possible with negotiations -- would be to increase the teacher-pupil ratio. In other words, to place more children into the classrooms.

In Ormsby County we receive $513.00 per pupil in state aid -- we're faced with a demand that is so strong that we have to meet salary demand -- then for every additional child that we put in the classroom we will have $513.00 to pay salaries. But you can see the danger involved in this.

The other possibility is to curtail services.

The third possibility is to reorganize the instructional program so that better approaches are made in the use of multi-media approaches to learning -- ITV . . . . . ., et cetera -- reorganizing the instructional program with such programs as team teaching, individualized instruction -- all of which change the teachers' role . . . . . But I don't believe we will be fully free to implement this type of program if we are faced with real strong and very broad and inclusive negotiation law. I believe that there will be an attempt to keep the status quo in regard to teacher-pupil ratio, and I think this in itself will make it difficult to make these changes.

Another thing that I see in negotiation that concerns me is the effect on the school trustees. I have been a teacher in Western Nevada in three counties for a period of 10 years, and I have been an administrator in two counties for a period of 10 years. I have associated with teachers, administrators and school trustees. I do not believe that any one group is more dedicated than the other as far as the education of our children. I believe that we have a negotiation act that is all-inclusive and very restrictive, that it's going to take a great deal of time,on the part of the trustees it's going to take a great deal of money. It's going to be a financial disadvantage to a school trustee to be a member of a school board. As you know, trustees are not paid, and I believe that this will affect the caliber of people that we will have running on for school trustees, and I think that we need the very best as we have now in this position.

If negotiations should be necessary, I believe that they should be very limited in the areas that are going to be negotiated. I do not believe that strikes should be permitted, and I believe that if they are restricted at the beginning, as the teachers assume the responsibility and leadership in negotiations, that the areas can be broadened at a later date.

I would have to repeat Mr. Pine's statement that with limited financing, negotiations between the board and the school personnel, teachers -- will eventually result in negotiations directly between the legislature and the teachers -- I don't believe there is any other "out" in this particular problem. Thank you.

Mr. Bergevin: Mr. Chairman, members of the committee, legislators, and ladies and gentlemen. I am Louis Bergevin, Chairman of the State Board of Education. I have been on the State Board of Education for the past 9 years, and I've also served on a local school board for a period of 8 years, so education is not entirely new to me.

At the outset I would have to state that the State Board of Education opposes any mandatory negotiations as proposed by either AB-127 or SB-87. We would

look favorably upon a permissive legislation. In discussing this particular subject of negotiations, I've heard it said many times by some board members, why should we be concerned when other states have it on the books? We might as well go along -- that seems to be the way that things go along in this country today. Why be concerned -- should go along -- why worry about authority? And then we wonder what has happened today -- strikes, riots, no respect for law or its authority. I am not saying that we actually are considering we are fully involved in this type of problem, but the lack of trust that acts on this type . . . . . ., and I think that we have a little criteria of what might happen if we get into this situation as to what happened in Clark County several days ago at the meeting of the teachers association. They publicly censored the state superintendent of public instruction -- publicly calling him uneducated, irresponsible, and lacking of the educational process in the State of Nevada. I believe that the remarks and action of this are entirely at fault.

I would certainly wish, as a board member, that I would be able to sit down with our staff and solve our own problems on a very mutual and respectful basis. Certainly we have done this in the past without any problems. I do not look forward to telling the staff -- the teachers -- go and talk to our negotiator -- don't talk to us. I think that here you have lost all of the effectiveness of a board.

I believe that the authority has been vested in boards, the local boards of education, by the people of the State of Nevada and by the legislatures of the various laws to maintain our schools in a manner befitting to the benefit of the public, and I certainly believe that this has been carried out by the local boards of trustees. I can see no area where we should disrupt this process -- I don't believe that any negotiations bill should supercede the present statutory authority of the local boards of schools that they presently have.

I would have to go along with Mr. Pine and Mr. Hawkins, that school board members getting into a negotiation business simply will not have the time, nor the energy, nor the effort to expand in negotiations. School board members devote much of their time, and of course, as you realize, they're not paid for it. I devote much of my time every month to education, and I do it because I am interested in education, and because I think that I have something to contribute, and I'm sure that all board members feel alike.

In closing my brief remarks, I know that I speak for the majority of the school board members when I say we are interested in our teachers, that we do want to do what we can for our local schools, and we want to do this within the realm of our capabilities, both financially and morally -- and we have done it in the past. I think if you will look at the amount of money expended on salaries, as versus the other items in the school, the records will certainly show that the school boards have acted in good faith in placing teacher salaries probably the No. 1 item on the list. We do believe that mutual trust and understanding can be established and maintained by individuals responsible for our children's welfare in Nevada through the elected representatives of our people -- the school boards, and through our

appointed staff members, teachers and the administration. I believe that this is Nevada -- not New York yet, and I don't believe we're ready for negotiations. Thank you.

Mr. Craft: Chairman, committee members, and legislators, ladies and gentlemen. My remarks are going to be brief. I am a trustee of a school board in Mineral County and would like to state first of all that we, as trustees, are vitally interested also in the education of our children, and feel that they should come first.

We are of the opinion that any forced negotiation would be detrimental to the small counties. We feel it will set up a barrier between us and our teachers. We have a real good working relationship with our teachers -- we have no problems at present -- we haven't had them in the past. We have had an open-door policy, and they are free to come at any time and discuss anything that they want to. We have had no problems as of yet. We can support these problems in a forced negotiation bill because of our limited finances and because as a trustee I'm not going to be able to dedicate the time that should be dedicated to this. First of all, it's going to require additional funds because we're going to have to hire a negotiator to do this work for us.

We have been negotiating for years -- negotiating means doing business, and I think we have been doing business for years. As a trustee, I have no qualms about sitting down and discussing anything with teachers at any time, and neither does any of the other board members of our school board.

If legislation is needed, we favor SB-87, and as representatives of the taxpayers we feel that we have a duty to them also.

(End verbatim transcript.)

Chairman Gibson then asked Mr. Butler and Mr. Ashelman if their groups, respectively, were in favor of mandatory negotiation law? Mr. Butler said yes, but as was presented in bill AB-127 the representatives of a school district may choose not to be involved, if they so desire. It was also explained by Mr. Ashelman that under the bill they were proposing no one is required to negotiate unless and until the employees do organize and do then request negotiation -- they can go on the way they are now forever if they want to -- it's up to the employees, the city, the county, the school board, or whatever might be involved.

Chairman Smith asked Mr. Butler if in the chain of command, from the teacher up to the superintendent, there are people other than professional educators involved? Mr. Butler said that most of them were with the exception of those who are employed in the business office. Chairman Smith also said he felt perhaps Mr. Butler was addressing himself more to large size school districts where the individual teacher is far removed from contact with the higher administrative echelon. It was pointed out by Mr. Butler that he felt this was desirable in smaller districts, although it could be on a much less formal basis.

Mr. Albert Seeliger, member of the University of Nevada Board of Regents, addressed Chairman Gibson and requested that a telegram from the White Pine County School Trustees be read into the record. . . . . "We are opposed to Assembly Bill 127. We question that any legislation is needed, but we can support Senate Bill 87. If it is adopted we would suggest the right to caucus sessions be maintained. The right to strike by any group who are under contract, such as teachers' contracts should not be granted at any time. Signed John R. Orr, Superintendent for White Pine County School District."

Chairman Gibson then read a telegram from the Reno Police Protective Association as follows: "Sorry our delegation cannot attend the hearing today on your Senate Bill 87 because of bad weather. We would like to go on record as being in favor of your bill and hope it passes." This was a telegram to Senator Dodge.

Chairman Gibson asked Mr. Ford two questions at this point with regard to principals as follows: (1) Are principals a part of the administration; and (2) don't you participate in policy development with the superintendent on recommendations to the board? Mr. Ford said "yes" to both questions and gave explanations. Chairman Gibson also wanted to know if they seek to be a part of the negotiating unit of the teachers, to which Mr. Ford replied in the negative. He also pointed out that in AB-127 the principals are designated as separate. Mr. Butler interjected here that he felt AB-127 says the principals have the right to choose -- if they wish to negotiate with teachers as a unit, or should be independent, or should be delegated with the administration -- but they should have the right to choose. He further explained that all they are saying is that they would like to have a larger unit which may or may not include principals, may or may not include certain central office staff below any level designated by local option in any particular locality, district -- to make, under a formal procedure, the recommendations on the policies to be adopted for future policy -- they are not trying to change the implementation procedure once that policy is adopted.

Subcommittee Chairman Getto: Mr. Butler, in some of the remarks that Mr. Hawkins and some of the other trustee members made they mentioned the danger of eventually the Teachers Association having to deal directly with the legislature because of the inability of school districts sometimes in financial matters. In this regard, I see a danger, and I wonder if you agree with me of the State then setting a state teacher's salary schedule. I wonder how the teachers in the State of Nevada would feel about this?

Mr. Butler: We don't have a particular policy in writing on state teacher's salaries, but I would say that the teachers are already dealing with the legislature. We're doing it through the regular legislative process, lobbying, and I don't see why this would change. I would feel that if a financial situation were to arise and it was not able to be met at the local level, and it was at an impasse -- say, for example, the teachers were arbitrary, and the money was not available, and they refused to come to agreement -- then the mediator would try to get them to agree, and if that didn't work

the factfinders would come in and state publicly that the teachers were being arbitrated and the money was not available. I think there are other procedures which could come into operation in requesting the board to also recognize that if the situation really were becoming oppressed in particular areas, they would go on rec ord as agreeing that such a situation existed and so inform the legislature. In other words, I don't think that it would change the legislative process to any great degree. I think teacher militancy has a concept of not being able to express a point of view or have a regular channel through which you can be meaningfully involved.

Chairman Smith: I'm a little confused here. Where in the brotherhood of professionalism the communications has broken down. If each member of the team is doing the thing that they think they are doing, certainly the information that generated at the teacher level is getting up to the superintendent and effectively working on the board level. Where in this chain has communications failed?

Mr. Butler: Well, I think it depends on who you ask. I would feel that righteousness and all good will is not all on anyone's side. I think that the problem is complex -- I think the problem of educating children is complex, and I think that we're caught up in a change here in educational makeup, but I think that it's a part of the change in society's makeup that we're involved in across the country. As I indicated in my remarks, I think that the change is coming to pass is that the teachers want to be more meaningfully involved. They want to be a fully functioning person in many areas and they don't feel that the present structure in the law permits them to do so . . . . . But we're saying that the procedure will facilitate more appropriate decisions for the future. Negotiation means both sides negotiating. It doesn't mean that just the governing board negotiates and the teachers don't -- some people think we mean that, but I don't believe we do. Both sides must become a party to the negotiating and must do it in good faith.

Mr. James Corey, Las Vegas City Commissioner, said that the thing that concerned him most in either AB-127 or SB-87 was in regard to the strike clause. He seemed to feel that "negotiations without the threat of a strike are really not negotiations." He also stated that compulsory arbitration has not worked in instances he has been connected with. Mr. Ashelman then rose and opposed this statement and said that in his experience he had found arbitration and collective bargaining to be very effective.

Chairman Gibson then closed the meeting and assured those present that full consideration would be given to all these matters by the individual committees.

Respectfully submitted,

Patricia F. Burke

Patricia F. Burke
Committee Secretary

OUTLINE OF JOINT HEARING CONDUCTED IN SENATE CHAMBERS, 55TH LEGISLATIVE SESSION, FEBRUARY 25, 1969

SUBJECT: SB 87 and AB 127

PRESIDING: Senator Gibson, Chairman, Senate Committee on Federal, State and Local Governments

Assemblyman Hal Smith - Chairman, Assembly Committee on Government Affairs

Assemblyman Virgil Getto - Chairman, Assembly Special Sub-Committee

Assembly Committee Members Present: Smith, Getto, Lingenfelter, Hilbrecht, Dini, Wood, Branch and Mello.

Senator Gibson convened the meeting, introduced the chairmen, and stated the hearings purpose. He stated that he had been given a list of those who had requested an opportunity to express their views on this topic of establishing negotiating processes for public employees with public management. The two bills specifically being considered are Senate Bill 87 and Assembly Bill 127.

The sponsor of SB 87 is Senator Carl Dodge and he was called to explain that legislation.

Senator Dodge began by stressing that this area of legislation is relatively new in America. There is a lot of experience in the private sector which offers a pattern to follow. There is nothing in the Nevada Statutes regarding negotiations between public employees and public management. The only avenue that presents itself in the absence of existing statutes is the old English common law procedures. He stated that when he began to work on a bill he looked to other states such as Wisconsin and New York for patterns to follow. He said that SB 87 is offered not as an exemplary piece of legislation but rather as a starting point upon which to build. SB 87 is limited to local government employees. Senator Dodge said that if it is felt necessary later to extend the coverage to include state employees it could be easily done. The bill defines a strike as any concerted stoppage of work, slowdown or interruption of operations by employees, and absence from work on pretext or excuse that is not founded in fact. In accordance with the right-to-work concept in Nevada, an employee may associate with any group for negotiation purposes or he may choose not to associate. No employee is mandated to associate. In Section 10 the legal duty to negotiate is set forth in the areas of wages, hours and physical conditions of employment. Also areas which are not subject to negotiation are set forth.

The late President John F. Kennedy's Executive Order No. 10988 was the work of a group of people thoroughly knowledgeable in the area and set forth negotiation processes for federal employees. The Order was consulted in the formulating of SB 87 although SB 87 is much broader. In Section 12 it is set forth the guidelines for determining what may constitute a bargaining unit of employees for the purposes of discussing the areas of wages, hours and physical conditions of employment. The community of interests among a group of employees is a determinant. Maintenance workers

could be considered a unit; school bus drivers could be considered a unit. It would be up to the employers to make a determination. The bill provides that an employee who has executive responsibility in the management personnel could not belong to the same unit as the people who work him in the system. They constitute separate bargaining units. Section 13 starts to set forth a time schedule for this type of procedure. Negotiations should be begun 120 days prior to the date fixed by law for the completion of a tentative budget for the first period for which the required budget is to be effective. If after 45 days the parties have not reached agreement, mediation can be requested. Then if after 75 days, the parties have not reached agreement a fact-finding board shall be created.

Throughout the process of negotiations up to the creating of a fact-finding board the meeting will be closed. It is felt that up to this point a greater flexibility and freedom of expression will obtain if the meetings are kept closed and confined to the parties directly concerned.

Section 18 of SB 87 creates the board of review. It can establish guidelines and procedures. Because of the newness of this, the guidelines will have to be developed. This sets up a new board. If it is found that that an impartial, existing body could perform this function it would be desirable. But it is not politic to involve, for example, the Department of Education in this type of negotiation. It would destroy the effectiveness of the present structure to ask such an agency to mediate these kinds of proceeding. Also it is felt that the courts would be too cumbersome. The local government employee-management relations board would serve this purpose. Arbitration is not provided for. In Section 24 we purport to enunciate a public policy regarding the illegality of striking. In Section 25 we provide that if in fact a strike occurs, a local employer can go into court to enjoin the strike. Also the court has to make a finding that in fact a strike exists. It is not left to a decision of local management. The court must make this determination. Section 26 provides the punishment for violations which are largely punitive. It is argued that these punishments are too punitive. However, if a strike is to be find completely unjustified, as a "wildcat" strike, these punishments are needed. Section 29 provides that the act would become effective upon passage and approval but time is provided for the boards to be established prior to the filing of any actions.

Senator Gibson thanked Senator Dodge for his presentation. He then introduced Mr. James Butler, Executive Secretary of the Nevada State Education Association, who had asked to speak on behalf of AB 127.

Mr. Butler introduced himself to the committees and said that AB 127 had been introduced at the request of the association he represents. In action of the association it has been resolved that such a law is necessary. The association has a basic concern that teachers should be considered separately from other employees. The primary concern is to establish a clearly established method for negotiations within the local school districts. The bill treats the schools as a separate entity. He said they were primarily interested in good faith negotiations between the

employees and the school districts. He said that they were not primarily interest in a strike as a weapon for selfish gain. Teachers have demonstrated their main concern to be that of educating the children. They feel that they have contributions to make that will make the schools better. Negotiating processes would allow them to have the opportunity to put their views into the policy-making procedures that exist. They ask that teachers be able to negotiate but not that they want to strike. If a school board is devoting what is nationally recognized as a maximum amount to salries and additional local sources are not available, the problem then lies with the legislature. It should provide more aid from current revenues or vote new taxes. Teachers do not feel that they should strike unless the need is a demonstrated real need. However if in fact intolerable conditions do exist, and they have been found to exist, then there may be justification. It may be better for a child not to be in school. The answer lies in trying to get the board to remedy intolerable situations through negotiations. AB 127 would not allow a strike that was not in the public interest. If a strike is not in the public interest it should be enjoined. The determination should bemade by a court. Like SB 87 this bill would provide for a factfinding panel if mediation fails. The bill provides that they should be selected by the Chancellor of the University of Nevada system. He has been selected because he is far enough removed from the lower grades and he would only be called upon when the local bodies could not agree. Authority should remain in the local area as long as they can agree. Binding arbitration should be invoked in order to interpret the meaning of a particular local agreement. Once the interpretation is made then it can be negotiated. This bill says that the decision of the local school board is the final decision. We need a better procedure, however, before the board makes its final decision. Actually advisory arbitration is needed. The role of the principal is somewhat different than employees in other fields. He is both in the teaching field and in a management position. He should have the option of deciging how he wishes to be involved in these procedures. This bill defines the areas for negotiation broadly. Teachers are by the greatest percentage very well trained. They are asking to be directly involved in making the total programs better. If you expect a teacher to be professional then you are going to have to provide for the teacher to be involved in the total problem of what to teach. If we come to the point that there must be a public employees bill, we would hope you would look closely to the composition of the board and the method of selection. Our prime concern is education.

Senator Gibson thanked Mr. Butler and then introduced Mr. I. R. Ashelman who had asked to speak on behalf of the Federated Firefighters Association.

Mr. Ashelman apologized to the committees for not having a bill ready for presentation. He said the proposed bill is being drafted and said that he felt the legislators would understand the delay. He said that some form of collective bargaining bill is needed. If you have some sort of procedure it is better for the municipalities as well as for the employees. The present situation in Nevada is intolerable. We do need guidelines and we do need an orderly method. The approach we take is that we don't have a long history upon which to build. We present a

very simple bill.

The bill defines a public employee who is not appointive. Employment relations are defined and their scope includes wages, hours, salaries and other conditions of employment. These terms have been defined by the courts. We define a bargaining representative. It need not be a union. It may an association or any collective group. In our bill we have called upon the Labor Commissioner to beh determining agency. A Labor Commissioner is knowledgeable. He already exists. In our bill we call for elections. To bargain you have to represent the majority. We have a provision that 30% of the public employees have to want this. The election procedure is carefully set forth. The Labor Commissioner has powers which are outlined to allow flexibility. This flexibility would be desirable. There is provision for mediation. If bargaining and mediation fail, we have provision for arbitration. The parties themselves decide who their arbitrators will be. This leads to compromise. The American Arbitration Association has been chosen. This group is large and diversified and can furnish people representative of all segments. This method or approach is the best for avoiding strikes. Dues collections would be by payroll deduction.

The next speaker introduced by Senator Gibson was Mr. Robert Cahill, President, Washoe County Teachers Association.

Mr. Cahill appeared to support AB 127 sponsored by the Nevada Education Association. He emphasized the presentation of Mr. Butler by adding that in the past negotiations have been difficult. He stressed the need for establishment of an orderly system within the professional framework of the teachers and the school board districts. He stated that the organized Education Assocation has established a Negotiating Committee and is ready to operate. He said the present situation is largely one allowing the teachers to "appear and retire" to await decisions. Legislation is needed to give more weight to the appear and negotiate approach.

Senator Gibson then introduced Miss Audrey Huntoon of the Washoe County Teachers Assocation and also a member of the Nevada State Education Association Negotiating Committee.

Miss Huntoon stated that negotiations are new to them. We need a good piece of legislation for professional negotiations. We have learned that education has to change because the children have needs that are changing. If education is to continue to meet the needs of the children, we must be ready to meet the necessary changes. She said that in her 14 years of teaching the child who was her student 14 years ago is not the child who is her student today. When one considers that men have been trained to reach the moon, then one must realize that the training needed today is greatly altered. She said that SB 87 is not all that is needed. A bill enabling teachers to sit down and negotiate is essential. We are no less dedicated because we are more militant, she said. We want to be involved in the policy-making. She thanked the committees for the opportunity to present her views.

Mr. Robert Foard, Principal of the Wooster High School in Reno,

and Vice President of the Washoe County Teachers Association, was the next speaker introduced.

