

SENATE BILL NO. 41—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE GOVERNOR)

PREFILED DECEMBER 14, 2010

Referred to Committee on Legislative Operations and Elections

SUMMARY—Eliminates mandatory collective bargaining for local government employers. (BDR 23-412)

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 labor; eliminating mandatory collective bargaining for local government employers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law: (1) provides for the creation and duties of the Local Government  
2 Employee-Management Relations Board; (2) requires local government employers  
3 to bargain in good faith with recognized employee organizations; (3) prescribes the  
4 method for the recognition of employee organizations; (4) provides for the  
5 mediation and resolution of certain labor disputes; and (5) prohibits state and local  
6 government employees from going on strike. (Chapter 288 of NRS) This bill  
7 repeals, effective on June 30, 2012, all of these provisions, including mandatory  
8 collective bargaining, except the anti-strike provisions and the provision which  
9 gives local government employees the right to join or not join an employee  
10 organization at the employee’s discretion. This bill further adds a new provision  
11 setting forth that the recognition of employee organizations and engaging in  
12 collective bargaining are not mandatory, but are instead permissive under such  
13 terms and conditions as a local government employer deems desirable and in the  
14 best interests of the applicable local government.

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

1 **Section 1.** NRS 287.015 is hereby amended to read as follows:  
2 287.015 1. A local government employer and any employee  
3 organization that is recognized by the employer pursuant to ~~chapter~~



1 ~~288 of NRS~~ *section 3 of this act* may, by written agreement  
2 between themselves or with other local government employers and  
3 employee organizations, establish a trust fund to provide health and  
4 welfare benefits to active and retired employees of the participating  
5 employers and the dependents of those employees.

6 2. All contributions made to a trust fund established pursuant  
7 to this section must be held in trust and used:

8 (a) To provide, from principal or income, or both, for the benefit  
9 of the participating employees and their dependents, medical,  
10 hospital, dental, vision, death, disability or accident benefits, or any  
11 combination thereof, and any other benefit appropriate for an entity  
12 that qualifies as a voluntary employees' beneficiary association  
13 under Section 501(c)(9) of the Internal Revenue Code of 1986, 26  
14 U.S.C. § 501(c)(9), as amended; and

15 (b) To pay any reasonable administrative expenses incident to  
16 the provision of these benefits and the administration of the trust.

17 3. The basis on which contributions are to be made to ~~the~~ *a*  
18 trust ~~must~~ *established pursuant to this section may* be specified in  
19 a collective bargaining agreement between each participating local  
20 government employer and employee organization or in a written  
21 participation agreement between the employer and employee  
22 organization, jointly, and the trust.

23 4. ~~The~~ *If a trust is established pursuant to this section, the*  
24 *trust* must be administered by a board of trustees on which  
25 participating local government employers and employee  
26 organizations are equally represented. The agreement that  
27 establishes the trust must:

28 (a) Set forth the powers and duties of the board of trustees,  
29 which must not be inconsistent with the provisions of this section;

30 (b) Establish a procedure for resolving expeditiously any  
31 deadlock that arises among the members of the board of trustees;  
32 and

33 (c) Provide for an audit of the trust, at least annually, the results  
34 of which must be reported to each participating employer and  
35 employee organization.

36 5. The provisions of paragraphs (b) and (c) of subsection 2 of  
37 NRS 287.029 apply to a trust fund established pursuant to this  
38 section by the governing body of a school district.

39 6. As used in this section:

40 (a) "Employee organization" has the meaning ascribed to it in  
41 NRS 288.040.

42 (b) "Local government employer" has the meaning ascribed to it  
43 in NRS 288.060.

44 **Sec. 2.** NRS 287.043 is hereby amended to read as follows:

45 287.043 1. The Board shall:



1 (a) Establish and carry out a program to be known as the Public  
2 Employees' Benefits Program which:

3 (1) Must include a program relating to group life, accident or  
4 health insurance, or any combination of these; and

5 (2) May include:

6 (I) A plan that offers flexibility in benefits, and for which  
7 the rates must be based only on the experience of the participants in  
8 the plan and not in combination with the experience of participants  
9 in any other plan offered under the Program; or

10 (II) A program to reduce taxable compensation or other  
11 forms of compensation other than deferred compensation,  
12 ➤ for the benefit of all state officers and employees and other  
13 persons who participate in the Program.

14 (b) Ensure that the Program is funded on an actuarially sound  
15 basis and operated in accordance with sound insurance and business  
16 practices.

17 2. In establishing and carrying out the Program, the Board  
18 shall:

19 (a) For the purpose of establishing actuarial data to determine  
20 rates and coverage for active and retired state officers and  
21 employees and their dependents, commingle the claims experience  
22 of such active and retired officers and employees and their  
23 dependents for whom the Program provides primary health  
24 insurance coverage into a single risk pool.

25 (b) Except as otherwise provided in this paragraph, negotiate  
26 and contract pursuant to paragraph (a) of subsection 1 of NRS  
27 287.025 with the governing body of any county, school district,  
28 municipal corporation, political subdivision, public corporation or  
29 other local governmental agency of the State of Nevada that wishes  
30 to obtain exclusive group insurance for all of its active and retired  
31 officers and employees and their dependents, except as otherwise  
32 provided in sub-subparagraph (III) of subparagraph (2) of paragraph  
33 (h), by participation in the Program. The Board shall establish  
34 separate rates and coverage for active and retired officers and  
35 employees of those local governmental agencies and their  
36 dependents based on actuarial reports that commingle the claims  
37 experience of such active and retired officers and employees and  
38 their dependents for whom the Program provides primary health  
39 insurance coverage into a single risk pool.

40 (c) Except as otherwise provided in paragraph (d), provide  
41 public notice in writing of any proposed changes in rates or  
42 coverage to each participating public agency that may be affected by  
43 the changes. Notice must be provided at least 30 days before the  
44 effective date of the changes.



1 (d) If a proposed change is a change in the premium or  
2 contribution charged for, or coverage of, health insurance, provide  
3 written notice of the proposed change to all participants in the  
4 Program. The notice must be provided at least 30 days before the  
5 date on which a participant in the Program is required to select or  
6 change the participant's policy of health insurance.

7 (e) Purchase policies of life, accident or health insurance, or any  
8 combination of these, or, if applicable, a program to reduce the  
9 amount of taxable compensation pursuant to 26 U.S.C. § 125, from  
10 any company qualified to do business in this State or provide similar  
11 coverage through a plan of self-insurance established pursuant to  
12 NRS 287.0433 for the benefit of all eligible participants in the  
13 Program.

14 (f) Except as otherwise provided in this title, develop and  
15 establish other employee benefits as necessary.

16 (g) Investigate and approve or disapprove any contract proposed  
17 pursuant to NRS 287.0479.

18 (h) Adopt such regulations and perform such other duties as are  
19 necessary to carry out the provisions of NRS 287.010 to 287.245,  
20 inclusive, including, without limitation, the establishment of:

21 (1) Fees for applications for participation in the Program and  
22 for the late payment of premiums or contributions;

23 (2) Conditions for entry and reentry into and exit from the  
24 Program by local governmental agencies pursuant to paragraph (a)  
25 of subsection 1 of NRS 287.025, which:

26 (I) Must include a minimum period of 4 years of  
27 participation for entry into the Program;

28 (II) Must include a requirement that participation of any  
29 retired officers and employees of the local governmental agency  
30 whose last continuous period of enrollment with the Program began  
31 after November 30, 2008, terminates upon termination of the local  
32 governmental agency's contract with the Program; and

33 (III) May allow for the exclusion of active and retired  
34 officers and employees of the local governmental agency who are  
35 eligible for health coverage from a health and welfare plan or trust  
36 that arose out of collective bargaining ~~[under chapter 288 of NRS]~~  
37 *as authorized pursuant to section 3 of this act* or a trust established  
38 pursuant to 29 U.S.C. § 186;

39 (3) Procedures by which a group of participants in the  
40 Program may leave the Program pursuant to NRS 287.0479 and  
41 conditions and procedures for reentry into the Program by those  
42 participants;

43 (4) Specific procedures for the determination of contested  
44 claims;



1 (5) Procedures for review and notification of the termination  
2 of coverage of persons pursuant to paragraph (b) of subsection 4 of  
3 NRS 287.023; and

4 (6) Procedures for the payments that are required to be made  
5 pursuant to paragraph (b) of subsection 4 of NRS 287.023.

