
SENATE BILL NO. 342—SENATORS ROBERSON, CEGAVSKE,
BROWER; GUSTAVSON, HALSETH, KIECKHEFER AND
SETTELMAYER

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing collective bargaining
between local governments and employees.
(BDR 23-1036)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 local government; revising provisions related to the deduction of dues for an employee organization; prohibiting representatives of employee organizations from receiving public money to perform activities or duties related to representation of an employee organization; prohibiting supervisory employees and administrative employees from inclusion in bargaining units; requiring the publication of initial and final offers; making various other changes relating to collective bargaining between local government employers and employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, local government employees in supervisory and
2 administrative positions are required to be members of a different bargaining unit
3 from employees they supervise. (NRS 288.170) **Section 5** of this bill excludes all
4 school administrators, heads of departments of local governments, administrative
5 employees and supervisory employees from being members of bargaining units.
6 Under existing law, a local government employer is required to negotiate with a
7 recognized employee organization regarding the deduction of dues for the
8 recognized employee organization. (NRS 288.150) **Section 4** of this bill removes
9 such negotiation from the scope of mandatory bargaining. **Section 2** of this bill
10 authorizes an individual local government employee to decide whether to have dues
11 for the recognized employee organization deducted by his or her employer.



12 **Section 3** of this bill prohibits designated representatives of employee
13 organizations from receiving compensation for activities related to representation of
14 the employee organization from public money and requires such compensation to
15 be paid by the local government employees who are members of the employee
16 organization.

17 **Sections 6, 7 and 9-11** of this bill require public notice of the initial and final
18 offers made by each party during negotiation, mediation, fact-finding and
19 arbitration. **Sections 6, 7 and 9-11** also require that any final resolution reached in
20 negotiation, mediation, fact-finding or arbitration be retroactive to the expiration
21 date of the previous contract between the parties and prohibit the parties, mediator,
22 fact finder or arbitrator from changing the effective date.

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

1 **Section 1.** Chapter 288 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *A local government employer may agree with any*
4 *of its employees to deduct from the compensation of the local*
5 *government employee dues for an employee organization.*

6 **2.** *The local government employer shall withhold the amount*
7 *of compensation which a local government employee has, by such*
8 *an agreement, directed the local government employer to deduct as*
9 *dues for an employee organization.*

10 **3.** *Nothing in this section shall be construed as to require any*
11 *local government employee to enter into an agreement with the*
12 *local government employer for the deduction of dues for an*
13 *employee organization.*

14 **Sec. 3. 1.** *The designated representatives of an employee*
15 *organization shall not receive compensation from public money*
16 *for activities or duties related to the representation of the employee*
17 *organization.*

18 **2.** *An employee organization may compensate designated*
19 *representatives of the employee organization for activities or duties*
20 *related to the representation of the employee organization.*

21 **Sec. 4.** NRS 288.150 is hereby amended to read as follows:

22 288.150 1. Except as provided in subsection 4, every local
23 government employer shall negotiate in good faith through one or
24 more representatives of its own choosing concerning the mandatory
25 subjects of bargaining set forth in subsection 2 with the designated
26 representatives of the recognized employee organization, if any, for
27 each appropriate bargaining unit among its employees. If either
28 party so requests, agreements reached must be reduced to writing.

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

30 (a) Salary or wage rates or other forms of direct monetary
31 compensation.