Mr. Foard introduced himself and said that in addition to the above he was also a member of the Nevada Education Association's Legislative Committee. He said he was speaking in support of the basic concept that a separate professional education act is needed in the State of Nevada. He said that education has certain unique qualities about it which he believed separate it from other public employee groups. His group feels that AB 127 is a bill which will establish a procedure by which the various groups within a school district can come together, negotiate and discuss their various problems and reach an agreement previous to its presentation to the Board of Trustees. In so doing, many of the things which are in reality trivial can be eliminated and the basic concepts of the teachers, principals and district personnel can be solved and presented to the trustees as a unified opinion within the county. It allows agreement through understanding. We feel it would lead to better education within a district and within the State.

Principals are in a unique position themselves, he stated. We, who are principals, feel strongly however. We need a framework in which to do this job. A separate professional practices act concerned with education is the best method to achieve thi s goal. There must be good faith in negotiations. Illegal work stoppages, or whatever you want to call them, have no place. We want to emphasize that we have not had problems of communication in the past, but we do see a danger in the future that if something is not structured it might develop. We feel AB 127 give the guidelines. It is a starting point.

Mr. Edward Pine of Reno, President of the Nevada School Trustees Association, was introduced by Senator Gibson as the next speaker.

Mr. Pine told the committees that he had been a member of the Washoe County School Board since 1956 and had served the Board since that time. He said that if a negotiation bill is needed in Nevada he favored Senate Bill 87. He said that negotiations would cost more money and the school boards would require capable negotiators. The present school boards represent the people; they are elcted by the people. They come from varying backgrounds. The school boards cannot agree to financial demands before they know what their finances are. He said that any request for binding arbitration should be looked upon most carefully. In Nevada our school boards are diversified as are the areas they represent ranging the full spectrum from rural communities to highly populated urban centers. He said that he hoped that any bill would prohibit strikes and would not make mandatory restrictions. He said that as a board member he felt a close relationship with the employees of the state. He said that they would not do any more with a negotiations law than they are able to do now. He said that it seemed that in such event the teachers would have to negotiate with the legislature inasmuch as the finicial restrictions upon educational development are dependent upon legislative support and the school board must operate within the framework of the financial support that has been found practicable. He said that the structure depends upon the citizens who are willing to serve in the school boards. In the past they have been dedicated citizens and they should not be placed in the position of negotiators with the children as the pawns.

Mr. Pine: The Nevada School Board members feel that the doors to the board sessions have been and are wide open, that the members have conducted negotiations, though informally, with staff representatives whenever requested and have arrived at agreements in the great majority of cases. He said that the Nevada School Trustees Assocation had taken a position and it has been adopted If negotiations are necessary, they favor SB 87. They recognize the subject of negotiations has been presented to the legislature and they are well aware of the problems involved. They recognize that legislatures have been pressured to provide negotiatinns of a forced type. Of the 17 states having such legislation permitting negotiations, there has been much chaos.

The Nevada School Board members recommend that if Nevada legislates a negotiations act that they recognize that the procedures are most complex and would require the advice of experts in the field as past experience indicates. Such time and study would be required as to necessitate another governmental agency. On passage of legislation of this type, the requirements should be permissive and not mandatory.

Senator Gibson next introduced Mr. Lyman Bruce, Superintendent of Schools in Humboldt County.

Mr. Bruce supported Mr. Pine's position with respect to the undesirable passage of any mandatory legislation regarding negotiations. It would be detrimental to the rapport between school boards and teachers in many instances. He said that the informal approach has been very effective in the smaller areas. Legislation should be permissive; not mandatory.

Mr. John Hawkins, Ormsby County School Superintendent, presented his comments to the effect that demands in each area are highly different. In Ormsby County the financial demands are ever foremost and difficult to meet. Negotiations legislation could be disastrous within an area such as Ormsby County. The dangers could be such that the services within education would have to be diminished in order to meet financial demands that are impossible to meet. He supported the position that in effect if negotiations were not carefully limited they would result in negotiations between the teachers and the legislature itself.

Mr. Louis W. Bergevin, President of the State Board of Education, told the committees that the Board opposed AB 127 or any legislation that would permit the right to strike. He said that any negotiation act should be optional to allow the various counties to decide whether they want to enter into collective bargaining procedures. He cited the recent action in Clark County where a large group of teachers publicly censured State Superintendent of Public Instruction Larson. He called this irresponsible on their part and indicative of what could develop. The present authority of local school boards should be supported. He said they spend much time and dedication to the public good and that they are not paid. He said they were interested in their teachers but it is necessary to work within the realm of mutual trust for the elected representatives of the people.

Mr. Gilbert Craft, a Trustee of the Mineral County School Board, was introduced.

Mr. Craft said that he and the other trustees in his area are vitally interested in the education of our children. He said they were of the opinion that any forced negotiations would be detrimental to the small counties. He said they had an open door policy that has worked very effectively in the past. A mandatory negotiations bill would present many problems. A trained negotiator would have to be hired. He said that if legislation is needed his group favored SB 87.

Mr. James Butler reminded the Chairmen of the committees that there were many representatives from the Clark County area who favored AB 127 who were not able to be present due to the weather conditions. Senator Gibson assured him that he had been so advised and that as the committees met individually for further consideration that the an opportunity would be given for further presentations.

Chairman Hal Smith asked Mr. Butler whether in the staffing of the schools all of the personnel were professional educators. Mr. Butler said that most of them were except within the business administrative offices.

Mr. Albert Seeliger, member of the University of Nevada Board of Regents addressed the Chair and requested to read a telegram from the White Pine County School Trustees. This telegram which he read supported SB 87 and expressed their strong opposition to AB 127. Also the telegram stated that the right to strike should not be granted an any time.

Senator Gibson aslos read a telegram in which the Reno Police Protective Association urged the support of AB 127.

Mr. James Corey, Las Vegas City Commissioner, offered his comment to the effect that he felt from his experience that negotiations without the threat of a strike are not negotiations. He also stated that compulsory arbitration has not worked.

Mr. Rennie Ashelman then addressed the Chair in opposition to Mr. Corey's statement and said that through his somewhat larger experience than Mr. Corey's he had found to the contrary. Arbitration and collective bargaining have proved very effective.

Chairman Hal Smith asked Mr. Butler if he could explain where in the present organization of the school board trustee system communications have broken down. Mr. Butler's response indicated that he could not pinpoint specific instances but that the Association was more concerned with the imminent possibility of future breakdowns. Assemblyman Smith also inquired whether within the professional teacher system, it was recognized that there had to be a final authority. Mr. Butler acknowledged that the decisions of the school boards had to be final but countered that negotiations should precede any final decisions in which the teachers can participate in decision formulation.

Sub-Committee Chairman Getto asked Mr. Butler to enlarge upon his statement that "there may be a situation where it would be better if a child were not in school; that if it were intolerable a strike would be justified".

Mr. Butler said that in one instance in New Jersey a walkout occurred when the teachers were unable to effect improvements in the physical school plant which was badly deteriorated, infested with rats and vermin, etc. He asserted that in such a circumstance where the school administration failed to support an adequate facility system the walkout seemed to be justified.

The hearing was terminated with the assurance that the measures would be given a full hearing by the individual committees..

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 14, 1969

The twenty-sixth meeting of the Committee on Federal, State and Local Governments was held on March 14, 1969 at 3:00 P.M.

Committee members present:	Chairman James Gibson
	Warren L. Monroe
	Chic Hecht
	Carl Dodge
	F. W. Farr

Also present were:

Clark Guild, Jr.	Attorney (Representing Union Pacific)
Russell McDonald	Legislative Counsel Bureau
Marvin Humphrey	

Chairman Gibson called the meeting to order. Under consideration were several bills.

SB-418 Proposed by Committee on Federal, State and Local Governments. (By request.)
Prohibits political subdivisions from entering into collective bargaining agreements.

SB-407 Proposed by Senators Farr, Harris, Manning and Herr.
Provides for collective bargaining by public employees.

SB-87 Proposed by Senator Dodge.
Regulates relations between local governments and employees and prohibits strikes in public employment.

Chairman Gibson pointed out that the bills listed above are the negotiation bills, and he briefly outlined each one. He pointed out that SB-418 was requested by the Nevada Municipal Association and that he did not regard it seriously. He asked the Committee for their feelings in regard to how they wished to handle these bills, what approach to take, et cetera. He said that the teachers now realize that they cannot now have a separate bill and he would ask them to comment on what provisions they feel are specifically objectionable.

Senator Dodge said that if the Committee considered SB-87 as the "vehicle," this could be amended and re-worked. The Committee agreed that one bill should be picked as the major bill. It was also noted that the Assembly has a strong feeling that there must be some sort of a bill put out at this session. There was further Committee discussion regarding collective bargaining in relationship to the fiscal situation in political subdivisions. At the close of this portion of the discussion, Senator Monroe moved that the Committee concentrate on SB-87, seconded by Senator Farr. Vote was unanimous for this action.

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 18, 1969

The twenty-seventh meeting of the Committee on Federal, State and Local Governments was held on March 18th, 1969, at 7:00 P.M.

Committee members present:	James Gibson, Chairman
	Vernon Bunker
	Marvin White
	Warren Monroe
	Carl F. Dodge
	F. W. Farr
	Chic Hecht

Others present were:

James Butler	Exec. Sec., Nevada State Education Assn.
Curt Blyth	Nevada Municipal Association
Dave Henry	Commissioner, Las Vegas

Press representatives

Chairman Gibson called the meeting to order. Several bills were under consideration.

SB-87 Proposed by Senator Dodge.
Regulates relations between local governments and employees and prohibits strikes in public employment.

SB-407 Proposed by Senators Farr, Harris, Manning and Herr.
Provides for collective bargaining by public employees.

AB-127 Proposed by Committee on Education.
Provides for negotiation and settlement of disputes between boards of trustees and professional employees of school districts concerning terms and conditions of employment.

Senator Dodge gave a general review of the provisions of SB-87. He said that inasmuch as Nevada had no previous legislation on this, that it was a minimal piece of legislation and only a start. He did not include state employees on this bill, but said that if anyone felt strongly enough about it (with different provisions) that further legislation could be proposed that would conform to whatever basic legislation might be enacted.

Senator Dodge continued to read down through SB-87 -- going over the various provisions. He referred to a letter from Mr. Ashleman, which expressed his views on various sections of the bill (see attached.) Mr. Butler, representing the Nevada State Education Association, also added his views and opinions on different provisions in this bill.

There was some discussion with regard to Section 12, and those factions of an organization that would make up a "bargaining unit." At this point Mr. Butler pointed out that in AB-127 all educators were included under the negotiating in order to prevent a disruption between superintendents and the other educators in the state and in the organization. He added that there was a considerable body of opinion that the executive officer, as indicated in Senator Dodge's bill, definitely should not be a part of the bargaining unit. As far as the principals and administrators, he said the opinion among their own people was that they should be given their own option of being in with the teachers, or if they did not choose that option, to be allowed to have a separate negotiating unit.

Senator Dodge pointed out that when they pass this type of legislation they are entering into an adversary proceeding, and they need to decide who's on what side of the fence. Mr. Butler said, for example, that in Clark County the principals would prefer to have their own unit and to negotiate in a separate unit from teachers. There was further discussion regarding the pros and cons of this particular provision, and whether or not the language should be changed. Senator Monroe suggested that the last sentence in Section 12, Subsection 1, be deleted. Senator Farr then suggested that on line 23 in the same section, they should delete the words "who serve under his direction." Mr. Henry said that he felt "management" extended further down than most people think it does, and that it is very difficult to evaluate these type of positions.

The committee went on to discuss Sections 13 and 14. Mr. Butler stated that he felt the 120 day provision in Section 13 would be in the best interest of the public, but he had reservations about the 45-day provision in Section 14. His reason was that a situation might arise where there is a very good possibility for agreement being reached and the notice either might intervene, or on the other hand the parties might be in a situation where they would be waiting for the deadline to arrive so that they could automatically go to the next step in procedure. He felt it would be more appropriate to consider that either the employer or the employee group might declare that an impasse has been reached, and then the board would then have the right to examine the request -- if they felt that it was legitimate, they would then enter into the mediation procedure -- if they thought it was premature, they could reject the request and tell the parties to go back and work it over further.

There was further discussion with regard to the arbitration provisions of SB-87, and the various possibilities as to who should be used for arbitration. Senator Dodge referred to Section 21 as intending to indicate what the "real mission" of the employee-management relations board is -- " . . .may make rules governing proceedings before it and procedures for factfinding and may issue advisory guidelines for the use of local government employers in the recognition of employee organizations and determination of negotiating units."

Senator Dodge continued on down through the bill explaining the intention and meaning of Sections 24 and 25. He read line 16, page 7 of the bill and it was decided that the language "illegal strike" would have to be changed.

With regard to Section 26, Senator Dodge went over the actions a court may take as outlined in this section. He pointed out that in federal law, a strike is a felony. As far as Subsection (2) under Section 26, on "forfeiture under the public employees' retirement system," Senator Dodge stated he felt that further language should be written in that indicates that this is only to an "unvested time." He said there was a constitutional question about this, in which Mr. Ashleman had concurred. Mr. Butler stated that with regard to this section (26) they felt the penalties were excessive, and that they particularly objected to subsection (3). He added that the forfeiture of a teacher's certificate would not only make it impossible for further employment in the State of Nevada, but anywhere in the United States.

Senator Dodge asked Mr. Butler how the teachers are able to rationalize the distinction -- how they take the position that they should, if necessary, be able to enforce their demands by right to strike, when, of necessity, it would involve the breaking of a firm contract of employment? Mr. Butler answered that it is based upon the same premise that is in the section relating to option of the court to decide upon the penalties and the severity of the penalties depending upon the mitigating circumstances involved. He added that a teacher's contract indicates that he shall serve for a certain number of school days or during a certain period, and that there are certain disruptions (planned disruptions) throughout the year. He felt that if the teachers were to strike while under contract when there were no mitigating circumstances involved that it would be completely unethical and would have no validity, but if there were mitigating circumstances (Board refused to negotiate, deteriorating educational conditions) there might be valid reason for a strike. There was further discussion regarding the teacher's right to strike, with Mr. Butler stressing that he felt it was important to have these procedures set out as guidelines, which would encourage better communication and give them something to go on when necessary.

Senator Dodge said that he had given a great deal of thought to the possibility of teachers entering into the policy-making decisions -- that he would support legislation that would give teachers representation on the school board, and let them, at that point, have voice in police decisions. Senator Dodge added that at this time he personally would not be willing to extend the area of negotiation for teachers -- possibly sometime in the future -- but one of the things that could be extremely damaging is on such things as pupil-teacher ratios, classification of teachers by different salary differentiations, depending upon their function, and so forth.

Chairman Gibson said that if the committee did anything, it would be on this bill, SB-87, and asked Mr. Butler to comment specifically on the provisions in this bill that are objectionable to the teachers and to submit this in writing. Mr. Butler said that he would do this in accordance with Chairman Gibson's request (in writing) and have copies for all

the committee members. There were further comments by Mr. Butler and Mr. Henry with regard to this bill.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Patricia F. Burke

Patricia F. Burke,
Committee Secretary

HARRY J. MANGRUM, JR.

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March 6, 1969

Honorable Carl Dodge
Nevada State Senator
State Capitol Building
Carson City, Nevada

Dear Senator Dodge:

It was a real pleasure meeting and conferring with you on your bill, SB 87. In response to your request, I reduced my remarks to writing. At your suggestion, I am also furnishing copies of this memo to other members of the Legislature.

1. Let me begin by suggesting that since you already have provisions for mediation and fact finding, a provision for arbitration either voluntary or when the board felt it was in the public interest, might be a very useful addition to your bill. Arbitration, I might add, as you know, does not necessarily mean a loss of discretion. The parties can, or the board could, under appropriate legislation, narrow the issues so that only the impasse issues would be submitted. The arbitrator could be further limited by guidelines. Such guidelines could be that hours may not be increased, or that source of tax funds must be considered, etc.

2. Let me again impress upon you the necessity for making it clear that the parties could negotiate upon a grievance proceeding. The grievance procedure in my judgment has contributed more to industrial democracy and stable labor relations than any other single device of good labor relations. It allows for adjustment of normally petty matters inexpensively and before they reach a danger point. It also makes certain that problems are handled at the proper level; initially through an informal meeting of the immediate superior involved and the employees involved. From there you go up through the chain exhausting the various levels of command.

3. Another matter of great importance is that found in your Section 12 in the last sentence under 1. I think that "local government employee" should be changed to "department head" since in the police and fire services relatively low level employees are technically supervisors even though

they do not, in fact, control matters of substantive policy.

4. Another area of concern would bethat apparently under the Dodge Bill minority groups who did not represent majority of a given unit, could negotiate, and it is perhaps open to argument that more than one employee organization could be negotiating on matters in the same department or unit. This system has been used by the federal government under Executive Order 10988. It has caused a great deal of chaos, conflicting demands and virtually all parties concerned, heartily wish that it did not exist. Candidly, I might say that the unions do not object as much as management. In this instance, management, I feel, is correct.

5. Another section that I do not particularly object to, but feel it unnecessary, is your detailed delineation of fact findings, subpoenas, enforcement of hearings and so on. It has been my personal experience that the interest of the parties, causes them to come forward with the evidence, if any. The board, mediator, arbitrator or fact finding panel need only allude to the drawing of adverse inference if witnesses are not produced to gain desired information.

6. As to your penalty sections, I would question the constitutionality as well as the desirability of forfeiture of retirement contributions, and Teachers Certificates. As to withholding all or any part of salary or wages, I would suggest language such as "except previously earned", which might help clarify the constitutional question.

7. I think that lowering the fine to $10,000 for organizations and $100 for officers would render your bill a great deal more palatable to labor organizations without in any manner diluting the necessary power to deal with the situation. Undesirable as a public strike might be, it is still not an original sin. A public employee who is convicted of murder or, for that matter, treason, does not so far as I know, forfeit his retirement contributions, etc. I am sure that you are aware that under the New York Taylor Act, the attempt to exact extraordinary penalties has met with abysmal failure.

As a general remark to the prevention of strikes, I reiterate that compulsive arbitration or creating the power of a board to order arbitration where public necessity requires it, will, as a practical matter, obviate a strike threat. Public employees are often of the view that if no one will hear their plea they have no alternative but to strike. I know of no instance of a strike occurring in the face of an arbitration award, however unpalatable such award might be to the parties. Arbitration

is nearly the only device in labor relations which frightens labor and management equally, and therefore, leads them to voluntarily compose their differences before things get that far.

8. Certain other problems in your bill come under the heading of minor language changes. In Section 8 at subsection 2, the "2" should be changed to a "C" so that the word "concerted" applies. Otherwise, a feigned illness to cover up an employees pecadillo such as the desire to go fishing, would be grounds for a discharge. I am sure the committee does not intend that result.

9. In section 9, at Article 2, it should be made clear that individual employee representation is permitted so long as the Union is notified of the result, and given an opportunity to attend any hearings and so long as the individual bargaining may not be in derogation of contractual rights. Any other approach leads to either frivolous complaints to management that most responsible labor unions would not process; multiple bargaining situations discussed above, or speedy destruction of the benefits of any previous agreement between the parties. The Governor's bill in the private sector contains language protecting the individual employee as does the National Labor Relations Act. I am sure that Frank Daykin can furnish you with a copy of both.

10. In Section 10, at subsection 1, you use the words "physical condition of employment". I think of course, you are trying to protect the local government from bargaining over policy matters. It seems to me that the appropriate language could be put in your Rights clause, Section 10, at subsection 2, to protect that situation. I believe that the use of the word "physical" is a litigation breeder. The classical language used is "conditions of employment". This term has been well defined by the courts previously.

11. Section 10, at subsection 2(b) should be modified to make it clear that grievance procedures are permitted as previously discussed.

12. Section 11, at subsection 2, may lead to litigation. I think "cause" should be defined in terms of a strike or that this power should be given to your board with the requirement that they publish what "cause" means, after following the procedures of Nevada's Administrative Procedures Act. (NRS 233(b)). I would suggest that in addition to your recognition procedures, you adopt language similar to that which the Firemen used in their bill, providing for elections. Another good source of workable language would be that found in the Governor's bill on private employee bargaining. I do not feel the unions need

the election provision, but in the interests of democracy it should be provided. I believe that without these procedures there is some danger of irresponsible individuals gaining power in the unions. I would also like to suggest that the Secretary of Labor or some other party experienced in these matters, be made a non-voting secretary of your board so that the entire board is not required to convene to do leg work.

13. In the interests of clarity, at all points where you provide for a hearing, you should specify Chapter 233(b). In all places where you provide for judicial review you should specify Chapters 233.130 to 233.150.

14. Finally, might I comment that your phrase under Section 11, at subsection 3, allowing board decisions to be binding upon the local government, is indicative of recognition that the principal of arbitration is not, per se, repugnant to you. Your language, in effect, allows arbitration upon the limited issue of employee organization. If you think that the permanent board approach is more palatable as an approach to arbitration, I am sure we could work out some language to cover the situation.

15. You have heard my comments on the firemen's bill, so I will not repeat them. I will not comment on the teacher's bill because I do not feel there is any real sentiment in the legislature for its passage. However, I do want to make it clear that we do not wish to encourage striking and we do not wish to influence substantive policy matters.