6 (i) Appoint an independent certified public accountant. The  
7 accountant shall:

8 (1) Provide an annual audit of the Program; and

9 (2) Report to the Board and the Interim Retirement and  
10 Benefits Committee of the Legislature created pursuant to  
11 NRS 218E.420.

12 (j) Appoint an attorney who specializes in employee benefits.  
13 The attorney shall:

14 (1) Perform a biennial review of the Program to determine  
15 whether the Program complies with federal and state laws relating to  
16 taxes and employee benefits; and

17 (2) Report to the Board and the Interim Retirement and  
18 Benefits Committee of the Legislature created pursuant to  
19 NRS 218E.420.

20 3. The Board shall submit an annual report regarding the  
21 administration and operation of the Program to the Director of the  
22 Legislative Counsel Bureau for transmittal to the appropriate  
23 committees of the Legislature, or to the Legislative Commission  
24 when the Legislature is not in regular session, for acceptance or  
25 rejection not more than 6 months before the Board establishes rates  
26 and coverage for participants for the following plan year. The report  
27 must include, without limitation:

28 (a) Detailed financial results for the Program for the preceding  
29 plan year, including, without limitation, identification of the sources  
30 of revenue for the Program and a detailed accounting of expenses  
31 which are segregated by each type of benefit offered by the  
32 Program, and administrative costs. The results must be provided  
33 separately concerning:

34 (1) Participants who are active and retired state officers and  
35 employees and their dependents;

36 (2) All participants in the Program other than those described  
37 in subparagraph (1); and

38 (3) Within the groups described in subparagraphs (1) and (2),  
39 active participants, retired participants for which the Program  
40 provides primary health insurance coverage and retired participants  
41 in the Program who are provided coverage for medical or hospital  
42 service, or both, by the Health Insurance for the Aged Act, 42  
43 U.S.C. §§ 1395 et seq., or a plan that provides similar coverage.

44 (b) An assessment of actuarial accuracy and reserves for the  
45 current plan year and the immediately preceding plan year.



1 (c) A summary of the plan design for the current plan year,  
2 including, without limitation, information regarding rates and any  
3 changes in the vendors with which the Program has entered into  
4 contracts, and a comparison of the plan design for the current plan  
5 year to the plan design for the immediately preceding plan year. The  
6 information regarding rates provided pursuant to this paragraph  
7 must set forth the costs for participation in the Program paid by  
8 participants and employers on a monthly basis.

9 (d) A description of all written communications provided  
10 generally to all participants by the Program during the preceding  
11 plan year.

12 (e) A discussion of activities of the Board concerning  
13 purchasing coalitions.

14 4. The Board may use any services provided to state agencies  
15 and shall use the services of the Purchasing Division of the  
16 Department of Administration to establish and carry out the  
17 Program.

18 5. The Board may make recommendations to the Legislature  
19 concerning legislation that it deems necessary and appropriate  
20 regarding the Program.

21 6. A participating public agency is not liable for any obligation  
22 of the Program other than indemnification of the Board and its  
23 employees against liability relating to the administration of the  
24 Program, subject to the limitations specified in NRS 41.0349.

25 7. As used in this section, "employee benefits" includes any  
26 form of compensation provided to a public employee except federal  
27 benefits, wages earned, legal holidays, deferred compensation and  
28 benefits available pursuant to chapter 286 of NRS.

29 **Sec. 3.** Chapter 288 of NRS is hereby amended by adding  
30 thereto a new section to read as follows:

31 *Upon such terms and conditions as it deems desirable and in*  
32 *the best interests of the local government, a local government*  
33 *employer may, but is not required to:*

34 *1. Recognize an employee organization.*

35 *2. Bargain collectively with an employee organization.*

36 **Sec. 4.** NRS 288.020 is hereby amended to read as follows:

37 288.020 As used in this chapter, unless the context otherwise  
38 requires, the words and terms defined in NRS ~~288.025 to 288.075,~~  
39 *288.040 to 288.070*, inclusive, have the meanings ascribed to them  
40 in those sections.

41 **Sec. 5.** NRS 288.140 is hereby amended to read as follows:

42 288.140 1. It is the right of every local government employee  
43 ~~[, subject to the limitation provided in subsection 3.]~~ to join any  
44 employee organization of the employee's choice or to refrain from  
45 joining any employee organization. A local government employer



1 shall not discriminate in any way among its employees on account  
2 of membership or nonmembership in an employee organization.

3 2. The recognition of an employee organization for negotiation,  
4 pursuant to this chapter, does not preclude any local government  
5 employee who is not a member of that employee organization from  
6 acting for himself or herself with respect to any condition of his or  
7 her employment, but any action taken on a request or in adjustment  
8 of a grievance shall be consistent with the terms of an applicable  
9 negotiated agreement, if any.

10 ~~[3. A police officer, sheriff, deputy sheriff or other law~~  
11 ~~enforcement officer may be a member of an employee organization~~  
12 ~~only if such employee organization is composed exclusively of law~~  
13 ~~enforcement officers.]~~

14 **Sec. 6.** NRS 289.120 is hereby amended to read as follows:

15 289.120 Any peace officer aggrieved by an action of the  
16 employer of the peace officer in violation of this chapter may, after  
17 exhausting any applicable internal grievance procedures, grievance  
18 procedures ~~[negotiated]~~ *collectively bargained as authorized*  
19 pursuant to ~~[chapter 288 of NRS]~~ *section 3 of this act* and other  
20 administrative remedies, apply to the district court for judicial relief.  
21 If the court determines that the employer has violated a provision of  
22 this chapter, the court shall order appropriate injunctive or other  
23 extraordinary relief to prevent the further occurrence of the violation  
24 and the taking of any reprisal or retaliatory action by the employer  
25 against the peace officer.

26 **Sec. 7.** NRS 245.210 is hereby amended to read as follows:

27 245.210 1. The board of county commissioners of each of the  
28 several counties shall, by ordinance or agreement, ~~[pursuant to~~  
29 ~~chapter 288 of NRS,]~~ provide for annual, sick and disability leave  
30 for elected and appointed county officers and county employees.  
31 The provisions of such an ordinance or agreement may be more  
32 restrictive but not more extensive than the provisions set forth in this  
33 section.

34 2. The ordinance or agreement must include provisions in  
35 substance as follows:

36 (a) A provision that all elected and appointed officers and  
37 employees are entitled to annual leave with pay of 1 1/4 working  
38 days for each month of service, which may be cumulative from year  
39 to year not to exceed 30 working days.

40 (b) A provision that the board of county commissioners may by  
41 order provide for additional annual leave for long-term appointed  
42 officers and employees and for prorated annual leave for part-time  
43 employees.

44 (c) A provision that if an appointed officer or employee dies and  
45 was entitled to accumulated annual leave under the provisions of the



1 ordinance, the heirs of the deceased officer or employee who are  
2 given priority to succeed to his or her assets under the laws of  
3 intestate succession of this State, or the executor or administrator of  
4 his or her estate, upon submitting satisfactory proof to the board  
5 of county commissioners of their entitlement, are entitled to be paid  
6 an amount of money equal to the number of days earned or accrued  
7 annual leave multiplied by the daily salary or wages of the deceased  
8 officer or employee.

9 (d) A provision that an elected county officer must not be paid  
10 for accumulated annual leave upon termination of the officer's  
11 service.

12 (e) A provision that during the first 6 months of employment of  
13 any appointed officer or employee, annual leave accrues as provided  
14 in paragraph (a), but annual leave must not be taken during this  
15 period.

16 (f) A provision that an appointed officer or employee must not  
17 be paid for accumulated annual leave upon termination of  
18 employment unless he or she has been employed for 6 months or  
19 more.

20 (g) A provision that all elected and appointed officers and  
21 employees are entitled to sick and disability leave with pay of 1 1/4  
22 working days for each month of service, which may be cumulative  
23 from year to year.