- 1 (b) Sick leave.
- 2 (c) Vacation leave.
- 3 (d) Holidays.
- 4 (e) Other paid or nonpaid leaves of absence.
- 5 (f) Insurance benefits.
- 6 (g) Total hours of work required of an employee on each
- 7 workday or workweek.
- 8 (h) Total number of days' work required of an employee in a
- 9 work year.
- 10 (i) Discharge and disciplinary procedures.
- 11 (j) Recognition clause.
- 12 (k) The method used to classify employees in the bargaining
- 13 unit.
- 14 (l) ~~[(+)] Deduction of dues for the recognized employee~~
- 15 ~~organization.~~
- 16 ~~[(m)]~~ Protection of employees in the bargaining unit from
- 17 discrimination because of participation in recognized employee
- 18 organizations consistent with the provisions of this chapter.
- 19 ~~[(+)]~~ (m) No-strike provisions consistent with the provisions of
- 20 this chapter.
- 21 ~~[(+)]~~ (n) Grievance and arbitration procedures for resolution of
- 22 disputes relating to interpretation or application of collective
- 23 bargaining agreements.
- 24 ~~[(+)]~~ (o) General savings clauses.
- 25 ~~[(+)]~~ (p) Duration of collective bargaining agreements.
- 26 ~~[(+)]~~ (q) Safety of the employee.
- 27 ~~[(+)]~~ (r) Teacher preparation time.
- 28 ~~[(+)]~~ (s) Materials and supplies for classrooms.
- 29 ~~[(+)]~~ (t) The policies for the transfer and reassignment of
- 30 teachers.
- 31 ~~[(+)]~~ (u) 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 ~~[(+)]~~ (t) of
- 36 subsection 2, the right to hire, direct, assign or transfer an employee,
- 37 but excluding the right to assign or transfer an employee as a form
- 38 of 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 ~~[(+)]~~ (u) 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 4. Notwithstanding the provisions of any collective bargaining
8 agreement negotiated pursuant to this chapter, a local government
9 employer is entitled to take whatever actions may be necessary to
10 carry out its responsibilities in situations of emergency such as a
11 riot, military action, natural disaster or civil disorder. Those actions
12 may include the suspension of any collective bargaining agreement
13 for the duration of the emergency. Any action taken under the
14 provisions of this subsection must not be construed as a failure to
15 negotiate in good faith.

16 5. The provisions of this chapter, including without limitation
17 the provisions of this section, recognize and declare the ultimate
18 right and responsibility of the local government employer to manage
19 its operation in the most efficient manner consistent with the best
20 interests of all its citizens, its taxpayers and its employees.

21 6. This section does not preclude, but this chapter does not
22 require the local government employer to negotiate subject matters
23 enumerated in subsection 3 which are outside the scope of
24 mandatory bargaining. The local government employer shall discuss
25 subject matters outside the scope of mandatory bargaining but it is
26 not required to negotiate those matters.

27 7. Contract provisions presently existing in signed and ratified
28 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

29 **Sec. 5.** NRS 288.170 is hereby amended to read as follows:

30 288.170 1. Each local government employer which has
31 recognized one or more employee organizations shall determine,
32 after consultation with the recognized organization or organizations,
33 which group or groups of its employees constitute an appropriate
34 unit or units for negotiating. The primary criterion for that
35 determination must be the community of interest among the
36 employees concerned.

37 2. ~~[A principal, assistant principal or other school administrator~~
38 ~~below the rank of superintendent, associate superintendent or~~
39 ~~assistant superintendent shall not be a member of the same~~
40 ~~bargaining unit with public school teachers unless the school district~~
41 ~~employs fewer than five principals but may join with other officials~~
42 ~~of the same specified ranks to negotiate as a separate bargaining~~
43 ~~unit.] Any school administrator who is a supervisor above the rank~~
44 ~~of teacher, including, without limitation, a principal, assistant~~
45 ~~principal, superintendent, associate superintendent and assistant~~



1 *superintendent, must be excluded from any bargaining unit. Any*
2 *dispute between the parties as to whether an employee is a*
3 *supervisor must be submitted to the Board.*

4 3. A head of a department of a local government, an
5 administrative employee or a supervisory employee must ~~[not be a~~
6 ~~member of the same bargaining unit as the employees under the~~
7 ~~direction of that department head, administrative employee or~~
8 ~~supervisory employee.]~~ *be excluded from any bargaining unit.* Any
9 dispute between the parties as to whether an employee is a
10 supervisor must be submitted to the Board. ~~[An employee~~
11 ~~organization which is negotiating on behalf of two or more~~
12 ~~bargaining units consisting of firefighters or police officers, as~~
13 ~~defined in NRS 288.215, may select members of the units to~~
14 ~~negotiate jointly on behalf of each other, even if one of the units~~
15 ~~consists of supervisory employees and the other unit does not.]~~

16 4. Confidential employees of the local government employer
17 must be excluded from any bargaining unit but are entitled to
18 participate in any plan to provide benefits for a group that is
19 administered by the bargaining unit of which they would otherwise
20 be a member.