16. I have a copy of the Nevada Public Employment Relations Act dated 1/16/69 which is the unofficial proposal of a minority of city officials. On page 3, it defines "administrative employee". I would feel better about this definition if I knew whether or not it included a fire captain.

17. On page 8, Section 000.090, at subsection 1, I would object to the designated officers as being members of the commission. I would prefer your method of designation. In Section 3(a) on the same page, I believe it is necessary to use the language in the firemen's bill to provide the framework for deciding units. (Previous history, etc.).

18. On page 9, under "K" where certain powers are delegated, I think an appeal to the full board should be made available.

19. My previous comments as to the appropriate definition of a unit, applies to page 10, Section 000.101, subsection "A".

20. At page 13F, my previous comments as to the desirability of

compulsory arbitration would apply.

Again, I want to congratulate you on your leadership in this matter and recognition that something should be done in this area. I am looking forward to seeing you at the committee hearings.

Sincerely,

I.R. ASHLEMAN

IRA:cb

NEVADA STATE EDUCATION ASSOCIATION

SUGGESTED REVISIONS OF SB - 87

March 19, 1969

The following suggestions are made at the request of Senator James I. Gibson, Chairman and member of the Senate Federal, State and Local Governments Committee. The remarks are directed to the negotiating framework contained in SB-87, which is the vehicle chosen by the Committee to develop a public employees' bill. They are provided to the Assembly Government Affairs Committee as well.

Although the Nevada State Education Association prefers that educators be treated separately, these comments suggest changes in SB-87 to make it more appropriate for teachers and for employees generally.

These comments are divided into four parts:

A. Basic concepts in SB-87 which should be retained.

B. Basic concepts not in the bill which should be included by alteration or addition.

C. Concepts which might be included to improve the bill.

D. Specific changes in wording of SB-87 to implement the above suggestions.

SECTION A. BASIC CONCEPTS TO BE RETAINED

1. IF THERE IS TO BE A PUBLIC EMPLOYMENT RELATIONS LAW, NEGOTIATIONS MUST BE REQUIRED, TO MAKE THEM PERMISSIVE IN THE STATUTE NEGATES ONE OF THE MAIN REASONS FOR HAVING A STATUTE.

2. ADMINISTRATION AND ENFORCEMENT PROVISIONS MUST BE INCLUDED. Self implementation will weaken the bill. The three-member commission provided in this bill is one effective way of obtaining this objective. AB-127, which applies only to educators, leaves enforcement and administration to the University Chancellor and the courts. SB-407 names the State Labor Commissioner and AB-717 names a commission composed of the Budget Director, ecretary of the Tax Commission and the Labor Commissioner. The latter composition of the commission is unacceptable.

   If the method of selecting mediators and fact-finders (advisory arbitors) is left to the local employer and employee organization and provides for use of the American Arbitration Association or other neutral third party, administration of the Act might be handled without a commission. The Labor Commissioner is not the first choice of educators.

3. BOTH MEDIATION AND FACT-FINDING (ALSO CALLED ADVISORY ARBITRATION) ARE ESSENTIAL TO RESOLVE IMPASSES WHICH WILL ARISE. Moving immediately to binding or compulsory arbitration on matters of substance seems expedient but will impose solutions not wanted by the parties involved and will retard the give-and-take inherent in the negotiation process. With binding arbitration, the parties probably will not negotiate in good faith from the beginning. Binding arbitration also shifts the authoritative decision-making power from the local level to some other public agency which has no responsibility for the quality of service provided by the local government.

4. THE COURTS SHOULD BE INCLUDED AS IN SECTION 16, TO ASSURE FULL PARTICIPATION BY PARTIES IN INTEREST TO FACT-FINDING AND IN SECTION 22 TO ASSIST IN DETERMINING INTERPRETATION OF, OR PERFORMANCE UNDER THE LAW. The court should also have jurisdiction so that it may enjoin a strike.

3. MINORITY RIGHTS SHOULD BE GUARANTEED IF THE ABOVE ARGUMENT IS ACCEPTED. This is done in Section 9-2 but to the detriment of sound negotiation leading to agreement. The wording may allow an individual, either on his own, or represented by a minority organization, to "negotiate" individually without following any rules jointly established between the employer and the recognized organization. A suggestion is made in Part D of this paper suggesting a way to guarantee minority rights and preserve the integrity of the agreement reached by the employer and the majority organization.

4. Section 10-2, which is taken from President Kennedy's 1962 Executive Order, lists the rights of "management". This is perfectly in order but it is questionable as to whether "rights" applying to a federal department operating under a different management structure are applicable to a local government. In the case of teachers, for some time they have been involved in transfer policy negotiation although not in actual determination of who shall or shall not be transferred. This should be continued.

   In section (f) "emergency" must be defined.

5. A FUNDEMENTAL CONCEPT NOT INCLUDED IN SB-?7 IS THE RIGHT OF EMPLOYEES TO DETERMINE ON THEIR OWN WHICH ORGANIZATION SHALL REPRESENT THEM AND COMPOSITION OF THE NEGOTIATING UNIT. Section 11-3 indicates that the employer makes this determination subject to review by the state board. The employees should have more discretion in this regard subject to approval by the employer after the request by the employee group and subject to review.

6. SECTION 11-2 INDICATES THE EMPLOYER DOES NOT HAVE TO NEGOTIATE IN GOOD FAITH. If a dispute arises, the employer could withdraw recognition and terminate negotiations. A time period must be included and the employer must be bound to continue recognition during that period. Anything less will cause the negotiation to be much less productive for all concerned.

7. EXECUTIVE OFFICERS SHOULD NOT BE INCLUDED UNDER THE STATUTE. However, "middle management" such as principals, captains in the fire service and the like, have just as much right to negotiate on their own welfare as do employees. If the community of interest principal shown in Section 12-1 and the desires and past practices of the employees are prime considerations, then principals in some school districts will wish to join in education associations with classroom teachers, while others will wish to negotiate in a limited sphere on their own welfare and other groups will wish to be considered as administration and be included with the superintendent and the school board. This flexibility should be guaranteed. The best structure is the one which works in a unit, not a theoretical straightjacket which is not necessarily applicable to every situation.

8. THE INTENT OF THE LEGISLATURE IS TO DECLARE THE STRIKE ILLEGAL IS COVERED IN SECTION 24. Section 25 indicates that the courts have jurisdiction as they should in any strike. Section 26 should be deleted. Some of the penalties are excessive, especially the amounts in (a) and (b) and the revocation of retirement benefits and teachers' certificates. Since line 23 of Section 26 indicates that courts may invoke such penalties, the matter is in the discretion of the courts.

[3]

All but three states having public employee laws banning strikes do not list penalties. A similar argument applies to Section 27 which speaks to actions of the local employer against an employee who has been on strike.

CONCLUSION

The Nevada State Education Association has entered the arena of negotiation with the express intentions of (a) clarifying relationships between teachers, administrators, and school boards; (b) improving the decision-making in school districts to change and improve the educational program for children and (c) to have a bigger voice in the teaching profession's own welfare. We are most anxious to cooperate in development of a sound proposal for a statute to accomplish these ends and at the same time be cognizant of the welfare of local governments and other public employees.

James T. Butler
Executive Secretary - Nevada State Education Association

March 19th, 1969

SECTION C. CONCEPTS WHICH MIGHT IMPROVE THE BILL

1. IN THE INTEREST OF A MORE HARMONIOUS TITLE EMPHASIZING AGREEMENT RATHER THAN DIFFERENCE, PERHAPS THE NAME OF THE ACT AND ANY BOARD SET UP UNDER IT MIGHT EMPHASIZE "EMPLOYMENT RELATIONS" RATHER THAN "EMPLOYEE-MANAGEMENT RELATIONS" AS NOW STATED. Thus the name would be the Local Government Employment Relations Act.

2. THE DEFINITION OF "STRIKE" IS NOT CONCISE OR CLEAR. Section 8, sub-section 1, b, seems redundant and sub-section 2 does not refer to concerted action and is therefore open to misinterpretation. Since the Committee wishes to declare the strike illegal and does so in Section 24, the determination of whether a particular case comes within the scope of the prohibition should be left to the courts as provided in Section 25.

3. SECTION 14-2 INDICATES THAT THE EMPLOYER AND EMPLOYEE ORGANIZATION EACH PAY ONE-HALF OF THE COST OF MEDIATION, AND SECTION 15-2 APPLIES THIS RATIO TO FACT-FINDING. Fact-finding costs should be split but there is a good argument for the state to pay mediation costs. Since mediation, as opposed to factfinding, is informal and is an attempt to assist the parties to reach their own agreement without imposition of his own decision, its use is most beneficial and should be encouraged by eliminating cost to the parties. In the case of fact-finding, which is a more formal process, the parties in essence acknowledge they have failed and therefore should bear the expense.

4. THE TIME SCHEDULES IN SECTIONS 14 and 15 MAY CAUSE PROBLEMS. There is no objection to the 120 day notice on matters requiring the budgeting of money. The 45 days and 75 requirements (Section 14 and 15) for initiation of mediation and fact-finding have some merit but may prematurely disrupt a negotiation and jeopardize an agreement that might otherwise have been reached. On the other hand, some parties may waste time waiting for the deadline. This destroys the concept of "good faith" negotiation. Another consideration relates to the burden on the state agency or outside mediators, if all disputes must be handled at the same time throughout the state.

   Either party should be permitted to declare an impasse at any time and to request assistance from the third party. The agency or state official who administers the Act can then make an independent determination. If the individual or state agency feels the request is premature, he (they) can direct the parties to continue negotiating. A later appeal could be made if the dispute remained unresolved.

5. THE TIME IN SECTION 15-3 AND SECTION 16 SEEM UNWORKABLE IF WITNESSES FAIL TO APPEAR BEFORE A FACT-FINDER. If the fact-finding panel has only 25 days to complete its business, how can a court, as provided in Section 16-4, be notified, enter an order, allow up to 10 days prior to a court hearing for the recalcitrant witness, and then possibly order the witness to appear before the fact-finding panel all in this period of time? The panel still must hear him and complete its entire report within the same 25 days.

6. THE TERMS OF OFFICE OF THE STATE BOARD, IF CREATED, SHOULD BE ALTERED SO THAT NO TWO TERMS EXPIRE AT THE SAME TIME. This could be accomplished by having the 4-year term remain with individual terms expiring each year except the fourth or by making the length of term 3 or 5 years, with individual terms expiring each year or every other year.

C. Concepts which might improve the bill

7. THERE IS SOMETHING TO BE SAID FOR DEVELOPING A LIST OF NOMINATIONS TO PRESENT TO THE GOVERNOR FOR POSITIONS ON SUCH A STATE BOARD, IF CREATED. One approach would be to request nominations from the major employer groups in the state (2 each from School Boards Association, Municipal Association, County Commisioners Association) and from employee groups (firefighters, State Education Association, policemens' association and others). The Governor could select one person from each list and the third person from the public at large. The organizations or local employers would not nominate individuals from their own ranks.

8. SECTION 29 SHOULD PROVIDE FOR SOME DELAY TO ALLOW THE ACT TO BECOME OPERATIVE BUT OCTOBER 1, 1969 SEEMS TOO LATE. July 1s seems a more appropriate time in the schools. This would allow questions of recognition, appropriate negotiating units and other preliminary questions to be handled prior to the opening of school in September. If none of these matters could be appealed until October 1, good faith negotiating in any local subdivision on matters of substance could be delayed in some instances until winter, thus limiting time for meaningful exchange of views on items relating to budgets prior to April, 1970.

D. SPECIFIC CHANGES IN WORDING OF SB-87 TO IMPLEMENT THE ABOVE SUGGESTIONS

Change section 2 to read: This chapter may be cited as the Local Public Employment Relations Act.

Section 4 should read: "Board" means the Local Public Employment Relations Board.

Section 8 to read: "Strike" means any concerted stoppage of work, slow-down or interruption of operations by employees of the State of Nevada or local government employees. (Drop section b because it is redundant. Also drop sub-section 2 because it's too broad and open to misinterpretation or include concept of concerted action.)

Section 9, sub-section 2, should read: The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee from presenting his grievance to the public employer. Such grievance may be adjusted without the intervention of the recognized group organization if: (a) the adjustment is not inconsistent with the terms of an applicable negotiated agreement; and (b) the recognized organization has been given a reasonable opportunity to be present.

Section 10. (1) It is the duty of every local government employer, except as limited in sub-sections 2 and 3 to negotiate in good faith through a representative or representatives of their own choosing concerning wages, hours, and other terms and conditions of employment with the recognized employee organization for each appropriate unit among its employees.

Nothing in this section shall affect the right of a teacher's organization to negotiate matters relating to, but not limited to, curriculum, textbook selection, in-service training, student-teacher programs, personnel hiring and assignment practices, leaves of absence and non-instructional duties.

Section 11: (1) An employee organization may apply to a local government employer for recognition by presenting:

(a) A copy of its constitution and by-laws, if any;
(b) A roster of its officers, if any, and representatives; and
(c) A verified membership list indicating that it represented a majority of the employees in a specified negotiating unit.

(2) The organization recognized by the public employer shall be the exclusive negotiating organization of the public employees in that negotiating unit.

(3) If an employee organization is aggrieved by the refusal or withdrawal of recognition, the aggrieved employee organization may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and the employee organization.

Section 12: (1) If a public employer fails to create a negotiating unit requested by an employee organization pursuant to Section 11, the organization may appeal to the board. After reasonable notice of hearing, the board shall decide in each case which group of public employees constitutes an appropriate unit for negotiating purposes.

(2) In determining, modifying or combining any negotiating unit, the board shall consider the community of interest among the employees concerned and the desires of the public employees affected. A local government employee who has executive responsibility for carrying out the policies and instruction of the governing body shall not be a member of the same negotating unit as the employee who serve under his direction. A local government employee who supervises the work of other employees shall not be an officer of an employee organization which includes any of the employees whose work he supervises.

(3) Nothing herein shall affect the right of teachers' organizations to organize in one of the following units: (a) all certified employees of a school district, excluding the superintendent, assistant or associate superintendents; (b) all instructional personnel among the certified employees of a school district, including classroom teachers but excluding administrators, or (c) administrators among the professional employees of a school district, including directors, coordinators, area administrators, principals, assistant principals and other supervisory personnel, but excluding superintendents, assistant or associate superintendents.

(4) If any employee organization is aggrieved by determination of a negotiating unit, it may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

Section 14. (1) Either the representatives of alocal government employer or the recognized organization may declare that an impasse has been reached and either of them may so notify the board, requesting mediation and explaining briefly the subject of negotiation. The board shall either: (a) within five days, appoint a competent impartial and disinterested person to act as mediator in the negotiation, or (b) after investigation indicate to the parties making their request that such request is premature and the parties should continue to negotiate.

(2) It is the function of the mediator to promote agreement between the parties.

(3) If the mediator is appointed, the board shall fix his compensation. The local government employer shall pay one-half the cost of mediation and the recognized organization shall pay one-half. (State pay all?)

Section 15: If mediation fails and the parties have not reached agreement, the mediator is discharged from his responsibility and the parties shall submit their dispute to a fact-finder. Within five days the local government employer and recognized organization shall agree on the selection of a fact-finder. If they fail to do so, the board shall elect such fact-finder within five days thereafter.

(2) The local government employer shall pay one-half the cost of fact-finding and the employee organization shall pay one-half.

Section 16; Sub-section 4: There is some question as to whether the court could properly conduct the business indicated in this sub-section within the 25 days provided in Section 15, sub-section 3.

Section 18, Sub-section 2: Should be changed to read: Some method of nomination by major employer and employee groups in the state as discussed earlier should be included. The remainder of this section should be altered so that no two individuals leave the board at the same time. Perhaps this could be accomplished by creating a three or five year term, with one person leaving the board every year or every other year.

Section 26: Delete

Section 27: Delete

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENT

Minutes of Meeting -- March 20, 1969

The twenty-ninth meeting of the Committee on Federal, State and Local Government met on the 20th day of March, 1969, at 3:30 P.M.

Committee members present:	Chairman James Gibson
	Warren L. Monroe
	Marvin White
	Carl F. Dodge
	Vernon Bunker
	Chic Hecht
	F. W. Farr

Others present:

Joseph P. Grodin	Attorney, State AFL-CIO
Lou Paley	Exec. Sec., State AFL-CIO
Rudy Lak	Reno Police Department
Keith J. Henrikson	Federated Fire Fighters of Nevada
Jean Howard	School Teacher
J. Sloan Olin	Washoe County Personnel Officer
I. R. Ashleman	Attorney at Law
Frank Daykin	Legislative Counsel Bureau
Clark Guild, Jr.	Attorney, Union Pacific Railroad
Mayor Gragson	Mayor, Las Vegas

Press representatives.

Chairman Gibson called the meeting to order. Several bills were under consideration.

SB-87 Proposed by Senator Dodge.
Regulates relations between local governments and employees and prohibits strikes in public employment.

Mr. Ashleman gave a short statement in regard to SB-87 and presented a sheet he had prepared showing suggested amendments to this bill. (See attached.) Chairman Gibson stated that if any action were taken it would be based on Senator Dodge's bill, SB-87. Senator Monroe asked Mr. Ashleman if they would hire a group for mediation rather than going to a state agency. Mr. Ashleman explained that this was true -- they would go to a fact finding panel as is designated in this bill. Chairman Gibson said that in talking with some of the legislators it was found that "binding arbitration" would not meet with much success.

Mr. Grodin, representing attorney for the AFL-CIO, stated that they had some reservations concerning this bill: The bill is overly restrictive with respect to matters that can be subject to negotiations, and by declaring certain matters to be management rights the bill precludes

negotiation on matters which are normally matters of negotiations between unions and employers. He felt that in particular cases where civil service regulations are in effect, the scope of bargaining would necessitate it be narrower in the public sector than in the private sector -- this could be accomplished by saying that bargaining would not be required on matters which are otherwise covered by applicable law, rather than to spell out specific areas which are totally exempt from negotiation.

Mr. Grodin referred to Executive Order 10988, and Senator Dodge pointed out to him that the wording in this bill is exactly the same as is in that Order with the exception of one word. Mr. Grodin added that he felt with respect to the strike issue that some distinction should be made between those services that would result in serious threat to public health or safety and those services which are not. In reply to this Senator Dodge said that he had looked into this and felt it was impossible todefine degrees of essentiality -- of what were essential services and what were not.

SB-367 Proposed by Committee on Federal, State and Local Governments. Excludes division of certain land zoned for industrial, commercial development from definition of "subdivision."

Mr. Clark Guild, attorney representing the Union Pacific Railroad, then referred to a letter addressed to him from Mr. Kennedy of the Union Pacific Railroad Company. (See attached.) Mr. Guild stated that the problem right now is that the Act requires that each lot be numbered and each block be numbered or lettered under the Subdivision Map Act, and he didn't feel that this could be done. Mr. Guild also referred to California law on this same subject and pointed out various provisions contained therein. He then read a suggested amendment to this bill on page 2, line 7, to be added after the word "widths," and it was pointed out that this then would bring it in line with California.

Senator Dodge suggested that they draft some language that would outline removing the requirement with regard to the lot plat -- that a map could be filed rather than a lot plat. Senator Dodge said that he felt they should not remove the industrial or commercial development from the other requirements as far as the installation of the utilities; therefore, he wondered if they could include some sort of a variance form when they file a map. This was concurred in by Mr. Daykin.

Senator Dodge moved Amend (incorporating these suggestions), seconded by Senator Monroe. Vote for this action was unanimous.

AB-52 Proposed by Mr. Close.
Provides for the observance of certain legal holidays on Mondays.

Senator Farr noted that the national chairman for the movement of this holiday program comes from Nevada. He referred to a letter from Mr. Thomas Miller of Reno (American Legion) urging support of this bill, and including a "box score" of 33 other states in this matter.

SUGGESTED AMENDMENTS TO SB 87

Page 2 Line 6 to read; "(c) Absence from work upon any pretext or excuse, such as illness,"

Page 2 line 25 to read; "sentatives of its own choosing concerning wages, hours and con-

Page 3 line 21 to read; "ment department head who has executive responsibility for carrying out the"

Page 3 lines 24 thru 26 inclusive to read; "tion."

Page 4 line 19 to read; "is entitled to receive reasonable compensation. The local government"

Page 4 insert between lines 26 and 27 new subsections to read as follows;

4. The parties may by mutual agreement stipulate as to any issue or issues that the recommendations of the factfinding panel shall be binding upon the parties.

5. If at the expiration of 100 days from the date of service of the notice required by section 13 of this act, the parties have not reached agreement the board may on 5 days notice to the parties conduct a hearing to determine whether or not such failureto reach agreement endangers the health, safety or welfare of the local government employer or the State of Nevada. If the board finds that such failure to agree does affect the health, safety or welfare of the local government employer or the State of Nevada the board may require that the parties implement such recommendations of the fact finding panel as in the board's judgment will resolve the dispute.

