Chairman Gibson opened the 16th meeting of the Government Affairs Committee at 3:30 p.m. and indicated to the committee as well as the audience that the intention of this meeting was to begin hearings on the employee negotiation bills on public employees. No action will be taken during this meeting.

SB-207  Enacts State Employee-Management Relations Act. (BDR 23-807)

Bob Gagnier, S.N.E.A., indicated that they have prepared an amendment to this bill which will put it in conformance with AB-361 which was introduced on 3-5-75 in the Assembly. Feels the bill is more refined and appropriate.

This bill defines the various types of groups within the State service, (classified employees). It exempts certain administrative personnel. Provides for separate negotiations for confidential employees, i.e. attorneys and division heads. It defines a strike and outlaws a strike for state employees. Sets up a list of mandatory scope of bargaining. Provides for management perogatives; states the impact of those perogatives will be negotiable, not the particular items but their impact on state employees. Provides for the filing of an employee organization, recognition of this organization and creates bargaining units. Sets up time limits for negotiations. Provides for American Arbitration Association fact finding of arbitration that would be advisory, not final and binding. Sets up the same procedure for the fact finder as far as subpoena power and hearings are concerned. (See attached list of negotiable items between the State and an employee organization representing its employees) Indicated that listing all the issues that are negotiable would be impossible, therefore, they have only listed those key items.


Senator Dodge explained to the committee that SB-242 has three major provisions that change it from the existing local government Employee Management Relations Act. (1) Phases out the Employee-Management Relations Board and replaces the board with a professional commission.
Senate
Government Affairs
Minutes of Meeting No. 16
March 6, 1975
Page 2

(2) Spells out the subjects of negotiations and the scope of mandatory bargaining. (3) Provides a terminal procedure of a legal strike on the part of all local government employees with the exception of those involved in public safety (police, fire).

Mr. Jim Gist, P.E.A.C. and Mr. Ken Hogan, Acting Chairman for P.E.A.C. classified school employees, spoke in regards to the problems they see in SB-242.

Mr. Ken Hogan stated that he spoke for other employee organizations in feeling that SB-242 was not the answer to the present cumbersome structure of the Employee-Management Relations process. They felt the present laws were more effectual than SB-242. Do not like the present procedure for applying for binding arbitration in the Governor's office. This amounts to presenting an arbitration case in order to be granted binding arbitration. Is against the right to strike.

In regards to the Advisory Committee as suggested in SB-242 Mr. Hogan feels that an advisory committee of 10 could only lead to a deadlock.

Mr. Jim Gist, representing Las Vegas city employees, had the following changes to submit: With regards to the description of a Supervisory employee: Supervisory employee means any individual having authority in the interest in the employer to hire, suspend, layoff, recall, promote or discharge other employees. This description better defines what a Supervisory employee is.

Another concern was on binding arbitration. Mr. Gist felt that the board should first decide whether or not an impass has been reached. If an impass has been reached it should then go to binding arbitration. He also indicated that he is against the right to strike.

SB-43 Requires local government employer to furnish projected budget to employee organization. (BDR 31-479)

Senator Hilbrecht informed the committee and the audience that SB-43 deals with the process of employee bargaining in local government to the extent that it would require the maintenance on an ongoing basis of a projected budget on the part of the local government. They must make the projected budget available during negotiations to a collective bargaining agent for public employees. This derives from the complaints from the employee's that the time table mandated by the local government doesn't give their bargaining agent time to prepare for negotiations.
Mr. Bob Best, Nevada School Board Association, indicated that there were several people interested in testifying on SB-43.

Mr. Harry Dickson, Carson City School District, Director of Operations. Mr. Dickson indicated that the bill as amended asks for a detailed, accurate accounting of receipts and expenditures for 12 months after every quarter. 98% of purchases are projected to them by their agencies. 2% of the projection comes from the school board and the other 98% comes from either the State Department of Education, the Tax Commission or the County Assessor. Their estimates are not very accurate therefore it would be impossible to have an accurate projected budget to use during negotiations.

Senator Dodge questioned whether or not the situation could be corrected by taking out the word "accurate". This way the proper information could be supplied following each quarter.

Mr. George Brighton, Washoe County School District, endorsed Mr. Dickson's statement. Will go into detail in the next meeting.

Mr. Tod Carleni, Superintendent for Lyon County Schools, indicated that he also endorsed Mr. Dickson's statement.

Mr. Arlo Funk, Minden County School District, indicated the same feelings as Mr. Dickson.

Mr. Best indicated that he would be ready to testify when they wanted to hear from him on SB-43 and others.

Due to the time limit the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Janice M. Peck
Committee Secretary

Approved:

Chairman
THOSE PRESENT:

G. L. Craft, Mineral County School Board
Hank Clayton, Carson City School Board
Alro W. Funk, Mineral County School District
Lee Jackson, Mineral County School District
Ed Poaltis, Washoe County C.T.A.
David Williams, Clark County C.T.A.
Virginia S. Palmer, Washoe County
Pat Bobay, Washoe County
Mike Medema, L.C.B. Audit Div.
Frank Schreck, Clark C.T.A.
Mary Lee Smith, Douglas Cnty
Gene Foster, E.S.D.
Elizabeth Lenz, Washoe School Trustee
June Dugdale, W.C.E.A.
George Brighton, Washoe Co. School District
Lou Hirshman, Churchill Co. School Dist.
Bob Maples, Washoe Co. School dist.
John Cervein, Non Uniform, Reno
Neil D. Humphrey, University of Nevada System
Alfred W. Stuess, University of Nevada System
Bob L. Keans, Firefighter & Police
Wendell K. Newman, N.S.E.A.
Paul Ghilarducci, S.C.A.T.
John Britz, N.E.A.
Chan Griswold, Washoe County
Pete Allen, W.C.E.A.
Bill Grundy, W.C.E.A.
Joe Hamon, interested party
Dan Dixon, Washoe County
Margaret Wittenberg, Washoe County
Don Lealey, State Personnel
Jim Wittenberg, State Personnel
Harry Dickson, Carson City Schools
Jim Gist, P.E.A.C., Las Vegas City employees
Ken Hougen, P.E.A.C. Classified School employees
Kerry Rowe, P.E.A.C. (North Las Vegas Employees Assoc.)
Jim Sallee (P.E.A.C. (City of Henderson)
Bob Best, Nevada School Boards Assn.
Henry Etchemendy, Carson City
John Hawkins, Carson City Schools
Proctor Hug, J. University of Nevada
Bob Gagnier, S.N.E.A.
### AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

**THURSDAY**

**DATE:** March 6, 1975  **TIME:** 2:45 P.M.  **ROOM:** 345

#### Bills or Resolutions to be considered

<table>
<thead>
<tr>
<th>No.</th>
<th>Bill</th>
<th>Subject</th>
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<tbody>
<tr>
<td>SB-43</td>
<td>Requires local government employer to furnish projected budget to employee organization. (BDR 31-479)</td>
<td></td>
</tr>
<tr>
<td>SB-207</td>
<td>Enacts State Employee-Management Relations Act. (BDR 23-807)</td>
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</tr>
<tr>
<td>SB-256</td>
<td>Includes faculty of University of Nevada System within scope of Local Government Employee-Management Relations Act. (BDR 23-512)</td>
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#### ADDED TO AGENDA - EFFECTIVE 3-3-75

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<tr>
<th>No.</th>
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<tr>
<td>SB-269</td>
<td>Repeals certain sections of chapter 808, Statutes of Nevada 1973 relating to Las Vegas city charter. (BDR S-1052)</td>
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<tr>
<td>SB-270</td>
<td>Eliminates statutory provisions which require state officers and employees to acquire official bonds. (BDR 23-893)</td>
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<tr>
<td>SB-273</td>
<td>Abolishes bond trust fund. (BDR 23-669)</td>
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</table>

**Notify:**
- SB-269: Dick Bennett, Legal Counsel
- SB-270: John Crossley, Leg. Audit, Howard Barrett, Budget Director
- SB-273: Same as in SB-270

*Please do not ask for counsel unless necessary*
The following is a list of items which might be negotiated between the State and an employee organization representing its employees. The list in no way implies that SNEA would want to negotiate all of these issues but that these could be, or have been, problem areas.

- Salaries, number of grades, number of steps and percentage between steps and grades.
- Intra and inter departmental transfers.
- Impact of contracting out of normal state services.
- Methodology of examinations and classifications.
- Per diem and mileage allowances.
- Longevity pay.
- Insurance benefits.
- Rest Rooms and rest periods.
- Safety equipment.
- Uniforms--laundry of uniforms, type, weight.
- Physical examinations.
- Ventilation, light, heat.
- Required use of Government quarters.
- Length of lunch periods (scheduling).
- Cleanliness and sanitation.
- Locker facilities.
- Noise.
- Enforcement of safety rules.
- Responsibility for determining that working conditions are safe.
- Special procedures for hazardous work.
- Special qualifications for participation in hazardous work.
- Provision of required physical examinations.
- Scheduling for holidays and overtime.
- Scheduling for rotation of shifts (notification of changes).
- On-call; standby.
- Posting of schedules in advance.
- Vacation schedules.
- Hours of work—beginning and ending of shifts (notification of changes).
- Leave for union activities.
- Procedures for leave requests.
- Premium pay; hazard pay.
- Schedules changes.
- Time and method of reporting sick leave absence.
- Provisions to assure that employees will be able to use the leave they earn.
- Policies concerning granting of leave without pay.
- Policies concerning "administrative" leave.
- Travel and transportation.
- Doctor's certificate following sick leave.
- Standards of conduct.
- Code of penalties.
- Conduct of hearings.
- Methods of settlement of grievances.
- Severity and appropriateness of penalty.
- Levels of review.
- Provisions to forbid discrimination, restraint, or reprisal.
- Union representation at hearings.
- Time allowed employee and representative to prepare appeal.
- Record of the hearing.
- Development of standard penalties.
- Reckoning periods.
- Means used for developing merit roll.
Seniority,
Posting of vacancies,
Use of promotion examinations,
Composition of promotion (evaluation) Boards,
Planning for survey,
Selecting appropriate industries (or private hospitals),
Analyzing findings in industries,
Step increases,
Uniform allowances (special clothing),
Method of payment, cash, check, mailing,
Clean-up time,
Tools and equipment,
Frequency of surveys,
Use of surveys conducted by other agencies or organizations,
Development of programs,
Selection for training—selection criteria,
Retraining because of change of work character,
Bulletin boards; messenger service,
Negotiation procedures,
Duration of the agreement,
Determination of management and employee organization representatives in negotiation,
Negotiation on official times,
Procedures to insure enforcement of the agreement,
Membership and participation in union activities,
Determination of the type of positions which disqualify members from holding office in the organization,
Identification of management personnel,
Stewards and representatives,
LWOP for union activities,
Dues withholding,
Listing of employee organizations and organization officials in the building directory and the telephone directory.
On page 3, line 5 strike Section 15 through line 2 page 4 and insert therein a new Section 15 as follows:

"Sec. 15. 1. Matters subject to mandatory collective bargaining referred to in Sec. 14 of this act are as follows:

(a) Salaries, wages, and hours of employment; and

(b) Other terms and conditions of employment including but not limited to, (1) grievance procedures; (2) application of seniority rights as affecting the matters contained herein; (3) work schedules relating to assigned hours and days of the week and shift assignments; (4) scheduling of vacations and other time off; (5) sick leave and use thereof; (6) application and interpretation of established work rules; (7) health and safety practices; (8) intradepartmental transfers; (9) the impact of the contracting out of all or any part of the functions performed by or service furnished by any public employer; (10) such other matters as encompass the various physical dimensions of an employee's working environment; and (11) methodology of examination and classification.

2. Management rights; obligation to negotiate; impact of exercise thereof.

a. Nothing in this act shall interfere with the right of a public employer to:

(1) Carry out the statutory mandate and goals assigned to a public employer utilizing personnel, methods and means in the most appropriate and efficient manner possible;

(2) Manage the employees of the agency; to hire, promote, transfer, assign or retain employees in positions within the agency and in that regard to establish reasonable work rules;

(3) Suspend, demote, discharge or take other appropriate disciplinary action against the employee for just cause; or to lay off employees in the manner provided by NRS 284.380, in accordance with any applicable grievance procedure.

b. It is the obligation of every public employer to negotiate with the recognized employee organization, if any, for each appropriate unit among its employees, the impact of the exercise of its management rights as defined herein, upon its employees' salaries, wages, hours and other terms and conditions of employment."
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Senator James I. Gibson, Chairman  
Committee on Government Affairs  
Nevada Legislature  
Carson City, Nevada 89701

Dear Chairman Gibson:

The Nevada Nurses Association Legislative Committee has not, at this time, prepared testimony on SB 207 and SB 242 for the hearing before your committee today. We would like, however, to appear at a later date. Specifically we are concerned about the provisions in Section 15 NRS 288.150 found on page 6 and starting at line 30 which would exclude employees (and we are particularly concerned with nurses) from negotiating on "staffing levels, work performance standards, content of the work day, work load factors, work schedules, the quality and quality of the services to be offered to the public and the means and methods of offering the services".

We would appreciate notification of the next hearing on these two bills.

Sincerely,

NEVADA NURSES' ASSOCIATION

Phyllis Hansen  
Legislative Representative

March 6, 1975
AN ACT relating to local government budgets; requiring each local government employer to make quarterly budget projections and to furnish them to an appropriate employee organization; 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. NRS 354.602 is hereby amended to read as follows:

354.602 1. Within 45 days after September 30, December 31, March 31 and within 90 days after June 30 of each year, the governing board of each local government shall cause to be published a report in the form prescribed by the Nevada tax commission showing, for each item of detailed estimate required by NRS 354.600, the amount estimated and the amount actually received or expended. Any approved budget augmentation or short-term financing received shall be included and briefly explained in a footnote. A copy of such report shall be filed immediately:

1. With the Nevada tax commission;
2. In the case of school districts, with the state department of education; and
3. In the office of the clerk or secretary of the governing body, as a public record available for inspection by any interested person.

2. In addition to the report required by subsection 1, the local governing board of each local government employer shall also cause to be made a report showing an accurate, detailed estimate for each item of resource and expenditure for the 12 calendar months following the quarter for which actual receipts and expenditures are reported. A copy of the report shall be given to any employee organization representing its employees upon the written request of the employee organization. The estimates contained in this report shall be superseded as to the period covered by any final budget or amendment thereof.
S. B. 207

SENATE BILL NO. 207—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 17, 1975

Referred to Committee on Government Affairs

SUMMARY—Enacts State Employee-Management Relations Act.
Fiscal Note: No. (BDR 23-807)

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

AN ACT relating to labor relations; providing a procedure for collective bargaining for employees in the classified service of the state; providing for creation of employee organizations; providing procedures for arbitration; 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 36, inclusive, of this act.

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

SEC. 3. It is the public policy of this state and the purpose of this chapter to promote harmonious and cooperative relationships between state government and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of state government. These policies are best effectuated by:

1. Granting to classified employees the right of organization and representation;
2. Requiring the state and each department, board, commission or agency thereof, and the University of Nevada System, to negotiate with, and enter into written agreements with employee organizations representing classified employees which have been certified or recognized;
3. Authorizing the advisory personnel commission of the state personnel system to assist in resolving disputes between classified employees and public employers; and
4. Prohibiting strikes by classified employees and providing remedies for violation of such prohibition.

SEC. 4. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 12, inclusive, of this act have the meanings ascribed to them in such sections.
SEC. 5. "Administrative employee" means:
1. All unclassified employees in the state personnel system as defined by chapter 284 of NRS; and
2. All agency and division heads holding positions in the classified service of the state personnel system as defined by chapter 284 of NRS.