21 5. If any employee organization is aggrieved by the
22 determination of a bargaining unit, it may appeal to the Board.
23 Subject to judicial review, the decision of the Board is binding upon
24 the local government employer and employee organizations
25 involved. The Board shall apply the same criterion as specified in
26 subsection 1.

27 6. As used in this section, "confidential employee" means an
28 employee who is involved in the decisions of management affecting
29 collective bargaining.

30 **Sec. 6.** NRS 288.180 is hereby amended to read as follows:

31 288.180 1. Whenever an employee organization desires to
32 negotiate concerning any matter which is subject to negotiation
33 pursuant to this chapter, it shall give written notice of that desire to
34 the local government employer. If the subject of negotiation requires
35 the budgeting of money by the local government employer, the
36 employee organization shall give notice on or before February 1.

37 2. Following the notification provided for in subsection 1, the
38 employee organization or the local government employer may
39 request reasonable information concerning any subject matter
40 included in the scope of mandatory bargaining which it deems
41 necessary for and relevant to the negotiations. The information
42 requested must be furnished without unnecessary delay. The
43 information must be accurate, and must be presented in a form
44 responsive to the request and in the format in which the records
45 containing it are ordinarily kept. If the employee organization



1 requests financial information concerning a metropolitan police
2 department, the local government employers which form that
3 department shall furnish the information to the employee
4 organization.

5 3. The parties shall promptly commence negotiations. As the
6 first step, the parties shall discuss the procedures to be followed if
7 they are unable to agree on one or more issues.

8 4. *The governing body of the local government shall:*

9 (a) *Publish on the Internet website of the local government, if*
10 *any, the initial and final offers made by the parties during*
11 *negotiation; and*

12 (b) *Hold a public meeting in accordance with the provisions of*
13 *chapter 241 of NRS to inform the public of the initial and final*
14 *offers made by the parties during negotiation.*

15 5. *If the parties reach an agreement through negotiation, the*
16 *terms of that agreement must be retroactive to the expiration date*
17 *of the last contract between the parties. The parties may not*
18 *negotiate to change the effective date of the agreement.*

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

25 **Sec. 7.** NRS 288.190 is hereby amended to read as follows:

26 288.190 Except in cases to which NRS 288.205 and 288.215
27 apply:

28 1. Anytime before March 1, the dispute may be submitted to a
29 mediator, if both parties agree. Anytime after March 1, either party
30 involved in negotiations may request a mediator. If the parties do
31 not agree upon a mediator, the Commissioner shall submit to the
32 parties a list of seven potential mediators. The parties shall select
33 their mediator from the list by alternately striking one name until the
34 name of only one mediator remains, who will be the mediator to
35 hear the dispute. The employee organization shall strike the first
36 name.

37 2. If mediation is agreed to or requested pursuant to subsection
38 1, the mediator must be selected at the time the parties agree upon a
39 mediator or, if the parties do not agree upon a mediator, within 5
40 days after the parties receive the list of potential mediators from the
41 Commissioner.

42 3. The mediator shall bring the parties together as soon as
43 possible and, unless otherwise agreed upon by the parties, attempt to
44 settle the dispute within 30 days after being notified of the
45 mediator's selection as mediator. The mediator may establish the



1 times and dates for meetings and compel the parties to attend but
2 has no power to compel the parties to agree.