6. The factfinding panel shall consider the following criterion in issuing any recommendation;

a. The financial ability of the local government employer.
b. The morale and efficiency of the bargaining unit as effected by the issue or issues submitted to the panel.
c. Whether or not the parties have been bargaining in good faith to effectuate the purposes of this act.

Page 7 line 25 to read; "violation by a fine of not more than $1,000.00 against each organization for"

Page 7 line 28 to read; "partly responsible for such violation by a fine of not more than $100.00"

Page 7 - Strike lines 34 thru 38 inclusive.

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- April 8, 1969

The thirty-seventh meeting of the Committee on Federal, State and Local Governments was held on April 8, 1969, at 3:00 P.M. and 7:30 P.M.

Committee members present:	James Gibson, Chairman
	Marvin White
	F. W. Farr
	Vernon Bunker
	Warren Monroe
	Carl F. Dodge
	Chic Hecht

Others present were:

R. McDonald	Legislative Counsel Bureau
R. Guild Gray	Burrows, Smith & Co.
James E. Heald	Boulder City
Nick Smith	Burrows, Smith & Co.
Roland Oakes	Associated General Contractors
Lawrence Jacobsen	Assemblyman
David Branch	Assemblyman
Dave Henry	Las Vegas County Administrator
Clay Lynch	City Manager, North Las Vegas
Arch Pozzi	Senator

Press representatives

Chairman Gibson called the meeting to order. Several bills were under consideration.

AB-197 Proposed by Mr. Jacobsen.
Changes composition of certain boards of trustees of school districts.

Senator Pozzi explained that the purpose of this bill is to reduce the number of trustees that have to come from the county seat and allow those who are interested outside the county seat to run for the school board of trustees. There was committee discussion as to how this bill would affect the various counties in the state. Assemblyman Jacobsen gave further explanation of this bill, and it was decided to hold any action on this pending further investigation.

SB-515 Proposed by Senator Pozzi.
Proposes technical amendments to 1969 charter of Carson City.

Senator Pozzi commented that this would take care of needed amendments to the new Carson City charter. Senator Dodge moved "Do Pass," seconded by Senator White. Vote for passage was unanimous.

Consideration was given to the proposed bill on county salaries. The purpose of this bill is as follows: "Fixes annual salaries of elected officers of counties and Carson City." The committee went over the schedule of proposed salaries by county and by office making needed corrections in order to keep them uniform. After discussion the committee agreed to introduce the bill with the necessary changes.

AB-616 Proposed by Mr. Capurro.
Provides for arbitration of disputes on public works contracts.

Mr. Roland Oakes, representing the Associated General Contractors, stated this was a very simple bill and that for many years the Planning Board had a standard clause in their specifications which provided for arbitration of the dispute between the agency and the contractor. He pointed out that they had to take this out as the Attorney General had said that it was contrary to law. The language is normally used in construction contracts and is only permissive. He added that if this bill were passed the state could save hundreds of thousands of dollars every year, in that a contractor would not be required to add a contingency amount to his bid for some area in his specifications, knowing that if a dispute arose it would be settled quickly.

Senator Dodge moved "Do Pass," seconded by Senator Bunker. Vote was unanimous for passage.

AB-678 Proposed by Committee on Government Affairs.
Provides a debt limit for local governments.

After discussion Senator Dodge moved to hold indefinitely, seconded by Senator Monroe. Vote for this action was unanimous.

SB-87 Proposed by Senator Dodge.
Regulates relations between local governments and employees and prohibits strikes in public employment.

Chairman Gibson went over the proposed amendments to this bill. The committee considered each amendment separately and passed on them. Senator Dodge moved "Amend and Do Pass, seconded by Senator Bunker. Vote for passage was unanimous.

SB-495 Proposed by Senator Slattery.
Creates historic district commission for Virginia City.

The committee discussed the various provisions in this bill and went over the needed amendments. Senator Dodge indicated that there was no opposition to this bill. After further discussion Senator Farr moved "Amend and Do Pass, seconded by Senator Monroe. Vote for passage was unanimous.

SB-505 Proposed by Clark County Delegation.
Modifies procedure for sale of real property by counties.

Mr. Russell McDonald of the Legislative Counsel Bureau explained the purpose of this bill -- it proposes to amend Section 1 of Chapter 54 of the '69 Statutes,

S. B. 87

SENATE BILL NO. 87—SENATOR DODGE

JANUARY 28, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Regulates relations between local governments and employees and prohibits strikes in public employment. (BDR 23-11)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public employees; providing for recognition of and negotiation with employee organizations in certain instances; prohibiting strikes; providing penalties; making an appropriation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

SEC. 2. This chapter may be cited as the Local Government Employee-Management Relations Act.

SEC. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in such sections.

SEC. 4. "Board" means the local government employee-management relations board.

SEC. 5. "Employee organization" means any:

1. Association, brotherhood, council or federation composed of employees of the State of Nevada or local government employees or both; or

2. Craft, industrial or trade union whose membership includes employees of the State of Nevada or local government employees or both.

SEC. 6. "Local government employee" means any person employed by a local government employer.

SEC. 7. "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, irrigation districts and other special districts.

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN L. MONROE, *Chairman*

Mr. President:

Your Committee on Federal, State, and Local Governments, to which was referred Senate Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES I. GIBSON, *Chairman*

Mr. President:

Your Committee on Finance, to which was re-referred Assembly Bill No. 628, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

FLOYD R. LAMB, *Chairman*

Mr. President:

Your Committee on Finance, to which were re-referred Assembly Bills Nos. 205, 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

FLOYD R. LAMB, *Chairman*

Mr. President:

Your Committee on Federal, State, and Local Governments, to which was referred Assembly Bill No. 599, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES I. GIBSON, *Chairman*

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FLOYD R. LAMB, *Chairman*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 10, 1969

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 48.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate amendments to Assembly Bills Nos. 281, 347, 649.

THERESA LOY
Chief Clerk of the Assembly

SECOND READING AND AMENDMENT

Senate Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Federal, State, and Local Governments:

Amendment No. 2265.

Amend sec. 12, page 3, by deleting lines 21 and 22 and inserting: "ment department head shall not be a member".

Amend sec. 12, page 3, line 24, by inserting after "tion.": "A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same negotiating unit with public school teachers

unless the school district employs fewer than five principals but may negotiate as a separate negotiating unit."

Amend sec. 14, page 3, by deleting line 46 and inserting:

"Sec. 14. 1. The parties shall promptly commence negotiation and if at the expiration of 45 days from the date of service".

Amend sec. 26, page 7, by deleting lines 32 through 38 and inserting: "employer who participates in such strike by ordering the dismissal or suspension of such employee."

Senator Gibson moved the adoption of the amendment.

Seconded by Senator Monroe.

Remarks by Senator Gibson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 517.

Bill read second time, ordered engrossed, and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 2235.

Amend sec. 44, page 9, line 27, by deleting "*$200*" and inserting "*$100*".

Amend sec. 44, page 9, by deleting line 44 and inserting:

"*9. For each examination the superintendent shall charge and collect from the licensee a fee of $7.50 for each man hour expended in conducting the examination and in preparing and typing the examination report, but the total fee shall not exceed $300 for any regular examination or investigation unless some irregularity is disclosed during the course of such regular examination warranting special or additional investigation or examination. If such irregularity is disclosed, the licensee shall pay for the additional investigation required by reason of such irregularity at the rate of $7.50 for each man hour so required.*

10. All moneys received by the superintendent [of banks] under this".

Senator Monroe moved the adoption of the amendment.

Seconded by Senator Manning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 2239.

Amend section 1, page 1, line 13, by placing open and closed brackets around "replacement".

Amend section 1, page 1, by deleting line 20 and inserting: "*of the net income at a rate not less than 5 percent*".

Senator Gibson moved the adoption of the amendment.

Seconded by Senator Monroe.

34-A

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 87

SENATE BILL NO. 87—SENATOR DODGE

JANUARY 28, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Regulates relations between local governments and employees and prohibits strikes in public employment. (BDR 23-11)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public employees; providing for recognition of and negotiation with employee organizations in certain instances; prohibiting strikes; providing penalties; making an appropriation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

SEC. 2. This chapter may be cited as the Local Government Employee-Management Relations Act.

SEC. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in such sections.

SEC. 4. "Board" means the local government employee-management relations board.

SEC. 5. "Employee organization" means any:

1. Association, brotherhood, council or federation composed of employees of the State of Nevada or local government employees or both; or

2. Craft, industrial or trade union whose membership includes employees of the State of Nevada or local government employees or both.

SEC. 6. "Local government employee" means any person employed by a local government employer.

SEC. 7. "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, irrigation districts and other special districts.

SEC. 8. 1. "Strike" means any concerted:

(a) Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees; or

(b) Interruption of the operations of the State of Nevada or any local government employer by any employee organization.

2. Absence from work upon any pretext or excuse, such as illness, which is not founded in fact constitutes a stoppage of work for purposes of this section.

SEC. 9. 1. It is the right of every local government employee, subject to the limitation provided in subsection 3, to join any employee organization of his choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself with respect to any condition of his employment.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

SEC. 10. 1. It is the duty of every local government employer, except as limited in subsection 2, to negotiate through a representative or representatives of its own choosing concerning wages, hours and physical conditions of employment with recognized employee organizations for each appropriate unit among its employees. Where any officer of a local government employer, other than a member of the governing body, is elected by the people and directs the work of any local government employee, such officer is the proper person to negotiate, directly or through a representative or representatives of his own choosing, in the first instance concerning any employee whose work is directed by him, but may refer to the governing body or its chosen representative or representatives any matter beyond the scope of his authority.

2. Each local government employer is entitled, without negotiation or reference to any agreement resulting from negotiation:

(a) To direct its employees;

(b) To hire, promote, classify, transfer, assign, retain, suspend, demote, discharge or take disciplinary action against any employee;

(c) To relieve any employee from duty because of lack of work or for any other legitimate reason;

(d) To maintain the efficiency of its governmental operations;

(e) To determine the methods, means and personnel by which its operations are to be conducted; and

(f) To take whatever actions may be necessary to carry out its responsibilities in situations of emergency.

SEC. 11. 1. An employee organization may apply to a local government employer for recognition by presenting:

(a) A copy of its constitution and bylaws, if any;

(b) A roster of its officers, if any, and representatives; and

(c) A pledge in writing not to strike against the local government employer under any circumstances.

A local government employer shall not recognize as representative of its employees any employee organization which has not adopted, in a manner valid under its own rules, the pledge required by paragraph (c).

2. A local government employer may recognize one or more employee organizations, or no employee organization. A local government employer may at any time, for cause, withdraw recognition.

3. If an employee organization is aggrieved by the refusal or withdrawal of recognition, or if any recognized employee organization is aggrieved by the recognition of another employee organization, the aggrieved employee organization may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 12. 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with such recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating purposes. The primary criterion for such determination shall be community of interest among the employees concerned. A local government department head shall not be a member of the same negotiating unit as the employees who serve under his direction. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same negotiating unit with public school teachers unless the school district employs fewer than five principals but may negotiate as a separate negotiating unit. A local government employee who supervises the work of other employees shall not be an officer of an employee organization which includes any of the employees whose work he supervises.

2. If any employee organization is aggrieved by determination of a negotiating unit, it may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 13. 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of such desire to the local government employer, and to any other recognized employee organization which represents any of the employees in the negotiating unit. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give such notice at least 120 days before the date fixed by law for the completion of the tentative budget of the local government employer for the first period for which the required budget is to be effective.

2. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

SEC. 14. 1. The parties shall promptly commence negotiation and if at the expiration of 45 days from the date of service of the notice required

by section 13 of this act the parties have not reached agreement, the parties or either of them may so notify the board, requesting mediation and explaining briefly the subject of negotiation. The board shall, within 5 days, appoint a competent, impartial and disinterested person to act as mediator in the negotiation. It is the function of such mediator to promote agreement between the parties, but his recommendations, if any, are not binding upon an employee organization or the local government employer.

2. If a mediator is appointed, the board shall fix his compensation. The local government employer shall pay one-half of the costs of mediation, and the employee organization or organizations shall pay one-half.

SEC. 15. 1. If at the expiration of 75 days from the date of service of the notice required by section 13 of this act, the parties have not reached agreement, the mediator is discharged of his responsibility, and the parties shall submit their dispute to a factfinding panel. Within 5 days, the local government employer shall select one member of the panel, and the employee organization or organizations shall select one member. The members so selected shall select the third member, or if within 5 days they fail to do so, the board shall select him within 5 days thereafter. The third member shall act as chairman.

2. Each member of a factfinding panel who is not a public employee is entitled to receive $20 for each day of service. The local government employer shall pay one-half of the costs of factfinding, and the employee organization or organizations shall pay one-half.

3. The factfinding panel shall report its findings and recommendations to the parties to the dispute within 25 days after its selection is complete. These findings are not binding upon the parties, but if within 5 days after the panel has so reported the parties have not reached an agreement, the panel shall make its findings public.

SEC. 16. 1. For the purpose of investigating disputes, any factfinding panel may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any investigation is being conducted by a factfinding panel may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the factfinding panel.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the factfinding panel may report to the district court in and for the county in which the investigation is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the factfinding panel in the investigation named in the subpena, or has refused to answer questions propounded to him in the course of such investigation,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the factfinding panel.

4. The court, upon petition of the factfinding panel, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the factfinding panel. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the factfinding panel, the court shall thereupon enter an order that the witness appear before the factfinding panel at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 17. The following proceedings, required by or pursuant to this chapter, are not subject to any provision of chapter 241 of NRS:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.

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

3. Any meeting or investigation conducted by a factfinding panel.

SEC. 18. 1. The local government employee-management relations board is hereby created, to consist of three members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than two of whom shall be members of the same political party. Except as provided in subsection 2, the term of office of each member shall be 4 years.

2. The governor shall appoint the members of the board. Of the first three members appointed, the governor shall designate one whose term shall expire at the end of 2 years. Whenever a vacancy occurs on the board other than through the expiration of a term of office, the governor shall fill such vacancy by appointment for the unexpired term.

SEC. 19. 1. The members of the board shall annually elect one of their number as chairman and one as vice chairman. Any two members of the board constitute a quorum.

2. The board may, within the limits of legislative appropriations:

(a) Appoint a secretary, who shall be in the unclassified service of the state; and

(b) Employ such additional clerical personnel as may be necessary, who shall be in the classified service of the state.

SEC. 20. The members of the board shall serve without compensation, but are entitled to the expenses and allowances prescribed in NRS 281.160.

SEC. 21. 1. The board may make rules governing proceedings before it and procedures for factfinding and may issue advisory guidelines for the use of local government employers in the recognition of employee organizations and determination of negotiating units.

2. The board may hear and determine any complaint arising out of

the interpretation of, or performance under, the provisions of this chapter by any local government employer or employee organization. The board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by such action.

3. Any party aggrieved by the failure of any person to obey an order of the board issued pursuant to subsection 2 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce such order.

SEC. 22. 1. For the purpose of hearing and deciding appeals or complaints, the board may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any hearing is being conducted by the board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the board.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the board in the hearing named in the subpena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the board.

4. The court, upon petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the board, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 23. Every hearing and determination of an appeal or complaint by the board is a contested case within the meaning of chapter 233B of NRS. Every such determination is subject to judicial review as provided in chapter 233B of NRS.

SEC. 24. 1. The legislature finds as facts:

(a) That the services provided by the state and local government employers are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Nevada;

(b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the state to its people; and

(c) That every person who enters or remains in the employment of the state or a local government employer accepts the facts stated in paragraphs (a) and (b) as an essential condition of his employment.

2. The legislature therefore declares it to be the public policy of the State of Nevada that strikes against the state or any local government employer are illegal.

SEC. 25. 1. If a strike occurs against the state or a local government employer, the state or local government employer shall, and if a strike is threatened against the state or a local government employer, the state or local government employer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.

2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike. The provisions of N.R.C.P. 65 and of the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the state or of any local government employer.

SEC. 26. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the court may:

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

(b) Punish any officer of an employee 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. 27. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the state or the local government employer may:

(a) Dismiss, suspend or demote all or any of the employees who participate in such strike.

(b) Cancel the contracts of employment of all or any of the employees who participate in such strike.

(c) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in such strike.

2. Any of the powers conferred by subsection 1 may be exercised alternatively or cumulatively.

SEC. 28. There are hereby appropriated from the general fund in the state treasury for the support of the local government employee-management relations board the following sums:

For the fiscal year ending June 30, 1969	$5,000
For the fiscal year ending June 30, 1970	15,000
For the fiscal year ending June 30, 1971	15,000

SEC. 29. This act shall become effective upon passage and approval, but no employee organization, local government employer or other person may submit to the local government employee-management relations board before October 1, 1969, any appeal, complaint or other request for action by the board.

Seconded by Senator Manning.
Resolution adopted.

Assembly Concurrent Resolution No. 28.
Senator Gibson moved the adoption of the resolution.
Seconded by Senator Manning.
Resolution adopted.

GENERAL FILE AND THIRD READING

Senate Bill No. 87.
Bill read third time.
Remarks by Senators Monroe, Slattery, Gibson, Dodge, and Young.
Senator Gibson has requested that the following remarks be entered in the Journal:

Mr. President, I have been a reluctant dragon on this particular bill. The greatest justification that came before our committee by the groups that are desirous of this type of legislation was the need to establish some kind of a forum where they can communicate with their public employer. I think this bill does that along with the other provisions in it.

Now, we considered in the committee whether or not to write in a provision on binding arbitration. It was the feeling of the majority of the committee that we should not at this time—that we should give this act an opportunity to be inaugurated and be utilized and to be developed. We didn't want to go too far in all areas of this to start with—it's a somewhat nebulous area to begin with. I think the act does accomplish the procedure for establishing communication between the public employer and the employee with an opportunity for them to bring all grievances and all their ideas to the negotiating table and to have an interchange there. As far as I am concerned that is as far as we should go at this time.

Senator Dodge requested that the following remarks be entered in the Journal:

Mr. President, in response to Senator Monroe's observation about the fact that we have a wealth of experience already established as the result of federal and state legislation in the areas of negotiation, I feel strongly that we have substantially different considerations involved in negotiations in public employment and in private employment. I think that the wealth of precedent that has been established in the private sector in America is not really indicative of what the future might hold in the public sector.

Frankly, I think we are on a new frontier. When I researched this thing in working on the bill before the session, I found that only about a dozen states have comprehensive public employees' negotiations acts. It's surely not universal legislation, and there are a lot of things that I think we're going to have to evolve in this area. I mentioned this word evolve in the hearing that we held on this bill here in the chambers and I think, at this point in time, the Legislature should proceed with a certain amount of caution in this area until we get more experience.

So, I will agree with Senator Monroe that this legislation is more or less minimal at this point in time, but frankly that is as it should be. I think it is proper procedure, as far as the Legislature is concerned, to actually have some experience under this law for a few years. In the future we will be in a better position to assess some things that I know teachers and firemen and other people would like to see written into this act.

The bill is a completely defensible piece of legislation. It does do the important thing that Senator Gibson mentioned. It establishes, for the first time, a legal channel of communication, and I think the time has come when the State of Nevada needs to do this.

Roll call on Senate Bill No. 87:

YEAS—18.
NAYS—Monroe.
Absent—Harris.

Senate Bill No. 87 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 155.
Bill read third time.
Remarks by Senator Pozzi.
Roll call on Senate Bill No. 155:

YEAS—19.
NAYS—None.
Absent—Harris.

Senate Bill No. 155 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 523.
Bill read third time.
Roll call on Senate Bill No. 523:

YEAS—19.
NAYS—None.
Absent—Harris.

Senate Bill No. 523 having received a constitutional majority, Mr. President pro Tempore declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 91.
Bill read third time.
Roll call on Assembly Bill No. 91:

YEAS—18.
NAYS—None.
Absent—Farr, Harris—2.

Assembly Bill No. 91 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 166.
Bill read third time.
Roll call on Assembly Bill No. 166:

YEAS—18.
NAYS—None.
Absent—Harris, Swobe—2.

Assembly Bill No. 166 having received a constitutional majority, Mr. President pro Tempore declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 191.
Bill read third time.
Roll call on Assembly Bill No. 191:

YEAS—17.
NAYS—None.
Absent—Harris, Swobe, Young—3.

