



NEVADA  
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## INSIDE THIS BRIEF

- BACKGROUND
- NEVADA LAW
- 2015 LEGISLATION
- STATE EMPLOYEES

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## RESEARCH BRIEF ON

# COLLECTIVE BARGAINING

### BACKGROUND

In 1969, the Local Government Employee-Management Relations Act was enacted—and codified in Chapter 288 (“Relations Between Governments and Public Employees”) of *Nevada Revised Statutes* (NRS)—to allow collective bargaining for local government employees and to address strikes by public employees. Additionally, the Act created the Local Government Employee-Management Relations Board (EMRB), whose three members are appointed by the Governor.

### NEVADA LAW

*Nevada Revised Statutes* 288.230 legislatively declares it to be the public policy of the State that strikes by State or local government employees are illegal.

Collective bargaining is defined by NRS 288.033 as “a method of determining conditions of employment by negotiation between representatives of the local government employer and employee organizations, entailing a mutual obligation . . . to meet at reasonable times and bargain in good faith . . . .”

Mandatory subjects of collective bargaining (NRS 288.150) include:

- Salaries or wages, sick leave, vacation, holidays, and leaves of absence;
- Insurance benefits;
- Hours of work required (by day or week) and safety of employees;

- Discharge and disciplinary procedures;
- Methodology for classification of employees in a bargaining unit;
- Deduction of employee organization dues and protection from discrimination due to participation in employee organizations;
- Grievance or arbitration procedures for resolution of disputes over agreements;
- Procedures and requirements for reopening agreements during fiscal emergencies; and
- For teachers, preparation time, classroom materials and supplies, transfers and reassignments, and workforce reduction procedures.

Subjects that are not liable to collective bargaining and instead are reserved to the employer include:

- Transfer or reassignment—except as to teachers, as a form of discipline, or when a school is converted to an achievement charter school or designated as a turnaround school;
- Workforce reduction due to lack of work or money except as limited by statute;
- Safety of the public; and
- Determination of staffing levels, content of workday, quality and quantity of services to the public, and means and methods of offering services to the public.

Local government employers may take whatever action is necessary—including suspending a collective bargaining agreement—in emergency situations such as civil disorder, military actions, natural disasters, or riots.

Chapter 288 of NRS also spells out procedures for the recognition of employee organizations, determination of bargaining units, submittal of disputes to mediation or arbitration, and role of the EMRB in appeals and other matters. Negotiations, mediations, arbitrations, fact finding, and EMRB deliberations are not required to be open to the public (NRS 288.220).

## 2015 LEGISLATION

Senate Bill 92 (Chapter 541, *Statutes of Nevada*) provides procedures for a public school, determined by the Department of Education to be underperforming, to be designated as a turnaround school, and it provides for the transfer or reassignment of certain staff to or from an underperforming school, notwithstanding the provisions of a collective bargaining agreement to the contrary.

Senate Bill 158 (Chapter 84, *Statutes of Nevada*) requires a local government employer to make the following documents available to the public not less than three business days before a public hearing by its governing body to approve a collective bargaining agreement: (1) the proposed agreement and any exhibits or other attachments to the proposed agreement; (2) any modifications to a previous agreement; and (3) the fiscal impact of the agreement.

Senate Bill 168 (Chapter 490, *Statutes of Nevada*) authorizes a local government to reopen a collective bargaining agreement during a fiscal emergency and sets forth the circumstances under which such an emergency shall be deemed to exist.

Senate Bill 241 (Chapter 315, *Statutes of Nevada*) makes various changes to collective bargaining. Two provisions specific to school administrators are: (1) a school administrator whose annual salary, adjusted for inflation, is greater than

\$120,000 is excluded from membership in any bargaining unit; and (2) during the first three years of employment by a school district, a principal is employed at will. A collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement, and until a successor agreement becomes effective, a local government employer shall not, with limited exceptions, increase any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit. The 2013 Legislature enacted A.B. 13 (Chapter 14, *Statutes of Nevada*) to increase from 90 days to 180 days the time in which the EMRB must conduct a hearing after it decides to hear a complaint; however, S.B. 241 decreases that time frame to 45 days.

Assembly Bill 394 (Chapter 543, *Statutes of Nevada*) creates an advisory committee and a technical advisory committee to develop a plan for the reorganization of the Clark County School District into not less than five local school precincts, and the plan must be implemented by School Year 2017-2018. Upon implementation of the plan, each school precinct becomes the local government employer for the purposes of collective bargaining with its employees.

Assembly Bill 448 (Chapter 539, *Statutes of Nevada*) creates the Achievement School District within the Department of Education and establishes the criteria for the annual conversion to achievement charter schools of up to six underperforming schools. One of the provisions of the bill is to authorize a board of trustees of a school district to reassign any staff of a school that is converted to an achievement charter school, notwithstanding the provisions of a collective bargaining agreement to the contrary.

## STATE EMPLOYEES

The Legislature has considered bills extending collective bargaining to State employees beginning in the 1970s. Only two such bills have ever passed, but both were vetoed successfully: (1) A.B. 130 in 1991 was vetoed by Governor Robert J. Miller; and (2) A.B. 395 in 2009 was vetoed by Governor Jim Gibbons.