24 (h) A provision that the board of county commissioners may by  
25 order provide for additional sick and disability leave for long-term  
26 employees and for prorated sick and disability leave for part-time  
27 employees.

28 (i) A provision that any appointed officer or employee may be  
29 granted a leave of absence without pay.

30 3. Such an ordinance or agreement may include a provision  
31 that upon termination of employment, retirement or death all elected  
32 and appointed officers and employees are entitled to payment for  
33 their unused sick leave at their rate of salary at the time of  
34 termination, retirement or death.

35 4. Such an ordinance or agreement may include a provision  
36 that elected and appointed county officers and employees may  
37 donate portions of their accumulated annual and sick leave to other  
38 elected and appointed county officers and employees. If such a  
39 provision is adopted, donated time must be converted into money at  
40 the hourly rate of salary of the donor and the money must be  
41 converted into sick leave at the hourly rate of salary of the recipient.

42 **Sec. 8.** NRS 245.211 is hereby amended to read as follows:

43 245.211 1. The board of county commissioners of any county  
44 may establish, by contract or otherwise, and administer a disability  
45 pension plan or disability insurance program for the benefit of the





1 county sheriff, any sheriff's deputy or firefighter who is disabled, to  
2 any degree, by an injury arising out of and in the course of his or her  
3 employment.

4 2. The board of county commissioners may adopt ordinances,  
5 rules, regulations, policies and procedures necessary to establish and  
6 administer the plan or program specified in subsection 1.

7 3. If a county elects to consider implementation of a plan or  
8 program specified in subsection 1, or to change the benefits  
9 provided by an existing plan or program, the persons affected by the  
10 proposed plan or program, or proposed change, may negotiate with  
11 the county concerning the nature and extent of such plan, program  
12 or change. ~~[Chapter 288 of NRS applies to negotiations for this~~  
13 ~~purpose.]~~

14 4. The plan or program authorized by this section must be  
15 supplemental or in addition to and not in conflict with the coverage,  
16 compensation, benefits or procedure established by or adopted  
17 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of  
18 NRS.

19 5. The benefits provided for in this section are supplemental to  
20 other benefits an employee is entitled to receive on account of the  
21 same disability. In no event may the benefits provided for in this  
22 section, when added to benefits provided for or purchased by the  
23 expenditure of public money, exceed the maximum amount of  
24 benefits an employee is entitled to receive if the employee has been  
25 a member of the department or agency for 10 years or more.

26 **Sec. 9.** NRS 245.215 is hereby amended to read as follows:

27 245.215 1. The board of county commissioners shall adopt  
28 regulations for any merit personnel system established pursuant to  
29 the provisions of NRS 245.213 to 245.216, inclusive. The  
30 regulations must provide:

31 (a) For the classification of all county positions, not exempt  
32 from the merit personnel system, based on the duties, authority and  
33 responsibility of each position, with adequate provision for  
34 reclassification of any position whatsoever whenever warranted by  
35 changed circumstances.

36 (b) A pay plan for all county employees, including exempt  
37 employees other than elected officers that are covered in other  
38 provisions of NRS or by special legislative act.

39 (c) Policies and procedures for regulating reduction in force and  
40 the removal of employees.

41 (d) Hours of work, attendance regulations and provisions for  
42 sick and vacation leave.

43 (e) Policies and procedures governing persons holding  
44 temporary or provisional appointments.



1 (f) Policies and procedures governing relationships with  
2 employees and employee organizations.

3 (g) Policies concerning employee training and development.

4 (h) Grievance procedures.

5 (i) Other policies and procedures necessary for the  
6 administration of a merit personnel system.

7 2. Regulations adopted pursuant to this section for a merit  
8 personnel system established by a board of county commissioners  
9 pursuant to subsection 2 of NRS 245.213 must not exempt any  
10 employees other than those who are specifically exempted from  
11 such a merit personnel system pursuant to NRS 245.216.

12 ~~[3. In the event of a conflict between the policies and  
13 procedures adopted pursuant to this section and the provisions of a  
14 collective bargaining agreement entered into pursuant to chapter 288  
15 of NRS, the provisions of the agreement prevail.]~~

16 **Sec. 10.** NRS 268.406 is hereby amended to read as follows:

17 268.406 1. The governing board of any incorporated city may  
18 establish, by contract or otherwise, and administer a disability  
19 pension plan or disability insurance program for the benefit of any  
20 city police officer or firefighter who is disabled, to any degree, by  
21 an injury arising out of and in the course of his or her employment.

22 2. The governing board may adopt ordinances, rules,  
23 regulations, policies and procedures necessary to establish and  
24 administer the plan or program specified in subsection 1.

25 3. If an incorporated city elects to consider implementation of a  
26 plan or program specified in subsection 1 or to change the benefits  
27 provided by an existing plan or program, the persons affected by the  
28 proposed plan or program, or proposed change, may negotiate with  
29 the city concerning the nature and extent of such plan, program or  
30 change. ~~[Chapter 288 of NRS applies to negotiations for this  
31 purpose.]~~

32 4. The plan or program authorized by this section must be  
33 supplemental or in addition to and not in conflict with the coverage,  
34 compensation, benefits or procedure established by or adopted  
35 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of  
36 NRS.

37 5. The benefits provided for in this section are supplemental to  
38 other benefits an employee is entitled to receive on account of the  
39 same disability. In no event may the benefits provided for in this  
40 section, when added to benefits provided for or purchased by the  
41 expenditure of public money, exceed the maximum amount of  
42 benefits an employee is entitled to receive if the employee has been  
43 a member of the department or agency for 10 years or more.



1     **Sec. 11.** NRS 280.305 is hereby amended to read as follows:

2     280.305 1. The committee may establish, by contract or  
3 otherwise, and administer a disability pension plan or disability  
4 insurance program for the benefit of any police officer of the  
5 department who is disabled, to any degree, by an injury arising out  
6 of and in the course of his or her employment. The cost of the plan  
7 or program may be charged, in whole or in part, against the annual  
8 operating budget for the department.

9     2. The committee may adopt rules, policies and procedures  
10 necessary to establish and administer the plan or program specified  
11 in subsection 1.

12     3. If the committee elects to consider implementation of a plan  
13 or program specified in subsection 1, or to change the benefits  
14 provided by an existing plan or program, the persons affected by the  
15 proposed plan or program, or proposed change, may negotiate with:

16     (a) The committee or two or more persons designated by the  
17 committee; and

18     (b) The sheriff or a person designated by the sheriff,

19     ↪ concerning the nature and extent of the plan, program or change.  
20 ~~[Chapter 288 of NRS applies to negotiations for this purpose.]~~

21     4. The plan or program authorized by this section must be  
22 supplemental or in addition to and not in conflict with the coverage,  
23 compensation, benefits or procedure established by or adopted  
24 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of  
25 NRS.

26     5. The benefits provided for in this section are supplemental to  
27 other benefits an employee is entitled to receive on account of the  
28 same disability. In no event may the benefits provided for in this  
29 section, when added to benefits provided for or purchased by the  
30 expenditure of public money, exceed the maximum amount of  
31 benefits an employee is entitled to receive if the employee has been  
32 a member of the department or agency for 10 years or more.

33     **Sec. 12.** NRS 280.320 is hereby amended to read as follows:

34     280.320 1. A department is a local government employer for  
35 the purpose of ~~[the Local Government Employee Management  
36 Relations Act]~~ *collective bargaining as authorized pursuant to  
37 section 3 of this act* and a public employer for the purpose of the  
38 Public Employees' Retirement Act.

39     2. ~~[It]~~ *If* negotiations ~~[arising]~~ *arise* under the provisions of  
40 chapter 288 of NRS:

41     (a) The committee or two or more persons designated by the  
42 committee; and

43     (b) The sheriff or a person designated by the sheriff,

44     ↪ shall represent the department.



1 3. ~~Has~~ *If* negotiations ~~arising~~ *arise* under the provisions of  
2 chapter 288 of NRS, a school police unit must be considered a  
3 separate bargaining unit.

4 **Sec. 13.** NRS 353.264 is hereby amended to read as follows:

5 353.264 1. The Reserve for Statutory Contingency Account  
6 is hereby created in the State General Fund.