Assembly Bill No. 191 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

MINUTES OF COMMITTEE ON GOVERNMENT AFFAIRS MEETING MARCH 10, 1969
55TH LEGISLATIVE SESSION

Present: Smith, Hilbrecht, Lingenfelter, Branch, Bryan Hafen, Mello, Dini and Getto

Absent: Wood

The following interested persons were in attendance:

Washoe County Commissioners: Leo F. Sauer
J. C. McKenzie
Jack Cunningham
Joe Coppa
Washoe County Sheriff C. W. Young
Washoe County Treasurer C. W. Malone
Washoe County Clerk H. K. Brown
Washoe County Auditor-Recorder Don Questa
Washoe County Manager C. B. Kinnison
Washoe County Assessor Don Peckham
Washoe County District Attorney William J. Raggio
(Called before committee from Judiciary Committee Meeting)
James T. Butler, Nevada State Education Association
I. R. Rennie Ashleman, Federated Firefighters
Keith J. Henrikson, Federated Firefighters of Nevada
Robert D. Charlebois, American Arbitration Association, Regional Mgr.
Curt Blyth, Nevada Municipal Association
Washoe County Assemblyman Randall Capurro
Jeff Springmeyer, Representative, Ormsby County Cemetery District
Clayton H. Gill, Commissioner of Negotiations, Clark County Classroom Teachers' Association
Larry Arp, Clark County Teacher

Chairman Hal Smith announced that inasmuch as there was such a large delegation from Washoe County present that the first order of business would be consideration of AB 595 which increases compensation for Washoe County officers. He called upon the Chairman of the Washoe County Commissioners Jack Cunningham.

Mr. Cunningham said that they were again before the committee to request aid and assistance in the matter of salaries. He stated that the last bill to implement salaries for elected officials in Washoe County was in 1963. He said that there was a situation especially in the larger counties where the salaries of elected officials remain fixed whereas the appointed officials are allowed periodic increases in keeping with the changes and rises in the cost of living. Elected officials have to come to the legislature. AB 595 is indicated as a bill which would allow the county commissioners to adjust salaries within specified minimal and maximum limits. Mr. Cunningham said that this bill was in line with one which was being introduced from Clark County

Chairman Smith advised Mr. Cunningham that there is being introduced in the Senate a proposal calling for a constiutional change which will provide for the authority of county commissioners to set the salaries of elected officials. It was developed that that change would require about five years before becoming effective.

asked by Assemblyman Lingenfelter, Mr. Raggio advised that his lowest assistants are paid $11,500 and range upward to $19.500 maximum. It was asserted that his office has difficulty filling vacancies and that there were not any substantital waiting lists.

Chairman Smith apprised Mr. Raggio of the fact that AB 595 had by action of the committee been referred back for revamping and that a sub-committee consisting of Lingenfelter, Mello and Hilbrecht had been designated to work with the Washoe Delegation. Assemblymen Lingenfelter and Hilbrecht requested Mr. Raggio to furnish the sub-committee with statistics covering the actual salaries and suggested "private-practice removal" incentives that would be necessary. This was agreed to be done and Mr. Raggio said he would attempt to have the information requested by the early part of next week.

District Attorney Raggio was asked what he felt with regard to the Sheriff being placed on straight salary and removed from the commission fee reimbursement. Mr. Raggio said he felt the Sheriff should be placed on a salary basis.

Mr. Raggio was thanked for his presentation and excused from the meeting.

Mr. Clayton Gill then introduced Mr. Larry Arp a Clark County Classroom Teacher to continue the presentation on AB 127.

Mr. Arp said that the reason this bill is so important is that it would help lay the type of groundwork needed to improve the general educational climate between the schools and teachers. He repeated the presentation of those others who appeared before the committee with regard to teacher's desire to participate in the formulation of the education programs, the establishment of negotiation channels of communication, and the recogniztion of the teacher as a professional who could aid. It was developed that in the entire educational structure negotiation is in a limited sense continual and these processes would not in Mr. Gill and Mr. Arp's opinion lead to a chaotic structure wherein education would be drowned in a sea of negotiations.

Discussion followed in which the committee outlined that in every structure the definitive roles of each member must be recognized and all "Indians cannot be Chiefs". SB 87 was discussed for its acceptable points and again the teachers desire for separate notice for the purpose of negotiation was emphasized.

Assemblyman Dini asked whether the teachers wished to entirely circumvent the school boards. The reply was that they did not but wished a process of better negotiation and participation.

Mr. James Butler reviewed the presentation he made previously in the joint hearing and added some specific instances in this state wherein negotiations would prove effective in preventing foreseeable damage occuring within the system.

Chairman Smith recognized that Mr. Gill and Mr. Arp had to make travel connections and thanked them for their presentation. He particularly thanked them for presenting their agreement for

the committee's consideration.

Mr. Butler emphasized the value of exclusive recognition in negotiations and how this process places organizational responsibility.

Mr. I. R. Ashleman of the Firefighters Federation submitted a very detailed analysis of SB 87 to the committee and this report is made a part of these minutes. He advised the committee that the bill supported by the Firefighters was being introduced in the Senate March 12. He also reviewed his statements in the previous hearing and stressed the value of arbitration procedures.

Mr. Robert Charlebois, Regional Manager, American Arbitration Association introduced himself to the committee and asked to make a presentation. He said he was present largely in connection with pending legislation in connection with the arbitration statute which is being updated and made to follow the model uniform statute. He said that as an arbitrator he felt that much of the language contained in the Dodge Bill SB 87 could be removed in favor of the uniform statute that is pending. The term "fact finding" actually is provided for in the statute and he suggested the committee look to these possibilities. He submitted the Voluntary Labor Arbitration Rules of the American Arbitration Association to the committee. These have been copies and made a part of these minutes.

The committee was able to question Mr. Charlebois on the various costs of voluntary arbitration procedures. He was thanked for his presentation and Chairman Smith assured him that he would be notified when the committee plans to hear the revised statute on arbitration.

Chairman Smith said that the committee would hear jointly with the Senate all of the air pollution bills tomorrow, Tuesday, at 2:00 p.m. in the Senate Chambers.

Assemblyman Hilbrecht stated he had prepared an amendment for AB 282 which clarify the "insubstantial" wording. In subsection 2, line 18 should read: "Whenever a project is sufficiently completed to be placed into service and a portion of the contract work not exceeding five percent of the total price of the contract" etc.

Getto moved Do Pass AB 282 as amended.
Lingenfelter seconded.
Motion unanimously passed.

It was noted that the amendment to SB 43 had been prepared.

Getto moved Do Pass SB 43 as amended.
Motion seconded.
Motion unanimously passed.

SJR 12 which urges Congress to refrain from interfering in state administration of welfare programs was discussed.

Hilbrecht moved Do Pass SJR 12.
Motion seconded.
Motion unanimously passed.

HARRY J. MANGRUM, JR.

I. R. ASHLEMAN, II
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March 6, 1969

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Honorable Carl Dodge
Nevada State Senator
State Capitol Building
Carson City, Nevada

Dear Senator Dodge:

It was a real pleasure meeting and conferring with you on your bill, SB 87. In response to your request, I reduced my remarks to writing. At your suggestion, I am also furnishing copies of this memo to other members of the Legislature.

1. Let me begin by suggesting that since you already have provisions for mediation and fact finding, a provision for arbitration either voluntary or when the board felt it was in the public interest, might be a very useful addition to your bill. Arbitration, I might add, as you know, does not necessarily mean a loss of discretion. The parties can, or the board could, under appropriate legislation, narrow the issues so that only the impasse issues would be submitted. The arbitrator could be further limited by guidelines. Such guidelines could be that hours may not be increased, or that source of tax funds must be considered, etc.

2. Let me again impress upon you the necessity for making it clear that the parties could negotiate upon a grievance proceeding. The grievance procedure in my judgment has contributed more to industrial democracy and stable labor relations than any other single device of good labor relations. It allows for adjustment of normally petty matters inexpensively and before they reach a danger point. It also makes certain that problems are handled at the proper level; initially through an informal meeting of the immediate superior involved and the employees involved. From there you go up through the chain exhausting the various levels of command.

3. Another matter of great importance is that found in your Section 12 in the last sentence under 1. I think that "local government employee" should be changed to "department head" since in the police and fire services relatively low level employees are technically supervisors even though

they do not, in fact, control matters of substantive policy.

4. Another area of concern would be that apparently under the Dodge Bill minority groups who did not represent majority of a given unit, could negotiate, and it is perhaps open to argument that more than one employee organization could be negotiating on matters in the same department or unit. This system has been used by the federal government under Executive Order 10988. It has caused a great deal of chaos, conflicting demands and virtually all parties concerned, heartily wish that it did not exist. Candidly, I might say that the unions do not object as much as management. In this instance, management, I feel, is correct.

5. Another section that I do not particularly object to, but feel it unnecessary, is your detailed delineation of fact findings, subpoenas, enforcement of hearings and so on. It has been my personal experience that the interest of the parties, causes them to come forward with the evidence, if any. The board, mediator, arbitrator or fact finding panel need only allude to the drawing of adverse inference if witnesses are not produced to gain desired information.

6. As to your penalty sections, I would question the constitutionality as well as the desirability of forfeiture of retirement contributions, and Teachers Certificates. As to withholding all or any part of salary or wages, I would suggest language such as "except previously earned", which might help clarify the constitutional question.

7. I think that lowering the fine to $10,000 for organizations and $100 for officers would render your bill a great deal more palatable to labor organizations without in any manner diluting the necessary power to deal with the situation. Undesirable as a public strike might be, it is still not an original sin. A public employee who is convicted of murder or, for that matter, treason, does not so far as I know, forfeit his retirement contributions, etc. I am sure that you are aware that under the New York Taylor Act, the attempt to exact extraordinary penalties has met with abysmal failure.

As a general remark to the prevention of strikes, I reiterate that compulsive arbitration or creating the power of a board to order arbitration where public necessity requires it, will, as a practical matter, obviate a strike threat. Public employees are often of the view that if no one will hear their plea they have no alternative but to strike. I know of no instance of a strike occurring in the face of an arbitration award, however unpalatable such award might be to the parties. Arbitration

is nearly the only device in labor relations which frightens labor and management equally, and therefore, leads them to voluntarily compose their differences before things get that far.

8. Certain other problems in your bill come under the heading of minor language changes. In Section 8 at subsection 2, the "2" should be changed to a "C" so that the word "concerted" applies. Otherwise, a feigned illness to cover up an employees pecadillo such as the desire to go fishing, would be grounds for a discharge. I am sure the committee does not intend that result.

9. In section 9, at Article 2, it should be made clear that individual employee representation is permitted so long as the Union is notified of the result, and given an opportunity to attend any hearings and so long as the individual bargaining may not be in derogation of contractual rights. Any other approach leads to either frivolous complaints to management that most responsible labor unions would not process; multiple bargaining situations discussed above, or speedy destruction of the benefits of any previous agreement between the parties. The Governor's bill in the private sector contains language protecting the individual employee as does the National Labor Relations Act. I am sure that Frank Daykin can furnish you with a copy of both.

10. In Section 10, at subsection 1, you use the words "physical condition of employment". I think of course, you are trying to protect the local government from bargaining over policy matters. It seems to me that the appropriate language could be put in your Rights clause, Section 10, at subsection 2, to protect that situation. I believe that the use of the word "physical" is a litigation breeder. The classical language used is "conditions of employment". This term has been well defined by the courts previously.

11. Section 10, at subsection 2(b) should be modified to make it clear that grievance procedures are permitted as previously discussed.

12. Section 11, at subsection 2, may lead to litigation. I think "cause" should be defined in terms of a strike or that this power should be given to your board with the requirement that they publish what "cause" means, after following the procedures of Nevada's Administrative Procedures Act. (NRS 233(b)). I would suggest that in addition to your recognition procedures, you adopt language similar to that which the Firemen used in their bill, providing for elections. Another good source of workable language would be that found in the Governor's bill on private employee bargaining. I do not feel the unions need

the election provision, but in the interests of democracy it should be provided. I believe that without these procedures there is some danger of irresponsible individuals gaining power in the unions. I would also like to suggest that the Secretary of Labor or some other party experienced in these matters, be made a non-voting secretary of your board so that the entire board is not required to convene to do leg work.

13. In the interests of clarity, at all points where you provide for a hearing, you should specify Chapter 233(b). In all places where you provide for judicial review you should specify Chapters 233.130 to 233.150.

14. Finally, might I comment that your phrase under Section 11, at subsection 3, allowing board decisions to be binding upon the local government, is indicative of recognition that the principal of arbitration is not, per se, repugnant to you. Your language, in effect, allows arbitration upon the limited issue of employee organization. If you think that the permanent board approach is more palatable as an approach to arbitration, I am sure we could work out some language to cover the situation.

15. You have heard my comments on the firemen's bill, so I will not repeat them. I will not comment on the teacher's bill because I do not feel there is any real sentiment in the legislature for its passage. However, I do want to make it clear that we do not wish to encourage striking and we do not wish to influence substantive policy matters.

16. I have a copy of the Nevada Public Employment Relations Act dated 1/16/69 which is the unofficial proposal of a minority of city officials. On page 3, it defines "administrative employee". I would feel better about this definition if I knew whether or not it included a fire captain.

17. On page 8, Section 000.090, at subsection 1, I would object to the designated officers as being members of the commission. I would prefer your method of designation. In Section 3(a) on the same page, I believe it is necessary to use the language in the firemen's bill to provide the framework for deciding units. (Previous history, etc.).

18. On page 9, under "K" where certain powers are delegated, I think an appeal to the full board should be made available.

19. My previous comments as to the appropriate definition of a unit, applies to page 10, Section 000.101, subsection "A".

20. At page 13F, my previous comments as to the desirability of

compulsory arbitration would apply.

Again, I want to congratulate you on your leadership in this matter and recognition that something should be done in this area. I am looking forward to seeing you at the committee hearings.

Sincerely,

I.R. ASHLEMAN

IRA:cb

VOLUNTARY LABOR ARBITRATION RULES

of the

AMERICAN ARBITRATION ASSOCIATION

as amended and in effect February 1, 1965

AMERICAN ARBITRATION ASSOCIATION
140 West 51st Street New York, N. Y. 10020

AMERICAN ARBITRATION ASSOCIATION
VOLUNTARY LABOR ARBITRATION RULES

1. Agreement of Parties—The parties shall be deemed to have made these Rules a part of their arbitration agreement whenever, in a collective bargaining agreement or submission, they have provided for arbitration by the American Arbitration Association (hereinafter AAA) or under its Rules. These Rules shall apply in the form obtaining at the time the arbitration is initiated.

2. Name of Tribunal—Any Tribunal constituted by the parties under these Rules shall be called the Voluntary Labor Arbitration Tribunal.

3. Administrator—When parties agree to arbitrate under these Rules and an arbitration is instituted thereunder, they thereby authorize the AAA to administer the arbitration. The authority and obligations of the Administrator are as provided in the agreement of the parties and in these Rules.

4. Delegation of Duties—The duties of the AAA may be carried out through such representatives or committees as the AAA may direct.

5. National Panel of Labor Arbitrators—The AAA shall establish and maintain a National Panel of Labor Arbitrators and shall appoint arbitrators therefrom, as hereinafter provided.

6. Office of Tribunal—The general office of the Labor Arbitration Tribunal is the headquarters of the AAA, which may, however, assign the administration of an arbitration to any of its Regional Offices.

7. Initiation Under an Arbitration Clause in a Collective Bargaining Agreement—Arbitration under an arbitration clause in a collective bargaining agreement under these Rules may be initiated by either party in the following manner:

(a) By giving written notice to the other party of intention to arbitrate (Demand), which notice shall contain a statement setting forth the nature of the dispute and the remedy sought, and

(b) By filing at any Regional Office of the AAA two copies of said notice, together with a copy of the collective bargaining agreement, or such parts thereof as relate to the dispute, including the arbitration provisions. After the Arbitrator is appointed, no new or different claim may be submitted to him except with the consent of the Arbitrator and all other parties.

8. Answer—The party upon whom the demand for arbitration is made may file an answering statement with the AAA within seven days after notice from the AAA, in which event he shall simultaneously send a copy of his answer to the other party. If no answer is filed within the stated time, it will be assumed that the claim is denied. Failure to file an answer shall not operate to delay the arbitration.

9. Initiation under a Submission—Parties to any collective bargaining agreement may initiate an arbitration under these Rules by filing at any Regional Office of the AAA two copies of a written agreement to arbitrate under these Rules (Submission), signed by the parties

and setting forth the nature of the dispute and the remedy sought.

10. Fixing of Locale—The parties may mutually agree upon the locale where the arbitration is to be held. If the locale is not designated in the collective bargaining agreement or submission, and if there is a dispute as to the appropriate locale, the AAA shall have the power to determine the locale and its decision shall be binding.

11. Qualifications of Arbitrator—No person shall serve as a neutral Arbitrator in any arbitration in which he has any financial or personal interest in the result of the arbitration, unless the parties, in writing, waive such disqualification.

12. Appointment from Panel—If the parties have not appointed an Arbitrator and have not provided any other method of appointment, the Arbitrator shall be appointed in the following manner: Immediately after the filing of the Demand or Submission, the AAA shall submit simultaneously to each party an identical list of names of persons chosen from the Labor Panel. Each party shall have seven days from the mailing date in which to cross off any names to which he objects, number the remaining names indicating the order of his preference, and return the list to the AAA. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of an Arbitrator to serve. If the parties fail to agree upon any of the persons named or if those named decline or are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the Administrator shall have power to make the appointment from other members of the Panel without the submission of any additional lists.

13. Direct Appointment by Parties—If the agreement of the parties names an Arbitrator or specifies a method of appointing an Arbitrator, that designation or method shall be followed. The notice of appointment, with the name and address of such Arbitrator, shall be filed with the AAA by the appointing party.

If the agreement specifies a period of time within which an Arbitrator shall be appointed, and any party fails to make such appointment within that period, the AAA may make the appointment.

If no period of time is specified in the agreement, the AAA shall notify the parties to make the appointment and if within seven days thereafter such Arbitrator has not been so appointed, the AAA shall make the appointment.

14. Appointment of Neutral Arbitrator by Party-Appointed Arbitrators—If the parties have appointed their Arbitrators, or if either or both of them have been appointed as provided in Section 13, and have authorized such Arbitrators to appoint a neutral Arbitrator within a specified time and no appointment is made within such time or any agreed extension thereof, the AAA may appoint a neutral Arbitrator, who shall act as Chairman.

If no period of time is specified for appointment of the neutral Arbitrator and the parties do not make the appointment within seven days from the date of the

appointment of the last party-appointed Arbitrator, the AAA shall appoint such neutral Arbitrator, who shall act as Chairman.

If the parties have agreed that the Arbitrators shall appoint the neutral Arbitrator from the Panel, the AAA shall furnish to the party-appointed Arbitrators, in the manner prescribed in Section 12, a list selected from the Panel, and the appointment of the neutral Arbitrator shall be made as prescribed in such Section.

15. Number of Arbitrators—If the arbitration agreement does not specify the number of Arbitrators, the dispute shall be heard and determined by one Arbitrator, unless the parties otherwise agree.

16. Notice to Arbitrator of His Appointment—Notice of the appointment of the neutral Arbitrator shall be mailed to the Arbitrator by the AAA and the signed acceptance of the Arbitrator shall be filed with the AAA prior to the opening of the first hearing.

17. Disclosure by Arbitrator of Disqualification—Prior to accepting his appointment, the prospective neutral Arbitrator shall disclose any circumstances likely to create a presumption of bias or which he believes might disqualify him as an impartial Arbitrator. Upon receipt of such information, the AAA shall immediately disclose it to the parties. If either party declines to waive the presumptive disqualification, the vacancy thus created shall be filled in accordance with the applicable provisions of these Rules.

18. Vacancies—If any Arbitrator should resign, die, withdraw, refuse or be unable or disqualified to perform the duties of his office, the AAA shall, on proof satisfactory to it, declare the ofice vacant. Vacancies shall be filled in the same manner as that governing the making of the original appointment, and the matter shall be reheard by the new Arbitrator.

19. Time and Place of Hearing—The Arbitrator shall fix the time and place for each hearing. At least five days prior thereto the AAA shall mail notice of the time and place of hearing to each party, unless the parties otherwise agree.

20. Representation by Counsel—Any party may be represented at the hearing by counsel or by other authorized representative.

21. Stenographic Record—The AAA will make the necessary arrangements for the taking of an official stenographic record of the testimony whenever such record is requested by one or more parties. The requesting party or parties shall pay the cost of such record directly to the reporting agency in accordance with their agreement.

22. Attendance at Hearings—Persons having a direct interest in the arbitration are entitled to attend hearings. The Arbitrator shall have the power to require the retirement of any witness or witnesses during the testimony of other witnesses. It shall be discretionary with the Arbitrator to determine the propriety of the attendance of any other persons.

23. Adjournments—The Arbitrator for good cause shown may adjourn the hearing upon the request of a party or upon his own initiative, and shall adjourn when all the parties agree thereto.

24. Oaths—Before proceeding with the first hearing, each Arbitrator may take an Oath of Office, and if required by law, shall do so. The Arbitrator may, in his discretion, require witnesses to testify under oath administered by any duly qualified person, and if required by law or requested by either party, shall do so.

25. Majority Decision—Whenever there is more than one Arbitrator, all decisions of the Arbitrators shall be by majority vote. The award shall also be made by majority vote unless the concurrence of all is expressly required.

26. Order of Proceedings—A hearing shall be opened by the filing of the oath of the Arbitrator, where required, and by the recording of the place, time and date of hearing, the presence of the Arbitrator and parties, and counsel if any, and the receipt by the Arbitrator of the Demand and answer, if any, or the Submission.