3 4. *Before the parties meet with the mediator to attempt to*
4 *settle the dispute, the governing body of the local government*
5 *shall:*

6 (a) *Publish on the Internet website of the local government, if*
7 *any, the initial offers made by the parties; and*

8 (b) *Hold a public meeting in accordance with the provisions of*
9 *chapter 241 of NRS to inform the public of the initial offers made*
10 *by the parties.*

11 5. The local government employer and employee organization
12 each shall pay one-half of the cost of mediation. Each party shall
13 pay its own costs of preparation and presentation of its case in
14 mediation.

15 ~~5.1~~ 6. If the dispute is submitted to a mediator and then
16 submitted to a fact finder ~~[, the]~~ :

17 (a) *The governing body of the local government shall:*

18 (1) *Publish on the Internet website of the local government,*
19 *if any, the final offers made by the parties during mediation; and*

20 (2) *Hold a public meeting in accordance with the provisions*
21 *of chapter 241 of NRS to inform the public of the final offers*
22 *made by the parties during mediation.*

23 (b) *The mediator shall, within 15 days after the last meeting*
24 *between the parties, give to the Commissioner of the Board a report*
25 *of the efforts made to settle the dispute.*

26 7. *If the parties reach an agreement through mediation, the*
27 *terms of the agreement must be retroactive to the expiration date*
28 *of the last contract between the parties. The parties may not*
29 *negotiate to change and the mediator may not change the effective*
30 *date of the agreement.*

31 **Sec. 8.** NRS 288.195 is hereby amended to read as follows:

32 288.195 Whenever an employee organization enters into
33 negotiations with a local government employer, pursuant to NRS
34 288.140 to 288.220, inclusive, *and sections 2 and 3 of this act*, such
35 employee organization may be represented by an attorney licensed
36 to practice law in the State of Nevada.

37 **Sec. 9.** NRS 288.200 is hereby amended to read as follows:

38 288.200 Except in cases to which NRS 288.205 and 288.215,
39 or NRS 288.217 apply:

40 1. If:

41 (a) The parties have failed to reach an agreement after at least
42 six meetings of negotiations; and

43 (b) The parties have participated in mediation and by April 1,
44 have not reached agreement,



1 ↪ either party to the dispute, at any time after April 1, may submit
2 the dispute to an impartial fact finder for the findings and
3 recommendations of the fact finder. The findings and
4 recommendations of the fact finder are not binding on the parties
5 except as provided in subsections ~~[5, 6 and 11.]~~ **6, 7 and 13.** The
6 mediator of a dispute may also be chosen by the parties to serve as
7 the fact finder.

8 2. If the parties are unable to agree on an impartial fact finder
9 or a panel of neutral arbitrators within 5 days, either party may
10 request from the American Arbitration Association or the Federal
11 Mediation and Conciliation Service a list of seven potential fact
12 finders. If the parties are unable to agree upon which arbitration
13 service should be used, the Federal Mediation and Conciliation
14 Service must be used. Within 5 days after receiving a list from the
15 applicable arbitration service, the parties shall select their fact finder
16 from this list by alternately striking one name until the name of only
17 one fact finder remains, who will be the fact finder to hear the
18 dispute in question. The employee organization shall strike the first
19 name.

20 3. The local government employer and employee organization
21 each shall pay one-half of the cost of fact-finding. Each party shall
22 pay its own costs of preparation and presentation of its case in
23 fact-finding.

24 4. A schedule of dates and times for the hearing must be
25 established within 10 days after the selection of the fact finder
26 pursuant to subsection 2, and the fact finder shall report the findings
27 and recommendations of the fact finder to the parties to the dispute
28 within 30 days after the conclusion of the fact-finding hearing.

29 5. *Before the submission of the dispute to a fact finder, the*
30 *governing body of the local government shall:*

31 *(a) Publish on the Internet website of the local government, if*
32 *any, the initial offers made by the parties; and*

33 *(b) Hold a public meeting in accordance with the provisions of*
34 *chapter 241 of NRS to inform the public of the initial offers made*
35 *by the parties.*

36 6. The parties to the dispute may agree, before the submission
37 of the dispute to fact-finding, to make the findings and
38 recommendations on all or any specified issues final and binding on
39 the parties.