7 2. The State Board of Examiners shall administer the Reserve  
8 for Statutory Contingency Account. The money in the Account must  
9 be expended only for:

10 (a) The payment of claims which are obligations of the State  
11 pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310,  
12 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, ~~288.203,~~  
13 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

14 (b) The payment of claims which are obligations of the State  
15 pursuant to:

16 (1) Chapter 472 of NRS arising from operations of the  
17 Division of Forestry of the State Department of Conservation and  
18 Natural Resources directly involving the protection of life and  
19 property; and

20 (2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,  
21 *↪* except that claims may be approved for the respective purposes  
22 listed in this paragraph only when the money otherwise appropriated  
23 for those purposes has been exhausted;

24 (c) The payment of claims which are obligations of the State  
25 pursuant to NRS 41.0349 and 41.037, but only to the extent that the  
26 money in the Fund for Insurance Premiums is insufficient to pay the  
27 claims; and

28 (d) The payment of claims which are obligations of the State  
29 pursuant to NRS 535.030 arising from remedial actions taken by the  
30 State Engineer when the condition of a dam becomes dangerous to  
31 the safety of life or property.

32 3. The State Board of Examiners may authorize its Clerk,  
33 under such circumstances as it deems appropriate, to approve, on  
34 behalf of the Board, the payment of claims from the Reserve for  
35 Statutory Contingency Account. For the purpose of exercising any  
36 authority granted to the Clerk of the State Board of Examiners  
37 pursuant to this subsection, any statutory reference to the State  
38 Board of Examiners relating to such a claim shall be deemed to refer  
39 to the Clerk of the Board.

40 **Sec. 14.** NRS 354.6215 is hereby amended to read as follows:

41 354.6215 ~~Except as otherwise provided in NRS 354.6241, if~~  
42 *If* a local government provides a fund for self-insurance of property,  
43 for any form of insurance for the benefit of its employees, or for any  
44 other risk that it is permitted by law to assume, the reserves or  
45 balance of a fund thus provided must not be expended for any



1 purpose other than that for which the fund was established, except  
2 that when the governing body deems the reserve or balance to be no  
3 longer required, either in whole or in part, it shall transfer the excess  
4 balance to the general fund of the local government. Any such  
5 transfer must be reported to the Department of Taxation within 30  
6 days. Money so transferred is not available as a basis for  
7 augmentation of the local government's budget during the year of  
8 transfer.

9 **Sec. 15.** NRS 354.624 is hereby amended to read as follows:

10 354.624 1. Each local government shall provide for an annual  
11 audit of all of its financial statements. A local government may  
12 provide for more frequent audits as it deems necessary. Except as  
13 otherwise provided in subsection 2, each annual audit must be  
14 concluded and the report of the audit submitted to the governing  
15 body as provided in subsection 6 not later than 5 months after the  
16 close of the fiscal year for which the audit is conducted. An  
17 extension of this time may be granted by the Department of  
18 Taxation to any local government that submits an application for an  
19 extension to the Department. If the local government fails to provide  
20 for an audit in accordance with the provisions of this section, the  
21 Department of Taxation shall cause the audit to be made at the  
22 expense of the local government. All audits must be conducted by a  
23 certified public accountant or by a partnership or professional  
24 corporation that is registered pursuant to chapter 628 of NRS.

25 2. The annual audit of a school district must:

26 (a) Be concluded and the report submitted to the board of  
27 trustees as provided in subsection 6 not later than 4 months after the  
28 close of the fiscal year for which the audit is conducted.

29 (b) If the school district has more than 150,000 pupils enrolled,  
30 include an audit of the expenditure by the school district of public  
31 money used:

32 (1) To design, construct or purchase new buildings for  
33 schools or related facilities;

34 (2) To enlarge, remodel or renovate existing buildings for  
35 schools or related facilities; and

36 (3) To acquire sites for building schools or related facilities,  
37 or other real property for purposes related to schools.

38 3. The governing body may, without requiring competitive  
39 bids, designate the auditor or firm annually. The auditor or firm  
40 must be designated, and notification of the auditor or firm  
41 designated must be sent to the Department of Taxation not later than  
42 3 months before the close of the fiscal year for which the audit is to  
43 be made.

44 4. Each annual audit must cover the business of the local  
45 government during the full fiscal year. It must be a financial audit



1 conducted in accordance with generally accepted auditing standards  
2 in the United States, including findings on compliance with statutes  
3 and regulations and an expression of opinion on the financial  
4 statements. The Department of Taxation shall prescribe the form of  
5 the financial statements, and the chart of accounts must be as nearly  
6 as possible the same as the chart that is used in the preparation and  
7 publication of the annual budget. The report of the audit must  
8 include:

9 (a) A schedule of all fees imposed by the local government  
10 which were subject to the provisions of NRS 354.5989;

11 (b) A comparison of the operations of the local government with  
12 the approved budget, including a statement from the auditor that  
13 indicates whether the governing body has taken action on the audit  
14 report for the prior year;

15 (c) If the local government is subject to the provisions of NRS  
16 244.186, a report showing that the local government is in  
17 compliance with the provisions of paragraphs (a) and (b) of  
18 subsection 1 of NRS 244.186; and

19 (d) If the local government is subject to the provisions of NRS  
20 710.140 or 710.145, a report showing that the local government is in  
21 compliance with the provisions of those sections with regard to the  
22 facilities and property it maintains and the services it provides  
23 outside its territorial boundaries.

24 5. Each local government shall provide to its auditor:

25 (a) A statement indicating whether each of the following  
26 funds established by the local government is being used expressly  
27 for the purposes for which it was created, in the form required by  
28 NRS 354.6241:

29 (1) An enterprise fund.

30 (2) An internal service fund.

31 (3) A fiduciary fund.

32 (4) A self-insurance fund.

33 (5) A fund whose balance is required by law to be:

34 (I) Used only for a specific purpose other than the  
35 payment of compensation to a bargaining unit ; ~~[-as defined in NRS~~  
36 ~~288.028;]~~ or

37 (II) Carried forward to the succeeding fiscal year in any  
38 designated amount.

39 (b) A list and description of any property conveyed to a  
40 nonprofit organization pursuant to NRS 244.287 or 268.058.

41 (c) If the local government is subject to the provisions of NRS  
42 244.186, a declaration indicating that the local government is in  
43 compliance with the provisions of paragraph (c) of subsection 1 of  
44 NRS 244.186.



1 (d) If the local government is subject to the provisions of NRS  
2 710.140 or 710.145, a declaration indicating that the local  
3 government is in compliance with the provisions of those sections  
4 with regard to the facilities and property it maintains and the  
5 services it provides outside its territorial boundaries.

6 6. The opinion and findings of the auditor contained in the  
7 report of the audit must be presented at a meeting of the governing  
8 body held not more than 30 days after the report is submitted to it.  
9 Immediately thereafter, the entire report, together with the  
10 management letter required by generally accepted auditing standards  
11 in the United States or by regulations adopted pursuant to NRS  
12 354.594, must be filed as a public record with:

13 (a) The clerk or secretary of the governing body;

14 (b) The county clerk;

15 (c) The Department of Taxation; and

16 (d) In the case of a school district, the Department of Education.

17 7. After the report of the audit is filed by the local government,  
18 the report of the audit, including, without limitation, the opinion and  
19 findings of the auditor contained in the report of the audit, may be  
20 disseminated by or on behalf of the local government for which the  
21 report was prepared by inclusion, without limitation, in or on:

22 (a) An official statement or other document prepared in  
23 connection with the offering of bonds or other securities;

24 (b) A filing made pursuant to the laws or regulations of this  
25 State;

26 (c) A filing made pursuant to a rule or regulation of the  
27 Securities and Exchange Commission of the United States; or

28 (d) A website maintained by a local government on the Internet  
29 or its successor,

30 ➤ without the consent of the auditor who prepared the report of the  
31 audit. A provision of a contract entered into between an auditor and  
32 a local government that is contrary to the provisions of this  
33 subsection is against the public policy of this State and is void and  
34 unenforceable.