Exhibits, when offered by either party, may be received in evidence by the Arbitrator. The names and addresses of all witnesses and exhibits in order received shall be made a part of the record.

The Arbitrator may, in his discretion, vary the normal procedure under which the initiating party first presents his claim, but in any case shall afford full and equal opportunity to all parties for presentation of relevant proofs.

27. Arbitration in the Absence of a Party—Unless the law provides to the contrary, the arbitration may proceed in the absence of any party, who, after due notice, fails to be present or fails to obtain an adjournment. An award shall not be made solely on the default of a party. The Arbitrator shall require the other party to submit such evidence as he may require for the making of an award.

28. Evidence—The parties may offer such evidence as they desire and shall produce such additional evidence as the Arbitrator may deem necessary to an understanding and determination of the dispute. When the Arbitrator is authorized by law to subpoena witnesses and documents, he may do so upon his own initiative or upon the request of any party. The Arbitrator shall be the judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all of the Arbitrators and all of the parties except where any of the parties is absent in default or has waived his right to be present.

29. Evidence by Affidavit and Filing of Documents—The Arbitrator may receive and consider the evidence of witnesses by affidavit, but shall give it only such weight as he deems proper after consideration of any objections made to its admission.

All documents not filed with the Arbitrator at the hearing but which are arranged at the hearing or subsequently by agreement of the parties to be submitted, shall be filed with the AAA for transmission to the Arbitrator. All parties shall be afforded opportunity to examine such documents.

30. Inspection—Whenever the Arbitrator deems it necessary, he may make an inspection in connection with the subject matter of the dispute after written notice to the parties who may, if they so desire, be present at such inspection.

31. Closing of Hearings—The Arbitrator shall inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the Arbitrator shall declare the hearings closed and a minute thereof shall be recorded. If briefs or other documents are to be filed, the hearings shall be declared closed as of the final date set by the Arbitrator for filing with the AAA. The time limit within which the Arbitrator is required to make his award shall commence to run, in the absence of other agreement by the parties, upon the closing of the hearings.

32. Reopening of Hearings—The hearings may be reopened by the Arbitrator on his own motion, or on the motion of either party, for good cause shown, at any time before the award is made, but if the reopening of the hearing would prevent the making of the award within the specific time agreed upon by the parties in the contract out of which the controversy has arisen, the matter may not be reopened, unless both parties agree upon the extension of such time limit. When no specific date is fixed in the contract, the Arbitrator may reopen the hearings, and the Arbitrator shall have 30 days from the closing of the reopened hearings within which to make an award.

33. Waiver of Rules—Any party who proceeds with the arbitration after knowledge that any provision or requirement of these Rules has not been complied with and who fails to state his objection thereto in writing, shall be deemed to have waived his right to object.

34. Waiver of Oral Hearing—The parties may provide, by written agreement, for the waiver of oral hearings. If the parties are unable to agree as to the procedure, the AAA shall specify a fair and equitable procedure.

35. Extensions of Time—The parties may modify any period of time by mutual agreement. The AAA for good cause may extend any period of time established by these Rules, except the time for making the award. The AAA shall notify the parties of any such extension of time and its reason therefor.

36. Serving of Notices—Each party to a Submission or other agreement which provides for arbitration under these Rules shall be deemed to have consented and shall consent that any papers, notices or process necessary or proper for the initiation or continuation of an arbitration under these Rules and for any court action in connection therewith or the entry of judgment on an award made thereunder, may be served upon such party (a) by mail addressed to such party or his attorney at his last known address, or (b) by personal service, within or without the state wherein the arbitration is to be held.

37. Time of Award—The award shall be rendered promptly by the Arbitrator and, unless otherwise agreed by the parties, or specified by the law, not later than thirty days from the date of closing the hearings, or if oral hearings have been waived, then from the date of transmitting the final statements and proofs to the Arbitrator.

38. Form of Award—The award shall be in writing and shall be signed either by the neutral Arbitrator or by a concurring majority if there be more than one Arbitrator. The parties shall advise the AAA whenever

do not require the Arbitrator to accompany the award with an opinion.

39. Award Upon Settlement—If the parties settle their dispute during the course of the arbitration, the Arbitrator, upon their request, may set forth the terms of the agreed settlement in an award.

40. Delivery of Award to Parties—Parties shall accept as legal delivery of the award the placing of the award or a true copy thereof in the mail by the AAA, addressed to such party at his last known address or to his attorney, or personal service of the award, or the filing of the award in any manner which may be prescribed by law.

41. Release of Documents for Judicial Proceedings—The AAA shall, upon the written request of a party, furnish to such party at his expense certified facsimiles of any papers in the AAA's possession that may be required in judicial proceedings relating to the arbitration.

42. Judicial Proceedings—The AAA is not a necessary party in judicial proceedings relating to the arbitration.

43. Administrative Fee—As a nonprofit organization, the AAA shall prescribe an administrative fee schedule to compensate it for the cost of providing administrative services. The schedule in effect at the time of filing shall be applicable.

44. Expenses—The expenses of witnesses for either side shall be paid by the party producing such witnesses.

Expenses of the arbitration, other than the cost of the stenographic record, including required traveling and other expenses of the Arbitrator and of AAA representatives, and the expenses of any witnesses or the cost of any proofs produced at the direct request of the Arbitrator, shall be borne equally by the parties unless they agree otherwise, or unless the Arbitrator in his award assesses such expenses or any part thereof against any specified party or parties.

45. Communication with Arbitrator—There shall be no communication between the parties and a neutral Arbitrator other than at oral hearings. Any other oral or written communications from the parties to the Arbitrator shall be directed to the AAA for transmittal to the Arbitrator.

46. Interpretation and Application of Rules—The Arbitrator shall interpret and apply these Rules insofar as they relate to his powers and duties. When there is more than one Arbitrator and a difference arises among them concerning the meaning or application of any such Rules, it shall be decided by majority vote. If that is unobtainable, either Arbitrator or party may refer the question to the AAA for final decision. All other Rules shall be interpreted and applied by the AAA.

ADMINISTRATIVE FEE SCHEDULE

Initial Administrative Fee: The initial administrative fee is $30.00 for each party, due and payable at the time of filing.

Expense Adjustment: An additional fee of $3.00 is also payable by each party. This expense adjustment is to reimburse the AAA for postage and telephone expenses.

Additional Hearings: A fee of $30.00 is payable by each party for each second and subsequent hearing which is either clerked by the AAA or held in a hearing room provided by the AAA.

Postponement Fees: A fee of $5.00 is payable by a party causing a postponement of any scheduled hearing.

Overtime: A fee of $3.00 per hour is payable by each party for hearings held on Saturdays, legal holidays, or after 6 P.M. on weekdays, provided these hearings are either clerked by the AAA or held in a hearing room provided by the AAA.

REGIONAL MANAGERS AND REPRESENTATIVES

BOSTON, John W. Church • 44 School Street
CHARLOTTE, J. B. Shatzer • Bough Building
CHICAGO, Allen K. Miller • 140 South Dearborn Street
CINCINNATI, Phillip E. Vutech • 543 Carew Tower
CLEVELAND, Warren L. Taylor • 2800 Euclid Avenue
DALLAS, Helmut O. Wolff • 1607 Main Street
DENVER, Frank Plaut • 7130 West 14th Avenue, Lakewood
DETROIT, Mrs. L. P. Herrscher • 1064 Penobscot Building
HARTFORD, J. Robert Haskell • 37 Lewis Street
LOS ANGELES, Tom Stevens • 2333 Beverly Boulevard
MIAMI, Edward A. DeGross • 2451 Brickell Avenue
NEW YORK, Michael F. Hoellering • 140 West 51st Street
PHILADELPHIA, Arthur R. Mehr • 1414 Lewis Tower Building
PITTSBURGH, John F. Schano • One Gateway Center
SAN FRANCISCO, Robert D. Charlebois • 351 California Street
SEATTLE, Robert J. Ahern • 1411 Fourth Avenue Building
SYRACUSE, Robert G. Bowling • 731 James Street
WASHINGTON, Brackley Shaw • 910 17th Street, N.W.

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MINUTES OF COMMITTEE ON GOVERNMENT AFFAIRS, 55TH ASSEMBLY SESSION, APRIL 14, 1969

Present: Smith, Getto, Dini, Hilbrecht, Lingenfelter, Branch, Bryan Hafen

Chairman Smith called the meeting to order.

AB 792 requires creation of special committee to study local government problems in Clark County.

Assemblyman Hilbrecht moved Do Pass AB 792.
Branch seconded.
Motion unanimously passed.

The committee then spent the rest of the meeting going over the amendments to SB 87. Mr. Keith Hendricks of the Firefighters Association and Mr. James Butler of the Nevada State Education Association presented amendments to SB 87 which if adopted would make the bill acceptable to those groups without further consideration of AB 127.

Each set of proposed amendments was discussed and the language was adjusted into a revised set. It was agreed to prepare copies of the bill as amended for further consideration.

Bills referred to the committee April 11, 1969:

AB 788 - Committee - Prohibits incorporation of new cities in Clark County without approval of Legislature.

April 12, 1969:

AB 790 - Provides that unexpended moneys appropriated to Bureau of Environmental Health be used to study concentrations of arsenic in public water supplies.

April 14, 1969:

AB 792 given Do Pass in meeting same date. See above.

MINUTES OF MEETING ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS, 55TH LEGISLATIVE SESSION, APRIL 15, 1969

Present: Smith, Hilbrecht, Dini, Mello, Getto, Branch, Lingenfelter, and Bryan Hafen.
Absent: Wood.

Chairman Smith said that he had received some objections from Dr. Adams of Clark County with reference to SB 87 which regulates relations between local governments and employees and prohibits strikes in public employment.

The committee went over the objections and found that the amendments being considered would clarify those objections. The bill was discussed further with Mr. James Butler of the Nevada State Education Association and Assemblyman Hilbrecht's proposal to insert additional language directing the board to hold an election or to allow withdrawal was considered. It was developed that this would make the bill more acceptable and Mr. Frank Daykin of the Legislative Counsel agreed to draw an additional amendment.

Two BDR's 48-2028 and 48-2027 were discussed with Mr. Daykin as countermeasures to assure passage by the State of California of the California-Nevada Interstate Water Compact. After detailed discussion of the two proposals the committee agreed to withhold action pending further consideration.

SJR 25 introduced by Senator Farr urges Nevada congressional delegation to support certain Student Speakers Contest.

Lingenfelter moved SJR 25 be indefinitely postponed.
Dini seconded.
Motion passed over objection of Getto.

SB 458 which raises amount and adds purposes for which check may be drawn on school district Revolving Cash Fund was discussed and the committee indicated the bill was too broad.

SB 493 which would allow Jackpot to issue bonds and establish a golf course was discussed.

Hilbrecht moved Do Pass SB 493.
Lingenfelter seconded.
Motion unanimously passed.

SB 252 clarifies that Local Government Purchasing Act does not apply to the sale or purchase of real property.

Hilbrecht moved Do Pass SB 252.
Bracnh seconded.
Motion unanimously passed.

Getto moved SB 458 be indefinitely postponed.
Lingenfelter seconded.
Motion unanimously passed.

Meeting adjourned.

MINUTES OF MEETING ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS, 55TH ASSEMBLY SESSION, APRIL 16, 1969:

Present: Smith, Hilbrecht, Dini, Mello, Getto, Branch, Bryan Hafen, and Lingenfelter.
Absent: Wood.

Chairman Smith opened the meeting and Assemblyman Lingenfelter asked for consideration of SB 495 which creates the historic district commission for Virginia City.

Chairman Smith said that the bill had an amendment drawn by Assemblyman Swackhammer which he read to the committee. The intent of the amendment is to protect the development of mining claims or ventures against any historic projects' interference.

Getto moved Do Pass SB 495 as amended.
Dini seconded.
Motion unanimously passed.

As set of suggested amendments to SB 87 regulating relations between local governments and employees submitted by Regional Manager Robert D. Charlebois of the American Arbitration Association were considered.

Hilbrecht moved SB 87 Do Pass as presently amended by the committee.
Brach seconded.
Motion unanimously passed.

SB 354 which increases interest rates on municipal bonds was considered. Mr. Frank Daykin of the Legislative Counsel told the committee that the conflicts of SB 354 with SB 152 and SB 318 were technical in nature and could be easily resolved.

Assemblyman Hilbrecht asked Mr. Daykin to explain SB 152 which revises laws pertaining to public securities.

Mr. Daykin said that the bill was intended as a housekeeping measure to bring the statutes into conformity with each other as regards bonding procedures. The bill was drawn by bonding counsel after a through overhaul of the statutes. No bonding authority is given and none is withdrawn but it cleans up competitive language. Mr. Daykin said that he thought it was good legislation.

Getto moved Do Pass SB 354.
Dini seconded.
Motion passed.

Getto moved Do Pass SB 152.
Branch seconded.
Motion passed.

Chairman Smith and Assemblyman Hilbrecht were out of the meeting and the Chair was handled by Assemblyman Lingenfelter on the above actions.

SB 188 which authorizes appeals by demoted state employees was introduced in the Senate by Senator Pozzi to take care of situations

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where a demoted employee could have recourse to appeal procedures. Mr. Daykin said that at the present time the personnel system does provide for appeals from dismissal actions but that no avenue is open to an employee who is demoted.

Lingenfelter moved Do Pass SB 188.
Motion seconded.
Motion unanimously passed.

Chairman Smith on resuming the Chair told the committee upon learning that they had given SB 152 a Do Pass that he and Chairman Gibson of the Senate Committee had reviewed that bill in detail and showed the members the complete dossier that had been provided by the legislative counsel. He assured the members that the bill had not changed existing statutes.

SB 480 would allow the City of Ely to acquire the electric power system by issuing bonds to acquire, improve and equip the same. Assemblyman Getto said he opposed the philosophy of a public entity taking over a private enterprise. Mr. Daykin advised that if the bonds were revenue bonds the city could proceed without going to the electorate. However, if general obligation bonds are sought as a means then voter approval would be required.

Lingenfelter moved Do Pass SB 480.
Getto seconded.
Motion unamimously passed.

SB 506 would allow the sale and exchange of county property under certain circumstances. Mr. Daykin said that a bill had been passed allowing the county to return donated lands to the donor if all of the donated land were not utilized. This bill would allow other sale or exchange in the event the donor were deceased or refused to accept the return.

Hilbrecht moved Do Pass SB 506.
Getto seconded.
Motion unanimously passed.

Motion for adjournment was passed.

ASSEMBLY IN SESSION

At 3:59 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 87.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 2400.

Amend sec. 8, page 2, line 1, by deleting "1."

Amend sec. 8, page 2, line 2, by deleting "(a)" and inserting "1."

Amend sec. 8, page 2, line 3, by deleting "or" after the semicolon.

Amend sec. 8, page 2, by inserting between lines 3 and 4:

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

Amend sec. 8, page 2, line 4, by deleting "(b)" and inserting "3."

Amend sec. 8, page 2, by deleting lines 6 through 8.

Amend sec. 9, page 2, line 18, by deleting the period and inserting: ", but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any."

Amend sec. 10, page 2, by deleting line 26 and inserting: "ditions of employment with the recognized employee organization, if any, for each".

Amend sec. 11, page 3, by deleting lines 6 through 14 and inserting:

"2. If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a negotiating unit, and if such employee organization is recognized by the local government employer, it shall be the exclusive negotiating representative of the local government employees in that negotiating unit.

3. A local government employer may withdraw recognition from an employee organization which:

(a) Fails to present a copy of each change in its constitution or bylaws, if any, or to give notice of any change in the roster of its officers, if any, and representatives;

(b) Disavows its pledge not to strike against the local government employer under any circumstances; or

(c) Ceases to be supported by a majority of the local government employees in the negotiating unit for which it is recognized.

4. If an employee organization is aggrieved by the refusal or withdrawal of recognition, or by the recognition or refusal to withdraw recognition of another employee organization, the aggrieved employee organization may appeal to the board. If the board in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular negotiating unit, it may conduct an election by secret ballot upon the question. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved."

Amend sec. 12, page 3, by deleting lines 26 through 29 and inserting: "district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate negotiating unit."

Amend sec. 13, page 3, by deleting lines 37 and 38 and inserting: "ernment employer."

Amend sec. 15, page 4, by deleting lines 21 and 22, and inserting:

"2. The local government".

Amend sec. 15, page 4, line 27, by inserting after "parties,": "except as provided in subsection 4,".

Amend sec. 15, page 4, by inserting between lines 29 and 30:

"4. The parties to the dispute may agree, prior to the submission of the dispute to the factfinding panel, to make its decision on all or any specified issues binding upon both parties."

Mr. Hilbrecht moved the adoption of the amendment.

Remarks by Mr. Hilbrecht.

Amendment adopted.

Mr. Hilbrecht moved that the Chief Clerk be authorized to delete the word "physical" from Senate Bill No. 87, page 2, Sec. 10, line 25.

Remarks by Mr. Hilbrecht.

Motion carried.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Wood moved that Assembly Bill No. 410 be placed on the General File.

Remarks by Mr. Wood.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 410.

Bill read third time.

Remarks by Mr. Wood.

Roll call on Assembly Bill No. 410:

YEAS—31.

NAYS—None.

Absent—Ashworth, Branch, Brookman, Jacobsen, Schouweiler, Swallow, Webb, Wilson, Roy Young—9.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Smith moved that Senate Bill No. 479 be placed on the General File.

Remarks by Mr. Smith.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 479.

Bill read third time.

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT

S. B. 87

SENATE BILL NO. 87—SENATOR DODGE

JANUARY 28, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Regulates relations between local governments and employees and prohibits strikes in public employment. (BDR 23-11)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public employees; providing for recognition of and negotiation with employee organizations in certain instances; prohibiting strikes; providing penalties; making an appropriation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

SEC. 2. This chapter may be cited as the Local Government Employee-Management Relations Act.

SEC. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in such sections.

SEC. 4. "Board" means the local government employee-management relations board.

SEC. 5. "Employee organization" means any:

1. Association, brotherhood, council or federation composed of employees of the State of Nevada or local government employees or both; or

2. Craft, industrial or trade union whose membership includes employees of the State of Nevada or local government employees or both.

SEC. 6. "Local government employee" means any person employed by a local government employer.

SEC. 7. "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, irrigation districts and other special districts.

SEC. 8. "Strike" means any concerted:

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

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

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization.

SEC. 9. 1. It is the right of every local government employee, subject to the limitation provided in subsection 3, to join any employee organization of his choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself with respect to any condition of his employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

SEC. 10. 1. It is the duty of every local government employer, except as limited in subsection 2, to negotiate through a representative or representatives of its own choosing concerning wages, hours and conditions of employment with the recognized employee organization, if any, for each appropriate unit among its employees. Where any officer of a local government employer, other than a member of the governing body, is elected by the people and directs the work of any local government employee, such officer is the proper person to negotiate, directly or through a representative or representatives of his own choosing, in the first instance concerning any employee whose work is directed by him, but may refer to the governing body or its chosen representative or representatives any matter beyond the scope of his authority.

2. Each local government employer is entitled, without negotiation or reference to any agreement resulting from negotiation:

(a) To direct its employees;

(b) To hire, promote, classify, transfer, assign, retain, suspend, demote, discharge or take disciplinary action against any employee;

(c) To relieve any employee from duty because of lack of work or for any other legitimate reason;

(d) To maintain the efficiency of its governmental operations;

(e) To determine the methods, means and personnel by which its operations are to be conducted; and

(f) To take whatever actions may be necessary to carry out its responsibilities in situations of emergency.

SEC. 11. 1. An employee organization may apply to a local government employer for recognition by presenting:

(a) A copy of its constitution and bylaws, if any;

(b) A roster of its officers, if any, and representatives; and

(c) A pledge in writing not to strike against the local government employer under any circumstances.

A local government employer shall not recognize as representative of its employees any employee organization which has not adopted, in a manner valid under its own rules, the pledge required by paragraph (c).

2. If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a negotiating unit, and if such employee organization is recognized by the local government employer, it shall be the exclusive negotiating representative of the local government employees in that negotiating unit.

3. A local government employer may withdraw recognition from an employee organization which:

(a) Fails to present a copy of each change in its constitution or bylaws, if any, or to give notice of any change in the roster of its officers, if any, and representatives;

(b) Disavows its pledge not to strike against the local government employer under any circumstances; or

(c) Ceases to be supported by a majority of the local government employees in the negotiating unit for which it is recognized.

4. If an employee organization is aggrieved by the refusal or withdrawal of recognition, or by the recognition or refusal to withdraw recognition of another employee organization, the aggrieved employee organization may appeal to the board. If the board in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular negotiating unit, it may conduct an election by secret ballot upon the question. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 12. 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with such recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating purposes. The primary criterion for such determination shall be community of interest among the employees concerned. A local government department head shall not be a member of the same negotiating unit as the employees who serve under his direction. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same negotiating unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate negotiating unit.