40 ~~[6.]~~ 7. If the parties do not agree on whether to make the
41 findings and recommendations of the fact finder final and binding,
42 either party may request the formation of a panel to determine
43 whether the findings and recommendations of a fact finder on all or
44 any specified issues in a particular dispute which are within the
45 scope of subsection ~~[11.]~~ **13** are to be final and binding. The



1 determination must be made upon the concurrence of at least two
2 members of the panel and not later than the date which is 30 days
3 after the date on which the matter is submitted to the panel, unless
4 that date is extended by the Commissioner of the Board. Each panel
5 shall, when making its determination, consider whether the parties
6 have bargained in good faith and whether it believes the parties can
7 resolve any remaining issues. Any panel may also consider the
8 actions taken by the parties in response to any previous fact-finding
9 between these parties, the best interests of the State and all its
10 citizens, the potential fiscal effect both within and outside the
11 political subdivision, and any danger to the safety of the people of
12 the State or a political subdivision.

13 ~~[7.]~~ **8. Before the fact finder makes a recommendation or**
14 **award, the governing body of the local government shall:**

15 **(a) Publish on the Internet website of the local government, if**
16 **any, the final offers made by the parties during fact-finding; and**

17 **(b) Hold a public meeting in accordance with the provisions of**
18 **chapter 241 of NRS to inform the public of the final offers made**
19 **by the parties during fact-finding.**

20 **9.** Except as otherwise provided in subsection ~~[10.]~~ **12**, any fact
21 finder, whether the fact finder's recommendations are to be binding
22 or not, shall base such recommendations or award on the following
23 criteria:

24 (a) A preliminary determination must be made as to the financial
25 ability of the local government employer based on all existing
26 available revenues as established by the local government employer
27 and within the limitations set forth in NRS 354.6241, with due
28 regard for the obligation of the local government employer to
29 provide facilities and services guaranteeing the health, welfare and
30 safety of the people residing within the political subdivision.

31 (b) Once the fact finder has determined in accordance with
32 paragraph (a) that there is a current financial ability to grant
33 monetary benefits, and subject to the provisions of paragraph (c),
34 the fact finder shall consider, to the extent appropriate,
35 compensation of other government employees, both in and out of
36 the State and use normal criteria for interest disputes regarding the
37 terms and provisions to be included in an agreement in assessing the
38 reasonableness of the position of each party as to each issue in
39 dispute and the fact finder shall consider whether the Board found
40 that either party had bargained in bad faith.

41 (c) A consideration of funding for the current year being
42 negotiated. If the parties mutually agree to arbitrate a multiyear
43 contract, the fact finder must consider the ability to pay over the life
44 of the contract being negotiated or arbitrated.



1 ↳ The fact finder's report must contain the facts upon which the
2 fact finder based the fact finder's determination of financial ability
3 to grant monetary benefits and the fact finder's recommendations or
4 award.

5 ~~[8.]~~ **10.** Within 45 days after the receipt of the report from the
6 fact finder, the governing body of the local government employer
7 shall hold a public meeting in accordance with the provisions of
8 chapter 241 of NRS. The meeting must include a discussion of:

9 (a) The issues of the parties submitted pursuant to subsection 3;

10 (b) The report of findings and recommendations of the fact
11 finder; and

12 (c) The overall fiscal impact of the findings and
13 recommendations, which must not include a discussion of the details
14 of the report.

15 ↳ The fact finder must not be asked to discuss the decision during
16 the meeting.

17 ~~[9.]~~ **11.** The chief executive officer of the local government
18 shall report to the local government the fiscal impact of the findings
19 and recommendations. The report must include, without limitation,
20 an analysis of the impact of the findings and recommendations on
21 compensation and reimbursement, funding, benefits, hours, working
22 conditions or other terms and conditions of employment.