35 8. If an auditor finds evidence of fraud or dishonesty in the  
36 financial statements of a local government, the auditor shall report  
37 such evidence to the appropriate level of management in the local  
38 government.

39 9. The governing body shall act upon the recommendations of  
40 the report of the audit within 3 months after receipt of the report,  
41 unless prompter action is required concerning violations of law or  
42 regulation, by setting forth in its minutes its intention to adopt the  
43 recommendations, to adopt them with modifications or to reject  
44 them for reasons shown in the minutes.

45 **10. As used in this section:**



1 (a) *“Bargaining unit” means a group of local government*  
2 *employees recognized by the local government employer pursuant*  
3 *to section 3 of this act as having sufficient community of interest*  
4 *appropriate for representation by an employee organization for the*  
5 *purpose of collective bargaining.*

6 (b) *“Employee organization” has the meaning ascribed to it in*  
7 *NRS 288.040.*

8 (c) *“Local government employee” has the meaning ascribed to*  
9 *it in NRS 288.050.*

10 (d) *“Local government employer” has the meaning ascribed to*  
11 *it in NRS 288.060.*

12 **Sec. 16.** NRS 354.6241 is hereby amended to read as follows:

13 354.6241 ~~[(a)]~~ The statement required by paragraph (a) of  
14 subsection 5 of NRS 354.624 must indicate for each fund set forth  
15 in that paragraph:

16 ~~[(a)]~~ 1. Whether the fund is being used in accordance with the  
17 provisions of this chapter.

18 ~~[(b)]~~ 2. Whether the fund is being administered in accordance  
19 with generally accepted accounting procedures.

20 ~~[(c)]~~ 3. Whether the reserve in the fund is limited to an amount  
21 that is reasonable and necessary to carry out the purposes of the  
22 fund.

23 ~~[(d)]~~ 4. The sources of revenues available for the fund during  
24 the fiscal year, including transfers from any other funds.

25 ~~[(e)]~~ 5. The statutory and regulatory requirements applicable  
26 to the fund.

27 ~~[(f)]~~ 6. The balance and retained earnings of the fund.

28 ~~[(2.) Except as otherwise provided in NRS 354.59891, to the~~  
29 ~~extent that the reserve in any fund set forth in paragraph (a) of~~  
30 ~~subsection 5 of NRS 354.624 exceeds the amount that is reasonable~~  
31 ~~and necessary to carry out the purposes for which the fund was~~  
32 ~~created, the reserve may be expended by the local government~~  
33 ~~pursuant to the provisions of chapter 288 of NRS.]~~

34 **Sec. 17.** NRS 354.695 is hereby amended to read as follows:

35 354.695 1. As soon as practicable after taking over the  
36 management of a local government, the Department shall, with the  
37 approval of the Committee:

38 (a) Establish and implement a management policy and a  
39 financing plan for the local government;

40 (b) Provide for the appointment of a financial manager for the  
41 local government who is qualified to manage the fiscal affairs of the  
42 local government;

43 (c) Provide for the appointment of any other persons necessary  
44 to enable the local government to provide the basic services for





- 1 which it was created in the most economical and efficient manner  
2 possible;
- 3 (d) Establish an accounting system and separate accounts in a  
4 bank or credit union, if necessary, to receive and expend all money  
5 and assets of the local government;
- 6 (e) Impose such hiring restrictions as deemed necessary after  
7 considering the recommendations of the financial manager;
- 8 (f) Negotiate and approve all contracts entered into by or on  
9 behalf of the local government before execution and enter into such  
10 contracts on behalf of the local government as the Department  
11 deems necessary;
- 12 (g) Negotiate and approve ~~fall~~ collective bargaining contracts to  
13 be entered into by the local government, ~~except issues submitted to~~  
14 ~~a fact finder whose findings and recommendations are final and~~  
15 ~~binding pursuant to the provisions of the Local Government~~  
16 ~~Employee Management Relations Act;] if any;~~
- 17 (h) Approve all expenditures of money from any fund or  
18 account and all transfers of money from one fund to another;
- 19 (i) Employ such technicians as are necessary for the  
20 improvement of the financial condition of the local government;
- 21 (j) Meet with the creditors of the local government and  
22 formulate a debt liquidation program;
- 23 (k) If the Department has taken over the management of a local  
24 government because the local government is involved in litigation or  
25 threatened litigation, carry out the duties set forth in NRS 354.701,  
26 if the provisions of that section are applicable;
- 27 (l) Approve the issuance of bonds or other forms of  
28 indebtedness by the local government;
- 29 (m) Discharge any of the outstanding debts and obligations of  
30 the local government; and
- 31 (n) Take any other actions necessary to ensure that the local  
32 government provides the basic services for which it was created in  
33 the most economical and efficient manner possible.
- 34 2. The Department may provide for reimbursement from the  
35 local government for the expenses the Department incurs in  
36 managing the local government. If such reimbursement is not  
37 possible, the Department may request an allocation by the Interim  
38 Finance Committee from the Contingency Fund pursuant to NRS  
39 353.266, 353.268 and 353.269.
- 40 3. The governing body of a local government which is being  
41 managed by the Department pursuant to this section may make  
42 recommendations to the Department or the financial manager  
43 concerning the management of the local government.
- 44 4. Each state agency, board, department, commission,  
45 committee or other entity of the State shall provide such technical



1 assistance concerning the management of the local government as is  
2 requested by the Department.

3 5. The Department may delegate any of the powers and duties  
4 imposed by this section to the financial manager appointed pursuant  
5 to paragraph (b) of subsection 1.

6 6. Except as otherwise provided in NRS 354.723 and 450.760,  
7 once the Department has taken over the management of a local  
8 government pursuant to the provisions of subsection 1, that  
9 management may only be terminated pursuant to NRS 354.725.

10 **Sec. 18.** NRS 385.3468 is hereby amended to read as follows:  
11 385.3468 The provisions of NRS 385.3455 to 385.391,  
12 inclusive, do not supersede, negate or otherwise limit the effect or  
13 application of the provisions of ~~[chapters 288 and] chapter~~ 391 of  
14 NRS . ~~for the rights, remedies and procedures afforded to employees~~  
15 ~~of a school district under the terms of collective bargaining~~  
16 ~~agreements, memoranda of understanding or other such agreements~~  
17 ~~between employees and their employers.]~~

18 **Sec. 19.** NRS 386.365 is hereby amended to read as follows:  
19 386.365 1. Except as provided in subsection 3, each board of  
20 trustees in any county having a population of 100,000 or more shall  
21 give 15 days' notice of its intention to adopt, repeal or amend a  
22 policy or regulation of the board concerning any of the subjects set  
23 forth in subsection 4. The notice must:

24 (a) Include a description of the subject or subjects involved and  
25 must state the time and place of the meeting at which the matter will  
26 be considered by the board; and

27 (b) Be mailed to the following persons from each of the schools  
28 affected:

29 (1) The principal;

30 (2) The president of the parent-teacher association or similar  
31 body; and

32 (3) The president of the classroom teachers' organization or  
33 other collective bargaining agent ~~H~~, *if any*.

34 ➔ A copy of the notice and of the terms of each proposed policy or  
35 regulation, or change in a policy or regulation, must be made  
36 available for inspection by the public in the office of the  
37 superintendent of schools of the school district at least 15 days  
38 before its adoption.

39 2. All persons interested in a proposed policy or regulation or  
40 change in a policy or regulation must be afforded a reasonable  
41 opportunity to submit data, views or arguments, orally or in writing.  
42 The board of trustees shall consider all written and oral submissions  
43 respecting the proposal or change before taking final action.

44 3. Emergency policies or regulations may be adopted by the  
45 board upon its own finding that an emergency exists.



- 1 4. This section applies to policies and regulations concerning:  
2 (a) Attendance rules;  
3 (b) Zoning;  
4 (c) Grading;  
5 (d) District staffing patterns;  
6 (e) Curriculum and program;  
7 (f) Pupil discipline; and  
8 (g) Personnel .

9 ~~[, except with respect to dismissals and refusals  
10 to reemploy covered by contracts entered into as a result of the  
11 Local Government Employee Management Relations Act, as  
12 provided in NRS 391.3116.]~~

12 **Sec. 20.** NRS 386.595 is hereby amended to read as follows:

13 386.595 1. All employees of a charter school shall be deemed  
14 public employees.