2. If any employee organization is aggrieved by determination of a negotiating unit, it may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 13. 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to

this chapter, it shall give written notice of such desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give such notice at least 120 days before the date fixed by law for the completion of the tentative budget of the local government employer for the first period for which the required budget is to be effective.

2. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

SEC. 14. 1. The parties shall promptly commence negotiation and if at the expiration of 45 days from the date of service of the notice required by section 13 of this act the parties have not reached agreement, the parties or either of them may so notify the board, requesting mediation and explaining briefly the subject of negotiation. The board shall, within 5 days, appoint a competent, impartial and disinterested person to act as mediator in the negotiation. It is the function of such mediator to promote agreement between the parties, but his recommendations, if any, are not binding upon an employee organization or the local government employer.

2. If a mediator is appointed, the board shall fix his compensation. The local government employer shall pay one-half of the costs of mediation, and the employee organization or organizations shall pay one-half.

SEC. 15. 1. If at the expiration of 75 days from the date of service of the notice required by section 13 of this act, the parties have not reached agreement, the mediator is discharged of his responsibility, and the parties shall submit their dispute to a factfinding panel. Within 5 days, the local government employer shall select one member of the panel, and the employee organization or organizations shall select one member. The members so selected shall select the third member, or if within 5 days they fail to do so, the board shall select him within 5 days thereafter. The third member shall act as chairman.

2. The local government employer shall pay one-half of the costs of factfinding, and the employee organization or organizations shall pay one-half.

3. The factfinding panel shall report its findings and recommendations to the parties to the dispute within 25 days after its selection is complete. These findings are not binding upon the parties, except as provided in subsection 4, but if within 5 days after the panel has so reported the parties have not reached an agreement, the panel shall make its findings public.

4. The parties to the dispute may agree, prior to the submission of the dispute to the factfinding panel, to make its decision on all or any specified issues binding upon both parties.

SEC. 16. 1. For the purpose of investigating disputes, any factfinding panel may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any investigation is being conducted by a factfinding panel may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the factfinding panel.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the factfinding panel may report to the district court in and for the county in which the investigation is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the factfinding panel in the investigation named in the subpena, or has refused to answer questions propounded to him in the course of such investigation,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the factfinding panel.

4. The court, upon petition of the factfinding panel, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the factfinding panel. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the factfinding panel, the court shall thereupon enter an order that the witness appear before the factfinding panel at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 17. The following proceedings, required by or pursuant to this chapter, are not subject to any provision of chapter 241 of NRS:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.

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

3. Any meeting or investigation conducted by a factfinding panel.

SEC. 18. 1. The local government employee-management relations board is hereby created, to consist of three members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than two of whom shall be members of the same political party. Except as provided in subsection 2, the term of office of each member shall be 4 years.

2. The governor shall appoint the members of the board. Of the first three members appointed, the governor shall designate one whose term shall expire at the end of 2 years. Whenever a vacancy occurs on the board other than through the expiration of a term of office, the governor shall fill such vacancy by appointment for the unexpired term.

SEC. 19. 1. The members of the board shall annually elect one of their number as chairman and one as vice chairman. Any two members of the board constitute a quorum.

2. The board may, within the limits of legislative appropriations:

(a) Appoint a secretary, who shall be in the unclassified service of the state; and

(b) Employ such additional clerical personnel as may be necessary, who shall be in the classified service of the state.

SEC. 20. The members of the board shall serve without compensation, but are entitled to the expenses and allowances prescribed in NRS 281.160.

SEC. 21. 1. The board may make rules governing proceedings before it and procedures for factfinding and may issue advisory guidelines for the use of local government employers in the recognition of employee organizations and determination of negotiating units.

2. The board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer or employee organization. The board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by such action.

3. Any party aggrieved by the failure of any person to obey an order of the board issued pursuant to subsection 2 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce such order.

SEC. 22. 1. For the purpose of hearing and deciding appeals or complaints, the board may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any hearing is being conducted by the board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the board.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the board in the hearing named in the subpena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the board.

4. The court, upon petition of the board, shall enter an order

directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the board, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 23. Every hearing and determination of an appeal or complaint by the board is a contested case within the meaning of chapter 233B of NRS. Every such determination is subject to judicial review as provided in chapter 233B of NRS.

SEC. 24. 1. The legislature finds as facts:

(a) That the services provided by the state and local government employers are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Nevada;

(b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the state to its people; and

(c) That every person who enters or remains in the employment of the state or a local government employer accepts the facts stated in paragraphs (a) and (b) as an essential condition of his employment.

2. The legislature therefore declares it to be the public policy of the State of Nevada that strikes against the state or any local government employer are illegal.

SEC. 25. 1. If a strike occurs against the state or a local government employer, the state or local government employer shall, and if a strike is threatened against the state or a local government employer, the state or local government employer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.

2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike. The provisions of N.R.C.P. 65 and of the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the state or of any local government employer.

SEC. 26. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the court may:

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

(b) Punish any officer of an employee 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. 27. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the state or the local government employer may:

(a) Dismiss, suspend or demote all or any of the employees who participate in such strike.

(b) Cancel the contracts of employment of all or any of the employees who participate in such strike.

(c) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in such strike.

2. Any of the powers conferred by subsection 1 may be exercised alternatively or cumulatively.

SEC. 28. There are hereby appropriated from the general fund in the state treasury for the support of the local government employee-management relations board the following sums:

For the fiscal year ending June 30, 1969	$5,000
For the fiscal year ending June 30, 1970	15,000
For the fiscal year ending June 30, 1971	15,000

SEC. 29. This act shall become effective upon passage and approval, but no employee organization, local government employer or other person may submit to the local government employee-management relations board before October 1, 1969, any appeal, complaint or other request for action by the board.

Mr. Smith moved that Senate Bill No. 87 be placed at the top of the General File.

Remarks by Mr. Smith.

Motion carried.

Mr. Roy Young moved that Assembly Bill No. 202 be placed on the General File immediately following Senate Bill No. 87.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 87.

Bill read third time.

The following amendment was proposed by Mr. Lowman:

Amendment No. 2471.

Amend sec. 28, page 8, by deleting line 17 and inserting:

"Sec. 28. Chapter 281 of NRS is hereby amended by adding thereto a new section which shall read as follows:

When any person employed under written contract by this state or by any political subdivision of this state is absent from duty without leave for 5 days within the term of such contract, the fact of such absence automatically terminates such contract.

Sec. 29. There are hereby appropriated from the general fund in".

Amend the bill as a whole by renumbering section 29 as section 30.

Mr. Lowman moved the adoption of the amendment.

Remarks by Messrs. Lowman, Smith, Hilbrecht, Frank Young, and Bryan Hafen.

Amendment lost on a division of the house.

Mr. Close moved that Senate Bill No. 87 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Messrs. Close, Torvinen, and Hilbrecht.

Motion carried.

Assembly Bill No. 202.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 2390.

Amend the bill as a whole by deleting sections 1 and 2, and renumbering sections 3 and 4 as sections 1 and 2, by deleting section 5, and renumbering section 6 as section 3.

Amend the title on the first line by deleting "salary and".

Mr. Roy Young moved the adoption of the amendment.

Remarks by Mr. Roy Young.

Amendment adopted.

Mr. Torvinen moved that rules be suspended, that the reprinting of Assembly Bill No. 202 be dispensed with, and that the Chief Clerk be authorized to insert the amendment adopted by the Assembly.

Motion carried unanimously.

Roll call on Assembly Bill No. 202:

YEAS—37.

NAYS—None.

Absent—Tyson, Wilson, Wood—3.

to by Senator Bible in his letter are on file in my office and are available for perusal by any legislator upon request.

2. A letter from Senator Bible, dated April 18, 1969, concerning S. J. R. 11, which requests the establishment of a Las Vegas Veterans' Administration field office.

Sincerely yours,

RUSSELL W. MCDONALD
Legislative Counsel

UNITED STATES SENATE
COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C., April 18, 1969

MR. RUSSELL W. MCDONALD, *Legislative Counsel Bureau, Room 45, Capitol Building, Carson City, Nevada*

DEAR RUSS: This will acknowledge your letter of April 14, which reached me on the 18th, enclosing a copy of Senate Joint Resolution No. 11, in which the Legislature requests the establishment of a Las Vegas Veterans' Administration field office.

I have long supported such a move and have repeatedly been in touch with the Veterans' Administration in this regard. Unfortunately, Las Vegas does not meet the criteria for the establishment of such an office but I intend to continue seeking approval for one.

Cordially,

ALAN BIBLE

UNITED STATES SENATE
COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C., April 14, 1969

MR. RUSSELL W. MCDONALD, *Legislative Counsel Bureau, Room 45, Capitol Building, Carson City, Nevada*

DEAR RUSS: This will acknowledge your letter of April 10, received on the 14th, enclosing a copy of Assembly Joint Resolution 33 regarding compliance with the Federal Wholesome Meat Act.

I am enclosing a copy of remarks I made on the floor of the Senate when I introduced two pieces of legislation designed to assist small meat processors in complying with this Act. I urge you to call it to the attention of all interested legislators.

Best personal regards.

Cordially,

ALAN BIBLE

GENERAL FILE AND THIRD READING

Senate Bill No. 87.

Bill read third time.

The following amendment was proposed by Messrs. Lowman and Close:

Amendment No. 2471.

Amend sec. 28, page 8, by deleting line 17 and inserting:

"Sec. 28. Chapter 281 of NRS is hereby amended by adding thereto a new section which shall read as follows:

When any person employed under written contract by this state or by any political subdivision of this state is absent from duty without leave, granted before or after such absence, for 5 days cumulatively within the term of such contract, the fact of such absence automatically terminates such contract.

Sec. 29. There are hereby appropriated from the general fund in".

Amend the bill as a whole by renumbering section 29 as section 30.

Mr. Close moved the adoption of the amendment.

Remarks by Messrs. Close, May, Smith, Lowman, Getto, Branch, and Hilbrecht.

Messrs. Mello, Jacobsen, and Capurro moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 2471 to Senate Bill No. 87.

Messrs. Lowman, Branch, and Jacobsen requested a roll call on Mr. Close's motion.

Roll call on Mr. Close's motion:

YEAS—17.

NAYS—Branch, Brookman, Bryan, Dini, Foote, Fry, Getto, Hilbrecht, Homer, Howard, Kean, Lingenfelter, May, Mello, Prince, Reid, Schouweiler, Smith, Swallow, Viani, Wilson—21.

Absent—Espinoza, Wood—2.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Messrs. Hilbrecht, Close, and Frank Young.

Mr. Hilbrecht requested that his remarks be entered in the Journal:

Mr. Speaker and Members of the Legislature:

Senate Bill No. 87 may well be the most important legislation of this session. It is the so-called public employees negotiation bill.

In my opinion, the effect of Senate Bill No. 87 will be to allow our cities, school districts and other entities to negotiate under force of law their position with their employees rather than being forced to referendum petition as happened so disasterously recently in Las Vegas. The net result, had Senate Bill No. 87 type legislation been in effect, would have been a saving of up to 50 percent.

Finally, Senate Bill No. 87 provides for the first time in statute law that public employees may not strike. We now have only an Attorney General's Opinion—one which has also frustrated attempts to negotiate in the local government labor market. I simply ask you to look at the school houses of Nevada if you believe we do not need this legislation. I believe we would be in a much different position in the current teacher protest had we Senate Bill No. 87 as law. The bill substitutes arbitration for the strike sanction.

The public employees and local governments have been heard and the measure has been considerably amended. In its present form, the measure has the support of a majority of those concerned. It is vital legislation. I urge your support.

Roll call on Senate Bill No. 87:

YEAS—38.

NAYS—None.

Absent—Espinoza, Wood—2.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 33, 186, 235, 282, 290, 361, 362, 384, 396, 397, 425, 435, 449, 528, 568, 632, 687, 695, 718, 723, 787, 788, 792; Senate Bills Nos. 70, 188, 196, 252, 306, 307, 496, 506; Assembly Joint Resolution No. 43; Senate Joint Resolution No. 27; Assembly Concurrent Resolutions Nos. 47, 52; Senate Concurrent Resolution No. 19; Assembly Resolution No. 32.

street and highway program. It has allowed the various political subdivisions to build new arterials, roads and projects such as the Wells Underpass, North Street Bridge and others, and I feel that although it is my understanding that this tax will not be instituted in Washoe County for a year or 18 months, that it will be needed in the months ahead for an over-all planning program and that is why I support this.

Roll call on Senate Bill No. 516:

YEAS—17.

NAYS—Manning, Slattery, Titlow—3.

Senate Bill No. 516 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered reprinted, re-engrossed, and transmitted to the Assembly.

SPECIAL ORDERS OF THE DAY

The hour of 2:30 p.m. having arrived, Assembly amendments to Senate Bills Nos. 87, 152, 190, and 523 were considered.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 87.

The following Assembly amendment was read:

Amendment No. 2400 (conflicts with Amendment No. 2347).

Amend sec. 8, page 2, line 1, by deleting "1."

Amend sec. 8, page 2, line 2, by deleting "(a)" and inserting "1."

Amend sec. 8, page 2, line 3, by deleting "or" after the semicolon.

Amend sec. 8, page 2, by inserting between lines 3 and 4:

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

Amend sec. 8, page 2, line 4, by deleting "(b)" and inserting "3."

Amend sec. 8, page 2, by deleting lines 6 through 8.

Amend sec. 9, page 2, line 18, by deleting the period and inserting: ", but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any."

Amend sec. 10, page 2, by deleting line 26 and inserting: "ditions of employment with the recognized employee organization, if any, for each".

Amend sec. 11, page 3, by deleting lines 6 through 14 and inserting:

"2. If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a negotiating unit, and if such employee organization is recognized by the local government employer, it shall be the exclusive negotiating representative of the local government employees in that negotiating unit.

3. A local government employer may withdraw recognition from an employee organization which:

(a) Fails to persent a copy of each change in its constitution or bylaws, if any, or to give notice of any change in the roster of its officers, if any, and representatives;

(b) Disavows its pledge not to strike against the local government employer under any circumstances; or

(c) Ceases to be supported by a majority of the local government employees in the negotiating unit for which it is recognized.

4. If an employee organization is aggrieved by the refusal or withdrawal of recognition, or by the recognition or refusal to withdraw recognition of another employee organization, the aggrieved employee organization may appeal to the board. If the board in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular negotiating unit, it may conduct an election by secret ballot upon the question. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved."

Amend sec. 12, page 3, by deleting lines 26 through 29 and inserting: "district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate negotiating unit."

Amend sec. 13, page 3, by deleting lines 37 and 38 and inserting: "ernment employer. If the".

Amend sec. 15, page 4, by deleting lines 21 and 22, and inserting:

"2. The local government".

Amend sec. 15, page 4, line 27, by inserting after "parties,": "except as provided in subsection 4,".

Amend sec. 15, page 4, by inserting between lines 29 and 30:

"4. The parties to the dispute may agree, prior to the submission of the dispute to the factfinding panel, to make its decision on all or any specified issues binding upon both parties."

Senator Gibson moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 87.

Seconded by Senator Manning.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 152.

The following Assembly amendments were read:

Amendment No. 2435 (resolves conflicts with S. B. 318 and S. B. 61).

Amend sec. 100, page 47, by deleting lines 14 through 17 and inserting:

"12. To lay out, establish, open, alter, widen, extend, narrow and vacate, either on its own motion or as prescribed by the general law of the state, the streets, alleys, avenues, public ways, sidewalks, parks and public grounds, or improve the same by macadamizing, remacadamizing, concreting, reconcreting, oiling, reoiling, curbing, recurbing, grading, regrading, graveling, regraveling, paving, repaving, draining, parking, reparking, cleaning, repairing, lighting, relighting, surfacing, resurfacing or in any other way improve the same, and by ordinance, resolution or order require and provide for such improvements. To install, reinstall, construct, reconstruct, acquire and repair sewers, storm sewers, drains, storm drains, disposal plants and waste mains therefrom, and otherwise improve the same; to require the occupant or owner of improved property to connect his premises to the municipal sewage disposal system and to provide for the punishment of such owner or occupant for failure to make such connection; to fix, impose and collect a charge and fee to be paid in

2. The county assessor shall, upon request of the owner, furnish".

Amend section 1, page 2, line 7, by deleting "puted by" and inserting "puted [by".

Amend section 1, page 2, by deleting line 9 and inserting:

"4.] *from each of the factors used and the items used in such computation.*

3. In determining the full cash value of a merchant's or dealer's stock".

Amendment No. 2239.

Amend section 1, page 1, line 13, by placing open and closed brackets around "replacement".

Amend section 1, page 1, by deleting line 20 and inserting: "*of the net income at a rate not less than 5 percent*".

Mr. Tim Hafen moved that the Assembly do not concur in the Senate amendments to Assembly Bill No. 360.

Remarks by Mr. Tim Hafen.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 720.

The following Senate amendment was read:

Amendment No. 2556.

Amend sec. 8, page 6, by inserting between lines 38 and 39:

"*5. No transfer of stock of a public utility subject to the jurisdiction of the commission is valid without prior approval of the commission if the effect of such transfer would be to change corporate control of the public utility or if a transfer of 15 percent or more of the common stock of the public utility is proposed.*"

Mr. Wood moved that the Assembly concur in the Senate amendment to Assembly Bill No. 720.

Remarks by Messrs. Wood and Swackhamer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 721.

The following Senate amendment was read:

Amendment No. 2557.

Amend section 1, page 1, line 12, by deleting the period and inserting: "*, but if more than one page is filed at one time, the total fee shall not exceed the cost of notice and publication.*"

Mr. Wood moved that the Assembly concur in the Senate amendment to Assembly Bill No. 721.

Remarks by Mr. Wood.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Smith moved that the Assembly do not recede from its action on Senate Bill No. 87, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

Mr. Speaker appointed Messrs. Lingenfelter, Fry, and Dini as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 87.

Mr. Smith moved that Senate Bills Nos. 480 and 547 be placed on the General File.

Remarks by Mr. Smith.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1969

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 94, 574, 683, 763, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 516, 527.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 273, which was returned from enrollment to the Senate for a technical amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 190.

JEAN HANNA
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Mrs. Brookman moved that Assembly Bill No. 800 be made a Special Order of Business for April 22, 1969, at 2:30 p.m., and at that time the Assembly recess for the purpose of hearing testimony from Messrs. Frank Daykin, Robert Hunter, Robert Leland, and Ray Knisley.

Remarks by Mrs. Brookman.

Motion carried.

Mr. Lingenfelter moved that the vote whereby Senate Bill No. 273 was passed be rescinded.

Remarks by Mr. Lingenfelter.

Motion carried.

Mr. Dini gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 262 was this day refused passage.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 400.

The following Senate amendment was read:

Amendment No. 2449.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. The volunteer members of a regularly organized and recognized fire department may, by the joint application of all such volunteer members addressed to the board, become members of the system. A volunteer fireman who joins a fire department whose members have become members of the system shall become a member of the system. The volunteer members of a participating fire department may withdraw from the system by the joint application of all such volunteer members addressed to the board.*

"*Resolved,* That such study shall include an analysis of the several proposed automobile accident compensation plans, including those based upon liability without fault, in comparison with the concept of liability under the Nevada Insurance Code and other applicable provisions of existing law; and be it further".

Amend the resolution on page 1, by deleting lines 21 through 25 and inserting:

"*Resolved,* That the legislative commission is directed to request the assistance of the University of Nevada System to the extent necessary for the conduct of such study."

Amend the title by deleting the second and third lines and inserting: "sion to study the Nevada Insurance Code."

Senator White moved the adoption of the amendment.

Seconded by Senator Manning.

Amendment adopted.

Senator White moved that rules be suspended, that the reprinting of Assembly Concurrent Resolution No. 51 be dispensed with, and that the Secretary be authorized to insert the amendment adopted by the Senate.

Seconded by Senator Manning.

Motion carried unanimously.

Senator White moved the adoption of the resolution, as amended.

Seconded by Senator Manning.

Resolution adopted, as amended.

Resolution ordered reprinted, re-engrossed, and transmitted to the Assembly.

Senator Gibson moved that Assembly Bill No. 675 be taken from the Secretary's desk and be placed on the General File.

Seconded by Senator Manning.

Motion carried.

Senator White moved that Assembly Bill No. 31 be taken from the Secretary's desk and be placed on the General File.

Seconded by Senator Manning.

Motion carried.

Senator Lamb moved that Assembly Bill No. 698 be taken from the Secretary's desk and be placed on the General File.

Seconded by Senator Manning.

Motion carried.

Senator Dodge moved Mr. President appoint a first Committee on Conference consisting of three members to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 87.

Seconded by Senator Hecht.

Motion carried.

Mr. President appointed Senators White, Bunker, and Dodge as a first Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 87.

Senator Gibson moved that Mr. President appoint a first Committee on Conference consisting of three members to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 190.

I oppose this tendency of removing local government from the people without their consent.

On the other hand, the study aspects of this legislation are quite proper and acceptable, including consolidation of services where warranted.