23 ~~[10.]~~ **12.** Any sum of money which is maintained in a fund
24 whose balance is required by law to be:

25 (a) Used only for a specific purpose other than the payment of
26 compensation to the bargaining unit affected; or

27 (b) Carried forward to the succeeding fiscal year in any
28 designated amount, to the extent of that amount,

29 ↳ must not be counted in determining the financial ability of a local
30 government employer and must not be used to pay any monetary
31 benefits recommended or awarded by the fact finder.

32 ~~[11.]~~ **13.** The issues which may be included in a panel's order
33 pursuant to subsection ~~[6.]~~ **7** are:

34 (a) Those enumerated in subsection 2 of NRS 288.150 as the
35 subjects of mandatory bargaining, unless precluded for that year by
36 an existing collective bargaining agreement between the parties; and

37 (b) Those which an existing collective bargaining agreement
38 between the parties makes subject to negotiation in that year.

39 ↳ This subsection does not preclude the voluntary submission of
40 other issues by the parties pursuant to subsection ~~[5.]~~ **6**.

41 ***14. If the findings and recommendations of the fact finder***
42 ***are binding pursuant to subsections 6, 7 and 13, the findings and***
43 ***recommendations must be retroactive to the expiration date of the***
44 ***last contract between the parties. The parties may not negotiate to***
45 ***change and the fact finder may not change the effective date.***



1 **Sec. 10.** NRS 288.215 is hereby amended to read as follows:
2 288.215 1. As used in this section:

3 (a) "Firefighters" means those persons who are salaried
4 employees of a fire prevention or suppression unit organized by a
5 political subdivision of the State and whose principal duties are
6 controlling and extinguishing fires.

7 (b) "Police officers" means those persons who are salaried
8 employees of a police department or other law enforcement agency
9 organized by a political subdivision of the State and whose principal
10 duties are to enforce the law.

11 2. The provisions of this section apply only to firefighters and
12 police officers and their local government employers.

13 3. If the parties have not agreed to make the findings and
14 recommendations of the fact finder final and binding upon all issues,
15 and do not otherwise resolve their dispute, they shall, within 10 days
16 after the fact finder's report is submitted, submit the issues
17 remaining in dispute to an arbitrator who must be selected in the
18 manner provided in NRS 288.200 and have the same powers
19 provided for fact finders in NRS 288.210.

20 4. The arbitrator shall, within 10 days after the arbitrator is
21 selected, and after 7 days' written notice is given to the parties, hold
22 a hearing to receive information concerning the dispute. The
23 hearings must be held in the county in which the local government
24 employer is located and the arbitrator shall arrange for a full and
25 complete record of the hearings.

26 5. *Before the hearing, the governing body of the local*
27 *government shall:*

28 (a) *Publish on the Internet website of the local government, if*
29 *any, the initial offers made by the parties; and*

30 (b) *Hold a public meeting in accordance with the provisions of*
31 *chapter 241 of NRS to inform the public of the initial offers made*
32 *by the parties.*

33 6. At the hearing, or at any subsequent time to which the
34 hearing may be adjourned, information may be presented by:

- 35 (a) The parties to the dispute; or
36 (b) Any interested person.

37 ~~6-~~ 7. The parties to the dispute shall each pay one-half of the
38 costs incurred by the arbitrator.

39 ~~7-~~ 8. A determination of the financial ability of a local
40 government employer must be based on:

41 (a) All existing available revenues as established by the local
42 government employer and within the limitations set forth in NRS
43 354.6241, with due regard for the obligation of the local government
44 employer to provide facilities and services guaranteeing the health,



1 welfare and safety of the people residing within the political
2 subdivision.

3 (b) Consideration of funding for the current year being
4 negotiated. If the parties mutually agree to arbitrate a multi-year
5 contract the arbitrator must consider the ability to pay over the life
6 of the contract being negotiated or arbitrated.

7 ↪ Once the arbitrator has determined in accordance with this
8 subsection that there is a current financial ability to grant monetary
9 benefits, the arbitrator shall consider, to the extent appropriate,
10 compensation of other governmental employees, both in and out of
11 this State.