SEC. 6. "Bargain collectively" means the performance of the mutual obligation of the public employer and the employee organization to meet at reasonable times and confer in good faith with respect to wages, hours and other conditions of employment, and the execution of a written contract incorporating any agreement reached if requested by either party; but such obligation does not compel either party to agree to a proposal or require the making of a concession.

SEC. 7. "Classified employee" means an employee in the classified service of the state as defined in NRS 284.150.

SEC. 8. "Commission" means the advisory personnel commission of the state personnel system.

SEC. 9. "Confidential employee" means any classified employee whose primary duties consist of work directly related to management policies and includes classified employees who are directly responsible to chief administrative officers, division heads, attorneys, appointive officers, personnel officers or professional personnel staff, other than clerical and accounting, of the state personnel division.

SEC. 10. "Employee organization" means any:
1. Association, brotherhood, council or federation composed of employees of the State of Nevada; or
2. Craft, industrial or trade union whose membership includes employees of the State of Nevada.

SEC. 11. "Public employer" means the State of Nevada and each department, board, commission or other agency thereof, including the University of Nevada System.

SEC. 12. "Strike" includes the concerted failure to report for duty, the willful absence from one's position, the stoppage of work or the abstention in whole or in part from the full, faithful and proper performance of the duties of employment by a public employee, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment.

SEC. 13. 1. Except as specifically limited by the provisions of this chapter, classified employees have the right to form, join and participate in, or to refrain from forming, joining or participating in any employee organization.

2. A public employer shall not discriminate among its employees on account of membership or nonmembership in an employee organization.

SEC. 14. It is the duty of the governor or his designated agent, on behalf of every public employer, to negotiate in good faith concerning salaries, wages, hours of work and other terms and conditions of employment with the recognized employee organization, if any, for each appropriate unit among its classified employees. If either party requests it, agreements so reached shall be reduced to writing. The negotiating agent for the state is the governor or his designated agent, and the governor may sign and enforce any agreement reached, and such agreement is binding.
upon all agencies. The governor may delegate to the officer or board
administering any state agency the power to negotiate supplemental agree­
ments concerning terms and conditions of employment peculiar to that
agency.
Sec. 15. 1. The mandatory scope of bargaining referred to in section
14 of this act and other provisions of this chapter is limited to the follow­
ing subject matter:
(a) Salary or wage rates or other forms of direct monetary compensa­
tion;
(b) Sick leave;
(c) Vacation leave;
(d) Holidays;
(e) Other paid or nonpaid leaves of absence;
(f) Insurance benefits;
(g) Total hours of work required of an employee on each work day;
(h) Total number of days of work required of an employee in a
work year;
(i) Discharge and disciplinary procedures;
(j) Recognition clause;
(k) Classification of employees in the negotiating unit;
(l) Procedures for promotion to other classifications within the nego­
tiating unit;
(m) Deduction of dues for the recognized employee organization;
(n) Management rights provision;
(o) Provision protecting employees in negotiating unit from discrimi­
nation because of participation in recognized employee organization;
p) No-strike provision;
(q) Grievance and arbitration procedures for resolution of disputes
relating to interpretation or application of collective bargaining agree­
ment;
r) General savings clause; and
(s) Term or duration of collective bargaining agreement.
2. Those subject matters which are not within the scope of mandatory
bargaining and are reserved to the public employer without negotiations
are:
(a) The right to hire, direct, assign and transfer any employee;
(b) The rights to reduce in force or lay off any employee because of
lack of work, lack of funds, or in the interest of economy or efficiency
of the governmental operation involved; and
(c) The right to determine appropriate staffing levels, work perform­
ance standards, content of the work day, including workload factors, work
schedules and the quality and quantity of services to be offered to the
public and the means and methods of offering those services.
3. Notwithstanding the provisions of subsection 2 or the provisions
of any collective bargaining agreement negotiated pursuant to this chapter,
the public employer has the right to take whatever actions may be neces­
sary to carry out its responsibilities in an emergency.
4. The provisions of this chapter and the provisions of this section
shall be so construed as to recognize the ultimate right and responsibility
of the public employer to manage its operation in the most economical
and efficient manner consistent with the best interest of all its citizens, its
taxpayers and its employees.

Sec. 16. 1. An employee organization may apply to a public
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 public employer under
any circumstances. A public employer shall not recognize as representa-
tive of its employees any employee organization which has not adopted, in
a manner valid under its own rules, the pledge required by this paragraph.

2. If an employee organization, at or after the time of its application
for recognition, presents a verified list of dues paying members reflecting
that it represents a majority of the employees in a negotiating unit, and if
such employee organization is recognized by the public employer, it is the
exclusive negotiating representative of the classified employees in that
negotiating unit.

3. The power of a public employer to withdraw recognition from an
employee organization is limited as follows:
(a) Recognition shall not be withdrawn for a period of 1 year from the
time of recognition when at that time the public employer and employee
organization were not operating under an agreement negotiated under this
chapter.
(b) When the public employer and employee organization are operat-
ing under an agreement negotiated under this chapter, recognition may be
withdrawn only during the last 90 days of the effective period of the agree-
ment.
(c) Subject to the limitations contained in paragraphs (a) and (b),
recognition may be withdrawn only if an employee organization:
(1) 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
or representatives;
(2) Disavows its pledge not to strike against the public employer
under any circumstances;
(3) Ceases to be supported by a majority of the classified employees
in the negotiating unit for which it is recognized; or
(4) Fails to negotiate in good faith with the public employer.