15 2. The governing body of a charter school may make all  
16 decisions concerning the terms and conditions of employment with  
17 the charter school and any other matter relating to employment with  
18 the charter school. In addition, the governing body may make all  
19 employment decisions with regard to its employees pursuant to NRS  
20 391.311 to 391.3197, inclusive . ~~[, unless a collective bargaining  
21 agreement entered into by the governing body pursuant to chapter  
22 288 of NRS contains separate provisions relating to the discipline of  
23 licensed employees of a school.]~~

24 3. Except as otherwise provided in this subsection, if the  
25 written charter of a charter school is revoked or if a charter school  
26 ceases to operate as a charter school, the employees of the charter  
27 school must be reassigned to employment within the school district .  
28 ~~[in accordance with the applicable collective bargaining agreement.]~~  
29 A school district is not required to reassign an employee of a charter  
30 school pursuant to this subsection if the employee:

31 (a) Was not granted a leave of absence by the school district to  
32 teach at the charter school pursuant to subsection 4; or

33 (b) Was granted a leave of absence by the school district and did  
34 not submit a written request to return to employment with the school  
35 district in accordance with subsection 4.

36 4. The board of trustees of a school district that is a sponsor of  
37 a charter school shall grant a leave of absence, not to exceed 3 years,  
38 to any employee who is employed by the board of trustees who  
39 requests such a leave of absence to accept employment with the  
40 charter school. After the first school year in which an employee is  
41 on a leave of absence, the employee may return to his or her former  
42 teaching position with the board of trustees. After the third school  
43 year, an employee shall either submit a written request to return to a  
44 comparable teaching position or resign from the position for which  
45 the employee's leave was granted. The board of trustees shall grant



1 a written request to return to a comparable position pursuant to this  
2 subsection even if the return of the employee requires the board of  
3 trustees to reduce the existing workforce of the school district. The  
4 board of trustees may require that a request to return to a teaching  
5 position submitted pursuant to this subsection be submitted at least  
6 90 days before the employee would otherwise be required to report  
7 to duty.

8 5. An employee who is on a leave of absence from a school  
9 district pursuant to this section:

10 (a) Shall contribute to and be eligible for all benefits for which  
11 the employee would otherwise be entitled, including, without  
12 limitation, participation in the Public Employees' Retirement  
13 System and accrual of time for the purposes of leave and retirement.

14 (b) Continues, while the employee is on leave, to be covered by  
15 the collective bargaining agreement of the school district, *if any*,  
16 only with respect to any matter relating to his or her status or  
17 employment with the district.

18 ➤ The time during which such an employee is on a leave of absence  
19 and employed in a charter school does not count toward the  
20 acquisition of permanent status with the school district.

21 6. Upon the return of a teacher to employment in the school  
22 district, the teacher is entitled to the same level of retirement, salary  
23 and any other benefits to which the teacher would otherwise be  
24 entitled if the teacher had not taken a leave of absence to teach in a  
25 charter school.

26 7. An employee of a charter school who is not on a leave of  
27 absence from a school district is eligible for all benefits for which  
28 the employee would be eligible for employment in a public school,  
29 including, without limitation, participation in the Public Employees'  
30 Retirement System.

31 8. For all employees of a charter school:

32 (a) The compensation that a teacher or other school employee  
33 would have received if he or she were employed by the school  
34 district must be used to determine the appropriate levels of  
35 contribution required of the employee and employer for purposes of  
36 the Public Employees' Retirement System.

37 (b) The compensation that is paid to a teacher or other school  
38 employee that exceeds the compensation that the employee would  
39 have received if he or she were employed by the school district must  
40 not be included for the purposes of calculating future retirement  
41 benefits of the employee.

42 9. If the board of trustees of a school district in which a charter  
43 school is located manages a plan of group insurance for its  
44 employees, the governing body of the charter school may negotiate  
45 with the board of trustees to participate in the same plan of group



1 insurance that the board of trustees offers to its employees. If the  
2 employees of the charter school participate in the plan of group  
3 insurance managed by the board of trustees, the governing body of  
4 the charter school shall:

5 (a) Ensure that the premiums for that insurance are paid to the  
6 board of trustees; and

7 (b) Provide, upon the request of the board of trustees, all  
8 information that is necessary for the board of trustees to provide the  
9 group insurance to the employees of the charter school.

10 **Sec. 21.** NRS 387.191 is hereby amended to read as follows:

11 387.191 1. Except as otherwise provided in this subsection,  
12 the proceeds of the tax imposed pursuant to NRS 244.33561 and any  
13 applicable penalty or interest must be paid by the county treasurer to  
14 the State Treasurer for credit to the State Supplemental School  
15 Support Fund, which is hereby created in the State Treasury as a  
16 special revenue fund. The county treasurer may retain from the  
17 proceeds an amount sufficient to reimburse the county for the actual  
18 cost of collecting and administering the tax, to the extent that the  
19 county incurs any cost it would not have incurred but for the  
20 enactment of this section or NRS 244.33561, but in no case  
21 exceeding the amount authorized by statute for this purpose. Any  
22 interest or other income earned on the money in the State  
23 Supplemental School Support Fund must be credited to the Fund.

24 2. The money in the State Supplemental School Support Fund  
25 is hereby appropriated for the operation of the school districts and  
26 charter schools of the state, as provided in this section. The money  
27 so appropriated is intended to supplement and not replace any other  
28 money appropriated, approved or authorized for expenditure to fund  
29 the operation of the public schools for kindergarten through grade  
30 12. Any money that remains in the State Supplemental School  
31 Support Fund at the end of the fiscal year does not revert to the State  
32 General Fund, and the balance in the State Supplemental School  
33 Support Fund must be carried forward to the next fiscal year.

34 3. On or before February 1, May 1, August 1 and November 1  
35 of each year, the Superintendent of Public Instruction shall transfer  
36 from the State Supplemental School Support Fund all the proceeds  
37 of the tax imposed pursuant to NRS 244.33561, including any  
38 interest or other income earned thereon, and distribute the proceeds  
39 proportionally among the school districts and charter schools of the  
40 state. The proportionate amount of money distributed to each school  
41 district or charter school must be determined by dividing the number  
42 of students enrolled in the school district or charter school by the  
43 number of students enrolled in all the school districts and charter  
44 schools of the state. For the purposes of this subsection, the  
45 enrollment in each school district and the number of students who



1 reside in the district and are enrolled in a charter school must be  
2 determined as of the last day of the first school month of the school  
3 district for the school year. This determination governs the  
4 distribution of money pursuant to this subsection until the next  
5 annual determination of enrollment is made. The Superintendent  
6 may retain from the proceeds of the tax an amount sufficient to  
7 reimburse the Superintendent for the actual cost of administering the  
8 provisions of this section, to the extent that the Superintendent  
9 incurs any cost the Superintendent would not have incurred but for  
10 the enactment of this section, but in no case exceeding the amount  
11 authorized by statute for this purpose.

12 4. The money received by a school district or charter school  
13 from the State Supplemental School Support Fund pursuant to this  
14 section must be used to improve the achievement of students and for  
15 the payment of salaries to attract and retain qualified teachers and  
16 other employees, except administrative employees, of the school  
17 district or charter school. ~~[Nothing contained in this section shall be  
18 deemed to impair or restrict the right of employees of the school  
19 district or charter school to engage in collective bargaining as  
20 provided by chapter 288 of NRS.]~~

21 5. On or before November 10 of each year, the board of  
22 trustees of each school district and the governing body of each  
23 charter school shall prepare a report to the Superintendent of Public  
24 Instruction, in the form prescribed by the Superintendent. The report  
25 must provide an accounting of the expenditures by the school  
26 district or charter school of the money it received from the State  
27 Supplemental School Support Fund during the preceding fiscal year.

28 6. As used in this section, "administrative employee" means  
29 any person who holds a license as an administrator, issued by the  
30 Superintendent of Public Instruction, and is employed in that  
31 capacity by a school district or charter school.

