

SENATE BILL NO. 162—SENATOR GUSTAVSON

FEBRUARY 16, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing topics of collective bargaining for public employees. (BDR 23-788)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public employees; revising the subjects of mandatory bargaining; revising the matters reserved to the employer without negotiation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, every local government employer is required to negotiate
2 certain mandatory topics with the recognized employee organization for its
3 employees, and certain topics are prohibited from being negotiated and are reserved
4 to the local government employer. (NRS 288.150)

5 **Section 1** of this bill removes policies for the transfer and reassignment of
6 teachers and procedures for reduction in workforce from the topics that are required
7 to be negotiated. **Section 1** also includes policies for the transfer and reassignment
8 of teachers within the topics that are prohibited from being negotiated and are
9 reserved to the local government employer.

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

1 **Section 1.** NRS 288.150 is hereby amended to read as follows:
2 288.150 1. Except as provided in subsection 4, every local
3 government employer shall negotiate in good faith through one or
4 more representatives of its own choosing concerning the mandatory
5 subjects of bargaining set forth in subsection 2 with the designated
6 representatives of the recognized employee organization, if any, for
7 each appropriate bargaining unit among its employees. If either
8 party so requests, agreements reached must be reduced to writing.

9 2. The scope of mandatory bargaining is limited to:



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- 1 (a) Salary or wage rates or other forms of direct monetary
- 2 compensation.
- 3 (b) Sick leave.
- 4 (c) Vacation leave.
- 5 (d) Holidays.
- 6 (e) Other paid or nonpaid leaves of absence.
- 7 (f) Insurance benefits.
- 8 (g) Total hours of work required of an employee on each
- 9 workday or workweek.
- 10 (h) Total number of days' work required of an employee in a
- 11 work year.
- 12 (i) Discharge and disciplinary procedures.
- 13 (j) Recognition clause.
- 14 (k) The method used to classify employees in the bargaining
- 15 unit.
- 16 (l) Deduction of dues for the recognized employee organization.
- 17 (m) Protection of employees in the bargaining unit from
- 18 discrimination because of participation in recognized employee
- 19 organizations consistent with the provisions of this chapter.
- 20 (n) No-strike provisions consistent with the provisions of this
- 21 chapter.
- 22 (o) Grievance and arbitration procedures for resolution of
- 23 disputes relating to interpretation or application of collective
- 24 bargaining agreements.
- 25 (p) General savings clauses.
- 26 (q) Duration of collective bargaining agreements.
- 27 (r) Safety of the employee.
- 28 (s) Teacher preparation time.
- 29 (t) Materials and supplies for classrooms.
- 30 ~~[(u) The policies for the transfer and reassignment of teachers.~~
- 31 ~~—(v) Procedures for reduction in workforce.]~~
- 32 3. Those subject matters which are not within the scope of
- 33 mandatory bargaining and which are reserved to the local
- 34 government employer without negotiation include:
- 35 (a) ~~[(Except as otherwise provided in paragraph (u) of subsection~~
- 36 ~~2, the] The~~ right to hire, direct, assign or transfer an employee, but
- 37 excluding the right to assign or transfer an employee as a form of
- 38 discipline.
- 39 (b) The right to reduce in force or lay off any employee because
- 40 of lack of work or lack of money . ~~[(subject to paragraph (v) of~~
- 41 ~~subsection 2.)~~
- 42 (c) The right to determine:
- 43 (1) Appropriate staffing levels and work performance
- 44 standards, except for safety considerations;



- 1 (2) The content of the workday, including without limitation
2 workload factors, except for safety considerations;
3 (3) The quality and quantity of services to be offered to the
4 public; and
5 (4) The means and methods of offering those services.
6 (d) Safety of the public.
7 (e) *The policies for the transfer and reassignment of teachers.*
8 4. Notwithstanding the provisions of any collective bargaining
9 agreement negotiated pursuant to this chapter, a local government
10 employer is entitled to take whatever actions may be necessary to
11 carry out its responsibilities in situations of emergency such as a
12 riot, military action, natural disaster or civil disorder. Those actions
13 may include the suspension of any collective bargaining agreement
14 for the duration of the emergency. Any action taken under the
15 provisions of this subsection must not be construed as a failure to
16 negotiate in good faith.
17 5. The provisions of this chapter, including without limitation
18 the provisions of this section, recognize and declare the ultimate
19 right and responsibility of the local government employer to manage
20 its operation in the most efficient manner consistent with the best
21 interests of all its citizens, its taxpayers and its employees.
22 6. This section does not preclude, but this chapter does not
23 require the local government employer to negotiate subject matters
24 enumerated in subsection 3 which are outside the scope of
25 mandatory bargaining. The local government employer shall discuss
26 subject matters outside the scope of mandatory bargaining but it is
27 not required to negotiate those matters.
28 7. Contract provisions presently existing in signed and ratified
29 agreements as of May 15, 1975, at 12 p.m. remain negotiable.
30 **Sec. 2.** This act becomes effective on July 1, 2011.