4. If an employee organization is aggrieved by the refusal or with-
drawal of recognition, or by the recognition or refusal to withdraw rec-
ognition of another employee organization, the aggrieved employee
organization may appeal to the commission. If the commission in good
faith doubts whether any employee organization is supported by a major-
ity of the classified employees in a particular negotiating unit, it may con-
duct an election by secret ballot upon the question. The filing of an appeal
by an aggrieved employee organization shall automatically stay the deci-
sion of the public employer to refuse or withdraw recognition or to
recognize or refuse to withdraw recognition from another employee orga-
nization pending the decision of the commission. Subject to judicial
review, the decision of the commission is binding upon the public
employer and all employee organizations involved.
1 Sec. 17. 1. All classified employees constitute one negotiating unit except as provided in subsections 2 and 3 hereof.
2 2. Administrative employees are excluded from any negotiating unit.
3 3. Confidential employees constitute a separate negotiating unit.
4 Sec. 18. 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 public employer.
5 If the subject of negotiation requires the budgeting of money by the public employer, the public employee organization shall give such notice on or before July 1 of even-numbered years.
6 2. This section does not preclude, but this chapter does not require, informal discussions between a public employee organization and a public 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.
7 3. All items within the agreement shall become effective and binding upon execution except those items which require the approval of other bodies, including but not limited to the commission, the state board of examiners or the legislature. Those items requiring additional approval shall become effective upon approval of the appropriate body, retroactive to the date of execution of the agreement.
8 4. Those items agreed to and requiring a budgetary allocation shall be jointly presented and recommended to the legislature by the public employer and employee organization at the legislative session next following the execution of the negotiated agreement, and included in the state budget presented to the legislature.
9 Sec. 19. Whenever an employee organization has given written notice of its desire to negotiate as provided in section 18 of this act, the parties shall promptly commence negotiations. During the course of negotiations, the parties may mutually agree to utilize the services of a mediator to assist them in resolving their dispute.
10 Sec. 20. 1. If by September 30, the parties have not reached agreement, either party may submit the dispute to arbitration. The decision of the arbitrator shall be advisory only unless the parties to the dispute agree, prior to the submission of the dispute to arbitration, to make the decision of the arbitrator final and binding.
2. The parties may agree upon a mutually acceptable arbitrator or either party request from the American Arbitration Association a list of seven potential arbitrators. The parties shall select their arbitrator from this list by alternately striking one name until the name of only one remains, who will be the arbitrator for the dispute in question. The employee organization shall be entitled to strike the first name.
3. The State of Nevada and the employee organization each shall pay one-half of the cost of arbitration. However, each party shall pay its own costs incurred in the preparation and presentation of its case.
4. The arbitrator shall report his decision to the parties no later than December 1.
Sec. 21. 1. For the purpose of investigating disputes, the arbitrator may issue subpoenas requiring the attendance of witnesses before him, 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 an arbitrator may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the arbitrator.

3. In case of the refusal of any witness to attend or produce any papers required by such subpoena, the arbitrator 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 books and papers;

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

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the arbitrator in the investigation named in the subpoena, 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 arbitrator.

4. The court, upon petition of the arbitrator, 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 and then and there show cause why he has not attended or testified or produced the books or papers before the arbitrator. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the arbitrator, the court shall thereupon enter an order that the witness appear before the arbitrator 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. 22. 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 an 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 an arbitrator.

4. Any meeting of the head of an employer with its management representative or representatives.

SEC. 23. No public employer shall engage in a lockout or cause, instigate, encourage or condone a strike.

SEC. 24. No classified employee or employee organization shall engage in a strike, and no employee organization shall cause, instigate, encourage or condone a strike.

SEC. 25. 1. If a strike occurs against the public employer, the public employer shall, and if a strike is threatened against the public employer, the public 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 public 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 public 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 or violation is commenced or continued in violation of an order issued pursuant to section 25 of this act, the public employer may:
   (a) Dismiss, suspend or demote all or any of the employees who participate in such strike or violation.
   (b) Cancel the contracts of employment of all or any of the employees who participate in such strike or violation.
   (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 or violation.

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

Sec. 28. Nothing contained in this chapter limits, impairs, or affects the right of any classified employee to the expression of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, if such view, grievance, complaint or opinion is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment.

Sec. 29. 1. It is a prohibited practice for a public employer or its designated representative willfully to:
   (a) Interfere with, restrain or coerce employees in the exercise of any right guaranteed under this chapter.
   (b) Dominate, interfere or assist in the formation or administration of any employee organization; but a public employer is not prohibited from permitting employees to confer during work hours without loss of time or pay.
   (c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.
   (d) Discharge or otherwise discriminate against any employee because
he has signed or filed an affidavit, petition or complaint or given any infor-
mation or testimony under this chapter, or because he has formed, joined
or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive rep-
resentative as required in section 14 of this act.

(f) Violate the provisions of any written agreement with respect to sal-
aries, wages, hours and other terms and conditions of employment affect-
ing classified employees, including an agreement to arbitrate or to accept
the terms of an arbitration award where previously the parties have
agreed to accept such award as final and binding.

2. It is a prohibited practice for a classified employee or for an
employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of
any right guaranteed under this chapter; but this paragraph does not
impair the right of an employee organization to prescribe its own rules
with respect to the acquisition or retention of membership therein.