12 ~~[8-]~~ 9. At the recommendation of the arbitrator, the parties
13 may, before the submission of a final offer, enter into negotiations.
14 If the negotiations are begun, the arbitrator may adjourn the hearings
15 for a period of 3 weeks. An agreement by the parties is final and
16 binding, and upon notification to the arbitrator, the arbitration
17 terminates.

18 ~~[9-]~~ 10. If the parties do not enter into negotiations or do not
19 agree within 30 days, each of the parties shall submit a single
20 written statement containing its final offer for each of the
21 unresolved issues.

22 *11. Before the arbitrator reports the decision to the parties, if
23 the governing body of the local government shall:*

24 *(a) Publish on the Internet website of the local government, if
25 any, the final offers made by the parties during arbitration; and*

26 *(b) Hold a public meeting in accordance with the provisions of
27 chapter 241 of NRS to inform the public of the final offers made
28 by the parties during arbitration.*

29 ~~[10-]~~ 12. The arbitrator shall, within 10 days after the final
30 offers are submitted, accept one of the written statements, on the
31 basis of the criteria provided in NRS 288.200, and shall report the
32 decision to the parties. The decision of the arbitrator is final and
33 binding on the parties. Any award of the arbitrator ~~[is]~~ *must be*
34 *retroactive to the expiration date of the last contract. The parties*
35 *may not negotiate to change and the arbitrator may not change*
36 *the effective date of the award.*

37 ~~[11-]~~ 13. The decision of the arbitrator must include a
38 statement:

39 (a) Giving the arbitrator's reason for accepting the final offer
40 that is the basis of the arbitrator's award; and

41 (b) Specifying the arbitrator's estimate of the total cost of the
42 award.

43 ~~[12-]~~ 14. Within 45 days after the receipt of the decision from
44 the arbitrator pursuant to subsection ~~[10-]~~ 12, the governing body of
45 the local government employer shall hold a public meeting in



1 accordance with the provisions of chapter 241 of NRS. The meeting
2 must include a discussion of:

3 (a) The issues submitted pursuant to subsection 3;

4 (b) The statement of the arbitrator pursuant to subsection ~~11;~~
5 **13;** and

6 (c) The overall fiscal impact of the decision, which must not
7 include a discussion of the details of the decision.

8 ➔ The arbitrator must not be asked to discuss the decision during
9 the meeting.

10 ~~13;~~ **15.** The chief executive officer of the local government
11 shall report to the local government the fiscal impact of the decision.
12 The report must include, without limitation, an analysis of the
13 impact of the decision on compensation and reimbursement,
14 funding, benefits, hours, working conditions or other terms and
15 conditions of employment.

16 **Sec. 11.** NRS 288.217 is hereby amended to read as follows:

17 288.217 1. The provisions of this section govern negotiations
18 between school districts and employee organizations representing
19 teachers and educational support personnel.

20 2. If the parties to a negotiation pursuant to this section have
21 failed to reach an agreement after at least four sessions of
22 negotiation, either party may declare the negotiations to be at an
23 impasse and, after 5 days' written notice is given to the other party,
24 submit the issues remaining in dispute to an arbitrator. The arbitrator
25 must be selected in the manner provided in subsection 2 of NRS
26 288.200 and has the powers provided for fact finders in
27 NRS 288.210.

28 3. The arbitrator shall, within 30 days after the arbitrator is
29 selected, and after 7 days' written notice is given to the parties, hold
30 a hearing to receive information concerning the dispute. The hearing
31 must be held in the county in which the school district is located and
32 the arbitrator shall arrange for a full and complete record of the
33 hearing.

34 4. *Before the hearing, the governing body of the local
35 government shall:*

36 (a) *Publish on the Internet website of the local government, if
37 any, the initial offers made by the parties; and*

38 (b) *Hold a public meeting in accordance with the provisions of
39 chapter 241 of NRS to inform the public of the initial offers made
40 by the parties.*

41 5. The parties to the dispute shall each pay one-half of the costs
42 of the arbitration.