32 **Sec. 22.** NRS 388.090 is hereby amended to read as follows:

33 388.090 1. Except as otherwise provided in this section,  
34 boards of trustees of school districts shall schedule and provide a  
35 minimum of 180 days of free school in the districts under their  
36 charge.

37 2. Except for an alternative schedule described in subsection 3,  
38 the Superintendent of Public Instruction may, upon application by  
39 the board of trustees of a school district, authorize the school district  
40 to provide a program of instruction based on an alternative schedule  
41 if the number of minutes of instruction to be provided is equal to or  
42 greater than the number of minutes of instruction that would be  
43 provided in a program of instruction consisting of 180 school days.  
44 The Superintendent of Public Instruction shall notify the board of  
45 trustees of the school district of the approval or denial of the



1 application not later than 30 days after the Superintendent of Public  
2 Instruction receives the application. ~~[An alternative schedule  
3 proposed pursuant to this subsection must be developed in  
4 accordance with chapter 288 of NRS.]~~ If a school district is located  
5 in a county whose population is 100,000 or more, the board of  
6 trustees of the school district may not submit an application  
7 pursuant to this subsection unless the proposed alternative schedule  
8 of the school district:

9 (a) Will apply only to a rural portion or a remote portion of the  
10 county in which the school district is located, as defined by the State  
11 Board pursuant to subsection 9; or

12 (b) Is designed solely for the purpose of providing regular  
13 professional development to educational personnel and such  
14 professional development is focused on analyzing and discussing  
15 measures of the performance of pupils and identifying appropriate  
16 instructional strategies to improve the achievement of pupils.

17 3. The Superintendent of Public Instruction may, upon  
18 application by the board of trustees of a school district, authorize a  
19 reduction of not more than 15 school days in that particular district  
20 to establish or maintain an alternative schedule consisting of a  
21 12-month school program if the board of trustees demonstrates that  
22 the proposed alternative schedule for the program provides for a  
23 number of minutes of instruction that is equal to or greater than that  
24 which would be provided under a program consisting of 180 school  
25 days. Before authorizing a reduction in the number of required  
26 school days pursuant to this subsection, the Superintendent of Public  
27 Instruction must find that the proposed alternative schedule will be  
28 used to alleviate problems associated with a growth in enrollment or  
29 overcrowding.

30 4. The Superintendent of Public Instruction may, upon  
31 application by a board of trustees, authorize the addition of minutes  
32 of instruction to any scheduled day of free school if days of free  
33 school are lost because of any interscholastic activity. Not more than  
34 5 days of free school so lost may be rescheduled in this manner. The  
35 provisions of this subsection do not apply to an alternative schedule  
36 approved pursuant to subsection 2.

37 5. The number of minutes of instruction required for a  
38 particular group of pupils in a program of instruction based on an  
39 alternative schedule approved pursuant to this section must be  
40 determined by multiplying the appropriate minimum daily period of  
41 instruction established by the State Board by regulation for that  
42 particular group of pupils by 180.

43 6. Each school district shall schedule at least 3 contingent days  
44 of school, or its equivalent if the school district operates under an  
45 alternative schedule authorized pursuant to this section, in addition



1 to the number of days required by this section, which must be used  
2 if a natural disaster, inclement weather or an accident necessitates  
3 the closing of a majority of the facilities within the district. The 3  
4 contingent days of school, or its equivalent, may be scheduled as:

5 (a) Full days of school;

6 (b) An equivalent number of minutes of instruction added to any  
7 scheduled day of instruction, except that the minutes added must not  
8 be less than 30 minutes per school day; or

9 (c) Any combination thereof.

10 7. If more than 3 days of free school or minutes of instruction  
11 equaling 3 days of free school, or the equivalent if the school district  
12 operates under an alternative schedule authorized pursuant to this  
13 section, are lost because a natural disaster, inclement weather or an  
14 accident necessitates the closing of a majority of the facilities within  
15 a school district, the Superintendent of Public Instruction, upon  
16 application by the school district, may permit the additional days or  
17 equivalent minutes of instruction lost to be counted as school days  
18 in session. The application must be submitted in the manner  
19 prescribed by the Superintendent of Public Instruction.

20 8. The Superintendent of Public Instruction may, upon  
21 application by the board of trustees of a school district, authorize  
22 additional days or minutes of instruction for a program of remedial  
23 education that is fully paid for through the school district, including,  
24 without limitation, the provision of transportation. If the  
25 Superintendent of Public Instruction authorizes such additional days  
26 or minutes, the board of trustees may adopt a policy prescribing the  
27 minimum number of days of attendance or the minimum number of  
28 minutes of attendance for a pupil who is determined to need such  
29 remedial education. If the board of trustees adopts such a policy, the  
30 policy must include, without limitation, the criteria for determining  
31 that a pupil be enrolled in the program of remedial education, the  
32 procedure pursuant to which parents and guardians will be notified  
33 of the pupil's progress throughout the school year and a process for  
34 appealing a determination regarding a pupil's need for remedial  
35 education.

36 9. The State Board shall adopt regulations:

37 (a) Providing procedures for changing schedules of instruction  
38 to be used if a natural disaster, inclement weather or an accident  
39 necessitates the closing of a particular school within a school  
40 district.

41 (b) Defining a rural portion of a county and a remote portion of  
42 a county for the purposes of subsection 2.

43 **Sec. 23.** NRS 388.710 is hereby amended to read as follows:

44 388.710 1. The State Board, in consultation with the trustees  
45 of the school districts and the recognized associations , *if any*,





1 representing licensed educational personnel, after receiving  
2 comments from the general public, shall determine the data that  
3 must be monitored by each school district and used to measure the  
4 effectiveness of the implementation of a plan developed by each  
5 school district to reduce the pupil-teacher ratio pursuant to  
6 NRS 388.720.

7 2. Each school district shall report the data to the State Board  
8 as required by the State Board.

9 **Sec. 24.** NRS 388.720 is hereby amended to read as follows:

10 388.720 1. Except as otherwise provided in subsection 2,  
11 each school district together with the recognized associations, *if*  
12 *any*, representing licensed educational personnel shall develop a  
13 plan to reduce the district's pupil-teacher ratio per class in  
14 kindergarten and grades 1, 2 and 3 within the limits of available  
15 financial support specifically set aside for this purpose and submit  
16 that plan to the State Board.

17 2. In lieu of complying with the pupil-teacher ratio prescribed  
18 in paragraph (a) of subsection 1 of NRS 388.700, a school district in  
19 a county whose population is less than 100,000 may, in consultation  
20 with the recognized associations, *if any*, representing licensed  
21 educational personnel, develop a plan to reduce the district's pupil-  
22 teacher ratios per class for specified grade levels in elementary  
23 schools. Alternative ratios for grade 6 may only be approved for  
24 those school districts that include grade 6 in elementary school. The  
25 alternative pupil-teacher ratios must not:

26 (a) Exceed 22 to 1 in grades 1, 2 and 3; and

27 (b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as  
28 applicable.

29 3. The State Board shall approve a plan submitted pursuant to  
30 subsection 2 if the plan:

31 (a) Reduces the district's pupil-teacher ratio in the elementary  
32 schools within the school district; and

33 (b) Is fiscally neutral such that the plan will not cost more to  
34 carry out than a plan that complies with the ratios prescribed in  
35 paragraph (a) of subsection 1 of NRS 388.700.

36 **Sec. 25.** NRS 391.160 is hereby amended to read as follows:

37 391.160 1. The salaries of teachers and other employees must  
38 be determined by the character of the service required. A school  
39 district shall not discriminate between male and female employees  
40 in the matter of salary.

41 2. Each year when determining the salary of a teacher who  
42 holds certification issued by the National Board for Professional  
43 Teaching Standards, a school district shall add 5 percent to the  
44 salary that the teacher would otherwise receive in 1 year for the



1 teacher's classification on the schedule of salaries for the school  
2 district if:

3 (a) On or before January 31 of the school year, the teacher has  
4 submitted evidence satisfactory to the school district of his or her  
5 current certification; and

6 (b) The teacher is assigned by the school district to provide  
7 classroom instruction during that school year.