Unquestionably the possible benefits and/or problems of consolidation should be examined thoroughly and then made known to the people involved.

Some have suggested there is strong feeling in many of the communities involved in favor of consolidation. If this is the case, after the facts are presented, then certainly the people will vote their approval.

I therefore respectfully request that you consider amendments of these bills which would provide for a separate approving vote of each political subdivision involved.

Without these suggested amendments I will be compelled to veto the measures.

I am sending this message before conclusion of the current legislative session in the hope that the necessary changes will be made and thus the beneficial study aspects of this bill will not be lost for two years.

Your consideration of this proposal is respectfully requested.

Respectfully,

PAUL LAXALT
Governor of Nevada

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 23, 1969

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 87 and requests a second conference, and appointed Messrs. McKissick, Swackhamer, and Kean as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 87.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 262.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 34.

MOURYNE B. LANDING
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

Mr. President:

The first Committee on Conference concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the bill.

MARVIN L. WHITE, *Chairman*
VERNON E. BUNKER
CARL F. DODGE
Senate Committee on Conference

C. W. LINGENFELTER, *Chairman*
JOE E. DINI, JR.
LESLIE MACK FRY
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Senator White moved that the Senate adopt the report of the first Committee on Conference concerning Senate Bill No. 87.

Seconded by Senator Manning.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 26.

The following Assembly amendment was read:

around doing nothing, and I am sure there will be this afternoon that time where we are waiting for the Legislative Bureau to catch up, and it appalls me somewhat and I am somewhat hurt that we could have an educational explanation on this bill and take up some of that time where we are standing around doing nothing. I urge your support.

Roll call on Assembly Bill No. 800:

YEAS—16.
NAYS—Farr, Slattery—2.
Absent—Herr, Swobe—2.

Assembly Bill No. 800 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Gibson moved that Mr. President appoint a second Committee on Conference consisting of three members to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 87.

Seconded by Senator Manning.

Motion carried.

Mr. President appointed Senators Gibson, Christensen, and Hecht as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 87.

Senator Brown moved that the Senate recess until 2 p.m.

Seconded by Senator Monroe.

Motion carried.

Senate in recess at 11:59 a.m.

SENATE IN SESSION

At 2:06 p.m.

President Fike presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Federal, State, and Local Governments, to which was referred Assembly Bill No. 754, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES I. GIBSON, *Chairman*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 22, 1969

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate amendment to Assembly Bill No. 698.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate amendments to Assembly Bills Nos. 325, 343, 668, 355, 565, 699, 566, 513, 308, 675, 595.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate amendment to Assembly Bill No. 329.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 802.

4-23-69

MOTIONS, RESOLUTIONS, AND NOTICES

In compliance with a notice given on a previous day, Mr. Jacobsen moved that the vote whereby Senate Bill No. 262 was refused passage be reconsidered.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 262.

Bill read third time.

Remarks by Messrs. Jacobsen, Hilbrecht, and Dini.

Mr. Hilbrecht moved that Senate Bill No. 262 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Messrs. Hilbrecht, Bryan Hafen, Jacobsen, and Getto.

Motion lost.

Roll call on Senate Bill No. 262:

YEAS—28.

NAYS—Bryan, Close, Tim Hafen, Hilbrecht, Mello, Reid, Swackhamer, Tyson, Wilson—9.

Absent—Webb, Roy Young—2.

Not voting—Brookman.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the bill.

MARVIN L. WHITE, *Chairman*
VERNON E. BUNKER
CARL F. DODGE
Senate Committee on Conference

C. W. LINGENFELTER, *Chairman*
JOE DINI, JR.
LESLIE MACK FRY
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Lingenfelter moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 87.

Motion carried.

Mr. Speaker appointed Messrs. McKissick, Swackhamer, and Kean as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 87.

Mr. Speaker announced that if there were no objections, the Assembly would recess for 1 minute.

Assembly in recess at 10:57 a.m.

ASSEMBLY IN SESSION

At 10:58 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Seconded by Senator Monroe.
Motion carried.

Senator Lamb moved that Mr. President appoint a first Committee on Conference consisting of three members to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 538.
Seconded by Senator Monroe.
Motion carried.
Mr. President appointed Senators Titlow, Gibson, and Slattery as a first Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 538.

UNFINISHED BUSINESS

Mr. President:

The first Committee on Conference concerning Assembly Bill No. 329, consisting of the undersigned members, has met, and reports that:
It has agreed to recommend that the amendments of the Senate be concurred in.
It has agreed to recommend that the bill be further amended as set forth in Amendment No. 20C, which is attached to and hereby made a part of this report.
Amend section 1, page 1, line 4, by deleting "$7,800." and inserting "$8,160."

VERNON E. BUNKER, *Chairman*
JOHN FRANSWAY
MARVIN L. WHITE
Senate Committee on Conference

WILLIAM D. SWACKHAMER, *Chairman*
R. M. PRINCE
THOMAS M. KEAN
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Bunker moved that the Senate adopt the report of the first Committee on Conference concerning Assembly Bill No. 329.
Seconded by Senator Manning.
Motion carried.

UNFINISHED BUSINESS

Mr. President:

The first Committee on Conference concerning Senate Bill No. 364, consisting of the undersigned members, has met, and reports that:
It has agreed to recommend that the amendments of the Assembly be concurred in.

WARREN L. MONROE, *Chairman*
MARVIN L. WHITE
F. W. FARR
Senate Committee on Conference

C. W. LINGENFELTER, *Chairman*
NORMAN TY HILBRECHT
VIRGIL GETTO
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Monroe moved that the Senate adopt the report of the first Committee on Conference concerning Senate Bill No. 364.
Seconded by Senator Farr.
Motion carried.

UNFINISHED BUSINESS

Mr. President:

The second Committee on Conference concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:
It has agreed to recommend that the amendments of the Assembly be concurred in.
It has agreed to recommend that the bill be further amended as set forth in Amendment No. 23C, which is attached to and hereby made a part of this report.

Amendment No. 23C.

Amend sec. 15, page 4, lines 39 and 40, by deleting "except as provided in subsection 4,".

Amend sec. 15, page 4, by deleting lines 43 through 45.

JAMES I. GIBSON, *Chairman*	HOWARD F. MCKISSICK, JR., *Chairman*
CHIC HECHT	WILLIAM D. SWACKHAMER
M. J. CHRISTENSEN	THOMAS M. KEAN
Senate Committee on Conference	*Assembly Committee on Conference*

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Gibson moved that the Senate adopt the report of the second Committee on Conference concerning Senate Bill No. 87.

Seconded by Senator Lamb.

Motion carried.

Senator Dodge moved that the vote whereby Senate Bill No. 190 was passed be rescinded.

Seconded by Senator Slattery.

Senators Slattery, Farr, and Monroe requested a roll call on Senator Dodge's motion.

Remarks by Senators Farr, Slattery, and Gibson.

Roll call on Senator Dodge's motion:

YEAS—7.

NAYS—Brown, Bunker, Christensen, Farr, Gibson, Harris, Hecht, Herr, Lamb, Manning, Titlow, White—12.

Absent—Fransway.

The motion having failed to receive a majority, Mr. President declared it lost.

GENERAL FILE AND THIRD READING

Senate Bill No. 550.

Bill read third time.

The following amendment was proposed by Senator Pozzi:

Amendment No. 2682.

Amend sec. 2. page 2, line 18, by deleting "*$3,000*" and inserting "*$3,600*".

Senator Pozzi moved the adoption of the amendment.

Seconded by Senator Hecht.

Amendment adopted.

Senator Pozzi moved that rules be suspended, that the reprinting of Senate Bill No. 550 be dispensed with, and that the Secretary be authorized to insert the amendment adopted by the Senate.

Seconded by Senator Hecht.

Motion carried unanimously.

Roll call on Senate Bill No. 550:

YEAS—18.

NAYS—None.

Absent—Fransway, Lamb—2.

Senate Bill No. 550 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered re-engrossed, and transmitted to the Assembly.

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), April 24, 1969

Assembly called to order at 10:17 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Father Robert G. Pumphrey.
Pledge of allegiance to the Flag.

Mr. Lowman moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 329, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Amendment No. 20C, which is attached to and hereby made a part of this report.

Amendment No. 20C.

Amend section 1, page 1, line 4, by deleting "$7,800." and inserting "$8,160."

VERNON E. BUNKER, *Chairman*	WILLIAM D. SWACKHAMER, *Chairman*
JOHN FRANSWAY	R. M. PRINCE
MARVIN L. WHITE	T. M. KEAN
Senate Committee on Conference	*Assembly Committee on Conference*

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Swackhamer moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 329.
Remarks by Mr. Swackhamer.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Amendment No. 23C, which is attached to and hereby made part of this report.

Amendment No. 23C.

Amend sec. 15, page 4, lines 39 and 40, by deleting "except as provided in subsection 4,".

Amend sec. 15, page 4, by deleting lines 43 through 45.

JAMES I. GIBSON, *Chairman*	HOWARD MCKISSICK, JR., *Chairman*
CHIC HECHT	WILLIAM D. SWACKHAMER
M. J. CHRISTENSEN	T. M. KEAN
Senate Committee on Conference	*Assembly Committee on Conference*

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Swackhamer moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 87.

Remarks by Mr. Swackhamer.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 364, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

WARREN L. MONROE, *Chairman*
MARVIN L. WHITE
F. W. FARR
Senate Committee on Conference

C. W. LINGENFELTER, *Chairman*
NORMAN TY HILBRECHT
VIRGIL GETTO
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Lingenfelter moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 364.

Remarks by Mr. Lingenfelter.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1969

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 155.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 465.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No. 487 and appointed Senators Herr, Manning, and Swobe as a third Committee on Conference to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 487.

LEOLA H. ARMSTRONG
Secretary of the Senate

SENATE CHAMBER, Carson City, April 23, 1969

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference Assembly Bill No. 360.

LEOLA H. ARMSTRONG
Secretary of the Senate

SENATE CHAMBER, Carson City, April 24, 1969

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 275, which was returned from enrollment to the Senate for a technical amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 35, 36, 37.

JEAN HANNA
Assistant Secretary of the Senate

503.350, 503.355, 503.370, 503.390, 503.480, 503.490, 503.500, 503.-510, 503.520, 503.530, 503.560, 503.630, 503.640, 504.010, 504.020, 504.030, 504.040, 504.050, 504.060, 504.070, 504.080, 504.090, 504.-100, 504.110, 504.120, 504.130, 504.145, 504.160, 504.180, 504.290, 504.400, 504.410, 504.420, 505.040, 505.050, 505.060, 505.070, 505.-080, 505.090, and 505.100 are hereby repealed.

SEC. 110. If the Nevada department of fish and game, as such, is not created by prior legislative enactment at this session of the legislature, the legislative counsel shall in preparing the 1969 supplement to Nevada Revised Statutes change the name "Nevada department of fish and game" or the word "department" to the name "state board of fish and game commissioners" or the word "commission," as the case may be, wherever the first-mentioned name or word appears in this act, to effectuate the intent of the legislature to provide executive continuity in the administration of the fish and game laws of this state and to avoid otherwise meaningless references.

SEC. 111. This act shall become effective at 12:02 a.m. on July 1, 1969.

Senate Bill No. 87—Senator Dodge

CHAPTER 650

AN ACT relating to public employees; providing for recognition of and negotiation with employee organizations in certain instances; prohibiting strikes; providing penalties; making an appropriation; and providing other matters properly relating thereto.

[Approved April 28, 1969]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

SEC. 2. This chapter may be cited as the Local Government Employee-Management Relations Act.

SEC. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in such sections.

SEC. 4. "Board" means the local government employee-management relations board.

SEC. 5. "Employee organization" means any:

1. Association, brotherhood, council or federation composed of employees of the State of Nevada or local government employees or both; or

2. Craft, industrial or trade union whose membership includes employees of the State of Nevada or local government employees or both.

SEC. 6. "Local government employee" means any person employed by a local government employer.

SEC. 7. "Local government employer" means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, unincorporated towns, school districts, irrigation districts and other special districts.

SEC. 8. "Strike" means any concerted:

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

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

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization.

SEC. 9. 1. It is the right of every local government employee, subject to the limitation provided in subsection 3, to join any employee organization of his choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself with respect to any condition of his employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

SEC. 10. 1. It is the duty of every local government employer, except as limited in subsection 2, to negotiate through a representative or representatives of its own choosing concerning wages, hours and conditions of employment with the recognized employee organization, if any, for each appropriate unit among its employees. Where any officer of a local government employer, other than a member of the governing body, is elected by the people and directs the work of any local government employee, such officer is the proper person to negotiate, directly or through a representative or representatives of his own choosing, in the first instance concerning any employee whose work is directed by him, but may refer to the governing body or its chosen representative or representatives any matter beyond the scope of his authority.

2. Each local government employer is entitled, without negotiation or reference to any agreement resulting from negotiation:

(a) To direct its employees;

(b) To hire, promote, classify, transfer, assign, retain, suspend, demote, discharge or take disciplinary action against any employee;

(c) To relieve any employee from duty because of lack of work or for any other legitimate reason;

(d) To maintain the efficiency of its governmental operations;

(e) To determine the methods, means and personnel by which its operations are to be conducted; and

"

(f) To take whatever actions may be necessary to carry out its responsibilities in situations of emergency.

SEC. 11. 1. An employee organization may apply to a local government employer for recognition by presenting:

(a) A copy of its constitution and bylaws, if any;

(b) A roster of its officers, if any, and representatives; and

(c) A pledge in writing not to strike against the local government employer under any circumstances.

A local government employer shall not recognize as representative of its employees any employee organization which has not adopted, in a manner valid under its own rules, the pledge required by paragraph (c).

2. If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a negotiating unit, and if such employee organization is recognized by the local government employer, it shall be the exclusive negotiating representative of the local government employees in that negotiating unit.

3. A local government employer may withdraw recognition from an employee organization which:

(a) Fails to present a copy of each change in its constitution or bylaws, if any, or to give notice of any change in the roster of its officers, if any, and representatives;

(b) Disavows its pledge not to strike against the local government employer under any circumstances; or

(c) Ceases to be supported by a majority of the local government employees in the negotiating unit for which it is recognized.

4. If an employee organization is aggrieved by the refusal or withdrawal of recognition, or by the recognition or refusal to withdraw recognition of another employee organization, the aggrieved employee organization may appeal to the board. If the board in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular negotiating unit, it may conduct an election by secret ballot upon the question. Subject to judicial review, the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 12. 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with such recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating purposes. The primary criterion for such determination shall be community of interest among the employees concerned. A local government department head shall not be a member of the same negotiating unit as the employees who serve under his direction. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same negotiating unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate negotiating unit.

2. If any employee organization is aggrieved by determination of a negotiating unit, it may appeal to the board. Subject to judicial review,

the decision of the board is binding upon the local government employer and all employee organizations involved.

SEC. 13. 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of such desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give such notice at least 120 days before the date fixed by law for the completion of the tentative budget of the local government employer for the first period for which the required budget is to be effective.

2. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

SEC. 14. 1. The parties shall promptly commence negotiation and if at the expiration of 45 days from the date of service of the notice required by section 13 of this act the parties have not reached agreement, the parties or either of them may so notify the board, requesting mediation and explaining briefly the subject of negotiation. The board shall, within 5 days, appoint a competent, impartial and disinterested person to act as mediator in the negotiation. It is the function of such mediator to promote agreement between the parties, but his recommendations, if any, are not binding upon an employee organization or the local government employer.

2. If a mediator is appointed, the board shall fix his compensation. The local government employer shall pay one-half of the costs of mediation, and the employee organization or organizations shall pay one-half.

SEC. 15. 1. If at the expiration of 75 days from the date of service of the notice required by section 13 of this act, the parties have not reached agreement, the mediator is discharged of his responsibility, and the parties shall submit their dispute to a factfinding panel. Within 5 days, the local government employer shall select one member of the panel, and the employee organization or organizations shall select one member. The members so selected shall select the third member, or if within 5 days they fail to do so, the board shall select him within 5 days thereafter. The third member shall act as chairman.

2. The local government employer shall pay one-half of the costs of factfinding, and the employee organization or organizations shall pay one-half.

3. The factfinding panel shall report its findings and recommendations to the parties to the dispute within 25 days after its selection is complete. These findings are not binding upon the parties, but if within 5 days after the panel has so reported the parties have not reached an agreement, the panel shall make its findings public.

SEC. 16. 1. For the purpose of investigating disputes, any factfinding panel may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any investigation is being conducted by a factfinding panel may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the factfinding panel.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the factfinding panel may report to the district court in and for the county in which the investigation is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the factfinding panel in the investigation named in the subpena, or has refused to answer questions propounded to him in the course of such investigation,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the factfinding panel.

4. The court, upon petition of the factfinding panel, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the factfinding panel. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the factfinding panel, the court shall thereupon enter an order that the witness appear before the factfinding panel at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 17. The following proceedings, required by or pursuant to this chapter, are not subject to any provision of chapter 241 of NRS:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.

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

3. Any meeting or investigation conducted by a factfinding panel.

SEC. 18. 1. The local government employee-management relations board is hereby created, to consist of three members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than two of whom shall be members of the same political party. Except as provided in subsection 2, the term of office of each member shall be 4 years.

2. The governor shall appoint the members of the board. Of the first three members appointed, the governor shall designate one whose term shall expire at the end of 2 years. Whenever a vacancy occurs on the board other than through the expiration of a term of office, the governor shall fill such vacancy by appointment for the unexpired term.

SEC. 19. 1. The members of the board shall annually elect one of

their number as chairman and one as vice chairman. Any two members of the board constitute a quorum.

2. The board may, within the limits of legislative appropriations:

(a) Appoint a secretary, who shall be in the unclassified service of the state; and

(b) Employ such additional clerical personnel as may be necessary, who shall be in the classified service of the state.

SEC. 20. The members of the board shall serve without compensation, but are entitled to the expenses and allowances prescribed in NRS 281.160.

SEC. 21. 1. The board may make rules governing proceedings before it and procedures for factfinding and may issue advisory guidelines for the use of local government employers in the recognition of employee organizations and determination of negotiating units.

2. The board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer or employee organization. The board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by such action.

3. Any party aggrieved by the failure of any person to obey an order of the board issued pursuant to subsection 2 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce such order.

SEC. 22. 1. For the purpose of hearing and deciding appeals or complaints, the board may issue subpenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any hearing is being conducted by the board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the board.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena, the board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpena before the board in the hearing named in the subpena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the board.

4. The court, upon petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10

days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the board, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

SEC. 23. Every hearing and determination of an appeal or complaint by the board is a contested case within the meaning of chapter 233B of NRS. Every such determination is subject to judicial review as provided in chapter 233B of NRS.

SEC. 24. 1. The legislature finds as facts:

(a) That the services provided by the state and local government employers are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Nevada;

(b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the state to its people; and

(c) That every person who enters or remains in the employment of the state or a local government employer accepts the facts stated in paragraphs (a) and (b) as an essential condition of his employment.

2. The legislature therefore declares it to be the public policy of the State of Nevada that strikes against the state or any local government employer are illegal.

SEC. 25. 1. If a strike occurs against the state or a local government employer, the state or local government employer shall, and if a strike is threatened against the state or a local government employer, the state or local government employer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.

2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike. The provisions of N.R.C.P. 65 and of the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the state or of any local government employer.

SEC. 26. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the court may:

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

(b) Punish any officer of an employee 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. 27. 1. If a strike is commenced or continued in violation of an order issued pursuant to section 25 of this act, the state or the local government employer may:

(a) Dismiss, suspend or demote all or any of the employees who participate in such strike.

(b) Cancel the contracts of employment of all or any of the employees who participate in such strike.

(c) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in such strike.

2. Any of the powers conferred by subsection 1 may be exercised alternatively or cumulatively.

SEC. 28. There are hereby appropriated from the general fund in the state treasury for the support of the local government employee-management relations board the following sums:

For the fiscal year ending June 30, 1969	$5,000
For the fiscal year ending June 30, 1970	15,000
For the fiscal year ending June 30, 1971	15,000

SEC. 29. This act shall become effective upon passage and approval, but no employee organization, local government employer or other person may submit to the local government employee-management relations board before October 1, 1969, any appeal, complaint or other request for action by the board.

Assembly Bill No. 329—Mr. Swackhamer

CHAPTER 651

AN ACT fixing the compensation of the county officers of Lander County, Nevada; regulating the employment and compensation of deputies and other employees; repealing certain acts; and providing other matters properly relating thereto.

[Approved April 28, 1969]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after July 1, 1969:

1. The sheriff, the county assessor, the county recorder and ex officio auditor, the county treasurer, the county clerk and the district attorney shall each receive an annual salary of $8,160.

2. Each county commissioner shall receive an annual salary of $3,600.

SEC. 2. 1. The annual salary received by the sheriff shall be compensation in full for all services rendered as sheriff and ex officio license collector.

2. The sheriff shall pay into the county treasury each month all moneys collected by him as license fees, and as fees in both civil and