43 ~~5;~~ **6.** A determination of the financial ability of a school
44 district must be based on:



1 (a) All existing available revenues as established by the school
2 district and within the limitations set forth in NRS 354.6241, with
3 due regard for the obligation of the school district to provide an
4 education to the children residing within the district.

5 (b) Consideration of funding for the current year being
6 negotiated. If the parties mutually agree to arbitrate a multi-year
7 contract the arbitrator must consider the ability to pay over the life
8 of the contract being negotiated or arbitrated.

9 ➔ Once the arbitrator has determined in accordance with this
10 subsection that there is a current financial ability to grant monetary
11 benefits, the arbitrator shall consider, to the extent appropriate,
12 compensation of other governmental employees, both in and out of
13 this State.

14 ~~[6-]~~ 7. At the recommendation of the arbitrator, the parties
15 may, before the submission of a final offer, enter into negotiations.
16 If the negotiations are begun, the arbitrator may adjourn the hearing
17 for a period of 3 weeks. If an agreement is reached, it must be
18 submitted to the arbitrator, who shall certify it as final and binding.

19 ~~[7-]~~ 8. If the parties do not enter into negotiations or do not
20 agree within 30 days after the hearing held pursuant to subsection 3,
21 each of the parties shall submit a single written statement containing
22 its final offer for each of the unresolved issues.

23 ~~[8-]~~ 9. *Before the arbitrator renders a decision, the governing*
24 *body of the local government shall:*

25 (a) *Publish on the Internet website of the local government, if*
26 *any, the final offers made by the parties during arbitration; and*

27 (b) *Hold a public meeting in accordance with the provisions of*
28 *chapter 241 of NRS to inform the public of the final offers made*
29 *by the parties during arbitration.*

30 10. The arbitrator shall, within 10 days after the final offers are
31 submitted, render a decision on the basis of the criteria set forth in
32 NRS 288.200. The arbitrator shall accept one of the written
33 statements and shall report the decision to the parties. The decision
34 of the arbitrator is final and binding on the parties. Any award of the
35 arbitrator ~~[is]~~ *must be* retroactive to the expiration date of the last
36 contract between the parties. *The parties may not negotiate to*
37 *change and the arbitrator may not change the effective date of the*
38 *award.*

39 ~~[9-]~~ 11. The decision of the arbitrator must include a
40 statement:

41 (a) Giving the arbitrator's reason for accepting the final offer
42 that is the basis of the arbitrator's award; and

43 (b) Specifying the arbitrator's estimate of the total cost of the
44 award.



1 ~~10.1~~ 12. Within 45 days after the receipt of the decision from
2 the arbitrator, the board of trustees of the school district shall hold a
3 public meeting in accordance with the provisions of chapter 241 of
4 NRS. The meeting must include a discussion of:

5 (a) The issues submitted pursuant to subsection 2;

6 (b) The statement of the arbitrator pursuant to subsection ~~9.1~~
7 11; and

8 (c) The overall fiscal impact of the decision which must not
9 include a discussion of the details of the decision.

10 ➔ The arbitrator must not be asked to discuss the decision during
11 the meeting.

12 ~~11.1~~ 13. The superintendent of the school district shall report
13 to the board of trustees the fiscal impact of the decision. The report
14 must include, without limitation, an analysis of the impact of the
15 decision on compensation and reimbursement, funding, benefits,
16 hours, working conditions or other terms and conditions of
17 employment.

18 ~~12.1~~ 14. As used in this section:

19 (a) "Educational support personnel" means all classified
20 employees of a school district, other than teachers, who are
21 represented by an employee organization.

22 (b) "Teacher" means an employee of a school district who is
23 licensed to teach in this State and who is represented by an
24 employee organization.

25 **Sec. 12.** Notwithstanding any provision of this act to the
26 contrary, nothing in this act affects an agreement between a local
27 government employee and an employee organization that is in effect
28 on July 1, 2011.

29 **Sec. 13.** This act becomes effective on July 1, 2011.