(b) Refuse to bargain collectively in good faith with the employer,
if it is an exclusive representative, as required in section 14 of this act.

(c) Restrain or coerce an employer in the selection of his represent-
atives for the purpose of collective bargaining or the adjustment of
grievances.

(d) Violate the provisions of any written agreement with respect to
terms and conditions of employment affecting public employees, including
an agreement to arbitrate, or to accept the terms of an arbitration award,
where previously the parties have agreed to accept such award as final
and binding upon them.

Sec. 30. The commission shall adopt rules governing proceedings:
1. Brought before it under the provisions of this chapter.
2. Brought before the hearing officer under this chapter.

Sec. 31. The commission shall appoint a hearing officer to conduct
hearings and render decisions as provided in section 32 of this act.

Sec. 32. A question which arises as to whether an unfair labor prac-
tice has been or is being committed by a public employer or employee
organization, may be submitted to the commission in accord with the fol-
lowing procedure:
1. A complaint may be filed with the commission alleging that an
unfair labor practice has been or is being committed. The commission
shall refer the complaint to the hearing officer within 5 days after its
receipt.
2. The hearing officer shall transmit such complaint to the public
employer or employee organization charged in the complaint within 5
days after he receives it.
3. The hearing officer shall schedule the matter for hearing within 30
days after his transmittal of the complaint to the party charged unless
there is a conflict with the hearing calendar of the hearing officer, in which
case the hearing shall be scheduled for the earliest possible date after the
expiration of the 30 days.
4. After the hearing and consideration of the evidence, the hearing
officer shall render his decision in writing, setting forth the reasons there-
for.
5. The decision of the hearing officer shall be promptly transmitted to the commission for action consistent with section 33 of this act.

SEC. 33. 1. If no appeal is taken from the decision of the hearing officer as provided in section 34 of this act, the party committing the unfair labor practice is bound thereby.

2. The commission shall, in such event, issue and cause to be served upon the party committing the unfair labor practice an order requiring such party to cease and desist from such unfair labor practice, and shall take such further affirmative action as will effectuate the policies of this chapter, including but not limited to:

   (a) Withdrawal of certification of an employee organization established or assisted by any action defined by this chapter as an unfair labor practice;

   (b) Reinstatement of an employee discriminated against in violation of the provisions of this chapter, with or without back pay; or

   (c) Ordering a party who refused to bargain collectively in good faith to pay the full costs of factfinding resulting from the negotiations in which the refusal to bargain collectively in good faith occurred.

3. Any party may petition the district court in and for Carson City, in and for the county in which the aggrieved party resides, or in and for the county where the act on which the proceeding was based occurred for the enforcement of a commission order entered under this section.

SEC. 34. 1. Within 30 days after receipt by the commission of the decision of the hearing officer, the public employer or employee organization may request in writing that the commission review such decision.

2. The review shall be conducted by the commission and shall be confined to the record unless, for good cause shown upon application made prior to hearing on review, leave is granted to present additional evidence. The commission shall, upon request, hear oral argument and receive written briefs.

3. The commission shall not substitute its judgment for that of the hearing officer as to the weight of evidence on questions of fact. The commission may reverse, affirm or modify the decision of the hearing officer if substantial rights of the party seeking review have been prejudiced because the decision of the hearing officer is:

   (a) In violation of constitutional or statutory provisions;

   (b) In excess of his statutory authority;

   (c) Made upon unlawful procedure;

   (d) Affected by other error of law;

   (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

   (f) Arbitrary, capricious or characterized by an abuse of discretion.

4. The commission shall render its written decision setting forth the reasons therefor. If the commission affirms the decision of the hearing officer in whole or in part it shall issue and cause to be served upon the party committing the unfair labor practice an order requiring such party to cease and desist from such unfair labor practice and shall take such further affirmative action as is authorized by section 33 of this act.

5. Any party to the complaint may seek judicial enforcement of such order as provided in section 33 of this act.
SEC. 35.  1. For the purpose of hearing and deciding appeals or complaints, the commission or hearing officer may issue subpoenas 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 commission or hearing officer may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the commission or hearing officer.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the commission or hearing officer 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 the attendance of the witness or the production of the books and papers;
   (b) That the witness has been subpoenaed in the manner prescribed in this chapter;
   (c) That the witness has failed and refused to attend or produce the papers required by subpoena before the commission or hearing officer in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing.

4. The court, upon petition of the commission or hearing officer, 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 shall show cause why he has not attended or testified or produced the books or papers before the commission or hearing officer. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the commission or hearing officer, the court shall thereupon enter an order that the witness appear before the commission or hearing officer 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. 36. The decision of the commission is a contested case within the meaning of chapter 233B of NRS and is subject to judicial review as provided in chapter 233B of NRS.
AN ACT relating to employee-management relations; providing for the appointment of a commissioner to replace the local government employee-management relations board; permitting strikes in certain cases; providing for mandatory bargaining on certain subjects; 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. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. "Advisory committee" means the government employee-management relations advisory committee established under this chapter.

Sec. 3. "Commissioner" means the government employee-management relations commissioner.

Sec. 4. 1. The position of government employee-management relations commissioner is hereby created.

2. The commissioner shall:

(a) Be appointed by the governor on the basis of recommendations of at least eight members of the advisory committee.

(b) Be in the unclassified service of the state pursuant to the provisions of chapter 284 of NRS.

