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

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Committee Secretary