(c) Receive an annual salary in an amount determined pursuant to the provisions of NRS 284.182.

(d) Not engage in any other gainful employment or occupation or hold any other office for profit.

(e) Serve for a term of 4 years.

(f) Have a substantial background in labor relations or labor law.

(g) Not be closely allied exclusively with either management or labor.

3. The governor may:

(a) Reappoint the commissioner to serve from term to term.

(b) Remove the commissioner from office at any time upon the recommendation of eight members of the advisory committee.
4. The commissioner and all persons working in his office or on his staff shall not belong to any employee organization and shall be excluded from any negotiating unit provided for in this chapter.

Sec. 5. 1. The employee-management relations advisory committee is hereby created, to consist of 10 members, five of whom shall be representatives or designees of employee organizations and five of whom shall be representatives or designees of government employers. The commissioner shall be an additional, ex officio, nonvoting member of the advisory committee.

2. The governor shall appoint the members of the advisory committee on the basis of recommendations of employee organizations and government employers who are affected by the provisions of this chapter. No employee organization and no government employer may have more than one representative or designee appointed as a member of the advisory committee.

Sec. 6. 1. The advisory committee shall solicit applications and interview applicants for the position of commissioner. The advisory committee shall then submit to the governor a list of those applicants receiving a vote of at least eight of its members, from which list the appointment shall be made.

2. The advisory committee shall meet at least semiannually to review the procedures provided for in this chapter, advise the board or the commissioner in any manner requested, and file a report with the legislature at the next session of the legislature regarding procedures under the provisions of this chapter and making recommendations for desirable legislation affecting this chapter.

Sec. 7. 1. Participation in a strike is unlawful for:
(a) Law enforcement officers or firemen employed by a local government employer.
(b) Any local government employee who:
   (1) Is not included in a recognized employee organization; or
   (2) Is included in a recognized employee organization for which process for resolution of a dispute is by referral to final and binding fact-finding.
2. A local government employee, who is not prohibited from striking under subsection 1 and who is in the recognized employee organization involved in the dispute, may participate in a strike after:
(a) The requirements of NRS 288.200 relating to the resolution of disputes have been complied with in good faith;
(b) 30 days have elapsed since the factfinder reported his findings and recommendations to the parties to the dispute; and
(c) The representative of the employee organization involved in the dispute has given a ten-day notice of intent to strike to the board or the commissioner and the local government employer.

Sec. 8. 1. Where the strike occurring or about to occur, endangers the public health or safety, the local government employer concerned may petition the board or commissioner to make an investigation.
2. If the board or the commissioner finds that there is imminent or present danger to the health and safety of the public, the board or the
commissioner shall set requirements that must be complied with to avoid
or remove any such imminent or present danger.

Sec. 9. 1. An employee organization shall not declare or authorize a
strike of employees, which is or would be in violation of sections 7 and 8
of this act.

2. Where it is alleged by the local government employer that an
employee organization has declared or authorized a strike of employees
which is or would be in violation of sections 7 and 8 of this act, the local
government employer may apply to the board or the commissioner for a
declaration that the strike is or would be unlawful and the board or the
commissioner, after affording an opportunity to the employee organiza-
tion to be heard on the application, may make such a declaration.

Sec. 10. NRS 288.080 is hereby amended to read as follows:

288.080 1. The local government employee-management relations
board is hereby created, to consist of three members, broadly representa-
tive 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.]

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

4. The board shall cease to function upon the appointment of the
commissioner or on December 31, 1975, whichever event first occurs.

Sec. 11. NRS 288.090 is hereby amended to read as follows:

288.090 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 or the commissioner may, within the limits of legis-
lative appropriations:

[a] 1. Appoint a secretary, who shall be in the unclassified serv-
ice of the state; and

[b] 2. Employ such additional clerical personnel as may be neces-
sary, who shall be in the classified service of the state.

Sec. 12. NRS 288.110 is hereby amended to read as follows:

288.110 1. The board or the commissioner may make rules govern-
ing 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 or the commissioner may hear and determine any com-
plaint arising out of the interpretation of, or performance under, the
provisions of this chapter by any local government employer or employee
organization. The board [or the commissioner, after a hearing, if it
finds] they find 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 or the commissioner issued pursuant to subsection 2 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce such order.

Sec. 13. NRS 288.120 is hereby amended to read as follows:

288.120 1. For the purpose of hearing and deciding appeals or complaints, the board or the commissioner may issue subpoenas 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 or the commissioner may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the board or the commissioner.

3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the board or the commissioner 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 subpoenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the board or the commissioner in the hearing named in the subpoena, 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 or the commissioner.

4. The court, upon petition of the board or the commissioner, 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 or the commissioner. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the board or the commissioner, the court shall thereupon enter an order that the witness appear before the board or the commissioner 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. 14. NRS 288.130 is hereby amended to read as follows:

288.130 Every hearing and determination of an appeal or complaint by the board or the commissioner 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. 15. NRS 288.150 is hereby amended to read as follows:

288.150 1. It is the duty of every local government employer, except as limited in subsection 2, to negotiate in good faith 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. If either party requests it, agreements so reached shall be reduced to writing. 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.

Any action taken under the provisions of this subsection shall not be construed as a failure to negotiate in good faith. Except as provided in subsection 4, it is the duty of every government employer to negotiate in good faith through a representative or representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate negotiating unit among its employees. If either party so requests, agreements reached shall be reduced to writing. Where any officer of a government employer, other than a member of the governing body, is elected by the people and directs the work of any 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. The scope of mandatory bargaining is limited to:
   (a) Salary or wage rates or other forms of direct monetary compensation;
   (b) Sick leave;
   (c) Vacation leave;
   (d) Holidays;
   (e) Other paid or nonpaid leaves of absence.
(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the negotiating unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in negotiating unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

None of the subject matters enumerated in this subsection may be negotiated beyond the limits, if any, established under other provisions of NRS or applicable federal laws. Employees shall not have available to them more than one procedure relating to discipline or discharge.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the government employer without negotiation include:

(a) The right to hire, direct, assign and transfer any employee.

(b) The right to reduce in force or layoff any employee because of lack of work, lack of funds, in the interest of economy or in the interest of the governmental operation involved. In exercising this right, the government employer shall comply with all other applicable provisions of NRS, if any.

(c) The right to determine appropriate staffing levels, work performance standards, content of the workday, including without limitation workload factors, work schedules, the quality and quantity of services to be offered to the public and the means and methods of offering those services.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in an emergency.

5. The provisions of the chapter, including without limitation the provisions of this section, shall be construed to recognize the ultimate right and responsibility of the government employer to manage its operation in the most economical and efficient manner consistent with the best interest of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require the government employer to negotiate or discuss subject matters enumerated in subsection 3, which are outside the scope of mandatory bargaining.

Sec. 16. NRS 288.160 is hereby amended to read as follows:

288.160 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; and
(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;
   (c) Ceases to be supported by a majority of the local government employees in the negotiating unit for which it is recognized; or
   (d) Fails to negotiate in good faith with the local government employer.

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 or the commissioner. If the board or the commissioner in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular negotiating unit, they 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. 17. NRS 288.170 is hereby amended to read as follows:

288.170 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 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. A local government department head, administrative employee or supervisory employee shall not be a member of the same negotiating unit as the employees under his direction. Any dispute between the parties as to whether an employee is a supervisor shall be
submitted to the board [.] or the commissioner. In all cases, confidential
employees of the local government employer shall be excluded from any
negotiating unit.
2. If any employee organization is aggrieved by determination of a
negotiating unit, it may appeal to the board [.] or the commissioner.
Subject to judicial review, the decision of the board or the commissioner
is binding upon the local government employer and employee organiza-
tions involved. The board shall apply the same criterion as specified in
subsection 1.

SEC. 18. NRS 288.180 is hereby amended to read as follows:
288.180 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 on or before December 1.] An employee organization which
has been recognized by a local government employer and desires to negoti-
ate concerning any matter within the scope of mandatory bargaining
shall give written notice of such desire to the local government employer
on or before December 1 of the fiscal year prior to the fiscal year in which
such provisions are to be effective.
2. This section does not preclude, but this chapter does not require,
informal discussion between an employee organization and a local gov-
ernment employer of any matter which is not [subject to negotiation or
contract under this chapter.] not within the scope of mandatory bar-
gaining. Any such informal discussion is exempt from all requirements
of notice or time schedule.

SEC. 19. NRS 288.200 is hereby amended to read as follows:
288.200 1. If by March 1, the parties have not reached agreement,
either party, at any time up to April 1, may submit the dispute to an
impartial factfinder for his findings and recommendations. These findings
and recommendations are not binding on the parties except as provided
in [subsections 6 and 7.] subsection 6 and paragraph (a) of subsection 7.
2. If the parties are unable to agree on an impartial factfinder
within 5 days, either party may request from the American Arbitration
Association a list of seven potential factfinders. The parties shall select
their factfinder from this list by alternately striking one name until the
name of only one factfinder remains, who will be the factfinder to hear
the dispute in question. The employee organization shall strike the first
name.
3. The local government employer and employee organization each
shall pay one-half of the cost of factfinding. However, each party shall
pay its own costs of factfinding incurred in the preparation and presenta-
tion of its case in factfinding.
4. The factfinder shall report his findings and recommendations to
the parties to the dispute within 30 days after the conclusion of the fact-
finding hearing. Such report shall be made no later than May 5 except as
modified by the provisions of subsection 5.
5. In a regular legislative year, the factfinding hearing shall be
stayed:
1. If the court finds that an illegal strike has occurred or unless enjoin will occur, it shall enjoin the continuance or commencement of such strike. If any employee organization or any employee is found to be violating or failing to comply with the requirements of sections 7 to 9, inclusive, or if there is reasonable cause to believe that an employee organization or an employee is violating or failing to comply with such requirements, the board or the commissioner shall institute proceedings in a court of competent jurisdiction to enjoin the performance of any acts or practices forbidden by sections 7 to 9, inclusive, of this act, or to require the employee organization or employees to comply with the requirements of sections 7 to 9, inclusive, of this act.

2. 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. 21. NRS 288.250 is hereby amended to read as follows:

288.250 1. If a strike is commenced or continued in violation of an employee or employee organization violates an order issued pursuant to NRS 288.240, 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. 22. NRS 288.260 is hereby amended to read as follows:

288.260 1. If a strike or violation is commenced or continued in violation of an employee or employee organization violates an order issued pursuant to NRS 288.240, the state or the local government employer may:

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

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

(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 or violation.

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

Sec. 23. NRS 288.230 is hereby repealed.