8 ➔ No increase in salary may be given pursuant to this subsection  
9 during a particular school year to a teacher who submits evidence of  
10 certification after January 31 of that school year. For the first school  
11 year that a teacher submits evidence of his or her current  
12 certification, the board of trustees of the school district to whom the  
13 evidence was submitted shall pay the increase in salary required by  
14 this subsection retroactively to the beginning of that school year.  
15 Once a teacher has submitted evidence of such certification to the  
16 school district, the school district shall retain the evidence in its  
17 records, as applicable, for future school years. An increase in salary  
18 given in accordance with this subsection is in addition to any other  
19 increase to which the teacher may otherwise be entitled.

20 3. Each year when determining the salary of a person who is  
21 employed by a school district as a speech pathologist, the school  
22 district shall add 5 percent to the salary that the employee would  
23 otherwise receive in 1 year for the employee's classification on the  
24 schedule of salaries for the school district if:

25 (a) On or before September 15 of the school year, the employee  
26 has submitted evidence satisfactory to the school district of the  
27 employee's:

28 (1) Licensure as a speech pathologist by the Board of  
29 Examiners for Audiology and Speech Pathology; and

30 (2) Certification as being clinically competent in speech-  
31 language pathology by:

32 (I) The American Speech-Language-Hearing Association;

33 or

34 (II) A successor organization to the American Speech-  
35 Language-Hearing Association that is recognized and determined to  
36 be acceptable by the Board of Examiners for Audiology and Speech  
37 Pathology; and

38 (b) The employee is assigned by the school district to serve as a  
39 speech pathologist during the school year.

40 ➔ No increase in salary may be given pursuant to this subsection  
41 during a particular school year to an employee who submits  
42 evidence of licensure and certification after September 15 of that  
43 school year. Once an employee has submitted evidence of such  
44 licensure and certification to the school district, the school district  
45 shall retain the evidence in its records, as applicable, for future



1 school years. An increase in salary given in accordance with this  
2 subsection is in addition to any other increase to which the  
3 employee may otherwise be entitled.

4 4. Each year when determining the salary of a person who is  
5 employed by a school district as a professional school library media  
6 specialist, the school district shall add 5 percent to the salary that the  
7 employee would otherwise receive in 1 year for the employee's  
8 classification on the schedule of salaries of the school district if:

9 (a) On or before September 15 of the school year, the employee  
10 has submitted evidence satisfactory to the school district of the  
11 employee's current certification as a professional school library  
12 media specialist issued by the National Board for Professional  
13 Teaching Standards; and

14 (b) The employee is assigned by the school district to serve as a  
15 professional school library media specialist during that school year.

16 ➔ No increase in salary may be given pursuant to this subsection  
17 during a particular school year to an employee who submits  
18 evidence of certification after September 15 of that school year.  
19 Once an employee has submitted evidence of such certification to  
20 the school district, the school district shall retain the evidence in its  
21 records, as applicable, for future school years. An increase in salary  
22 given in accordance with this subsection is in addition to any other  
23 increase to which the employee may otherwise be entitled.

24 5. In determining the salary of a licensed teacher who is  
25 employed by a school district after the teacher has been employed  
26 by another school district in this State, the present employer shall,  
27 except as otherwise provided in subsection 8:

28 (a) Give the teacher the same credit for previous teaching  
29 service as the teacher was receiving from the teacher's former  
30 employer at the end of his or her former employment;

31 (b) Give the teacher credit for the teacher's final year of service  
32 with his or her former employer, if credit for that service is not  
33 included in credit given pursuant to paragraph (a); and

34 (c) Place the teacher on the schedule of salaries of the school  
35 district in a classification that is commensurate with the level of  
36 education acquired by the teacher . ~~[, as set forth in the applicable~~  
37 ~~negotiated agreement with the present employer.]~~

38 6. A school district may give the credit required by subsection  
39 5 for previous teaching service earned in another state if the  
40 Commission has approved the standards for licensing teachers of  
41 that state. The Commission shall adopt regulations that establish the  
42 criteria by which the Commission will consider the standards for  
43 licensing teachers of other states for the purposes of this subsection.  
44 The criteria may include, without limitation, whether the



1 Commission has authorized reciprocal licensure of educational  
2 personnel from the state under consideration.

3 7. In determining the salary of a licensed administrator, other  
4 than the superintendent of schools, who is employed by a school  
5 district after the administrator has been employed by another school  
6 district in this State, the present employer shall, except as otherwise  
7 provided in subsection 8:

8 (a) Give the administrator the same credit for previous  
9 administrative service as the administrator was receiving from the  
10 administrator's former employer, at the end of his or her former  
11 employment;

12 (b) Give the administrator credit for the administrator's final  
13 year of service with his or her former employer, if credit for that  
14 service is not otherwise included in the credit given pursuant to  
15 paragraph (a); and

16 (c) Place the administrator on the schedule of salaries of the  
17 school district in a classification that is comparable to the  
18 classification the administrator had attained on the schedule of  
19 salaries of the administrator's former employer.

20 8. This section does not:

21 (a) Require a school district to allow a teacher or administrator  
22 more credit for previous teaching or administrative service than the  
23 maximum credit for teaching or administrative experience provided  
24 for in the schedule of salaries established by it for its licensed  
25 personnel.

26 (b) Permit a school district to deny a teacher or administrator  
27 credit for his or her previous teaching or administrative service on  
28 the ground that the service differs in kind from the teaching or  
29 administrative experience for which credit is otherwise given by the  
30 school district.

31 9. As used in this section:

32 (a) "Previous administrative service" means the total of:

33 (1) Any period of administrative service for which an  
34 administrator received credit from the administrator's former  
35 employer at the beginning of his or her former employment; and

36 (2) The administrator's period of administrative service in  
37 his or her former employment.

38 (b) "Previous teaching service" means the total of:

39 (1) Any period of teaching service for which a teacher  
40 received credit from the teacher's former employer at the beginning  
41 of his or her former employment; and

42 (2) The teacher's period of teaching service in his or her  
43 former employment.



1     **Sec. 26.** NRS 391.166 is hereby amended to read as follows:

2     391.166 1. There is hereby created the Grant Fund for  
3 Incentives for Licensed Educational Personnel to be administered by  
4 the Department. The Department may accept gifts and grants from  
5 any source for deposit in the Grant Fund.

6     2. The board of trustees of each school district shall establish a  
7 program of incentive pay for licensed teachers, school  
8 psychologists, school librarians, school counselors and  
9 administrators employed at the school level which must be designed  
10 to attract and retain those employees. The program must ~~be~~  
11 ~~negotiated pursuant to chapter 288 of NRS and must~~ include,  
12 without limitation, the attraction and retention of:

13     (a) Licensed teachers, school psychologists, school librarians,  
14 school counselors and administrators employed at the school level  
15 who have been employed in that category of position for at least 5  
16 years in this State or another state and who are employed in schools  
17 which are at-risk, as determined by the Department pursuant to  
18 subsection 8; and

19     (b) Teachers who hold an endorsement in the field of  
20 mathematics, science, special education, English as a second  
21 language or other area of need within the school district, as  
22 determined by the Superintendent of Public Instruction.

23     3. A program of incentive pay established by a school district  
24 must specify the type of financial incentives offered to the licensed  
25 educational personnel. Money available for the program must not be  
26 used to negotiate the salaries of individual employees who  
27 participate in the program.

28     4. If the board of trustees of a school district wishes to receive  
29 a grant of money from the Grant Fund, the board of trustees shall  
30 submit to the Department an application on a form prescribed by the  
31 Department. The application must include a description of the  
32 program of incentive pay established by the school district.

33     5. The Superintendent of Public Instruction shall compile a list  
34 of the financial incentives recommended by each school district that  
35 submitted an application. On or before December 1 of each year, the  
36 Superintendent shall submit the list to the Interim Finance  
37 Committee for its approval of the recommended incentives.

38     6. After approval of the list of incentives by the Interim  
39 Finance Committee pursuant to subsection 5 and within the limits of  
40 money available in the Grant Fund, the Department shall provide  
41 grants of money to each school district that submits an application  
42 pursuant to subsection 4 based upon the amount of money that is  
43 necessary to carry out each program. If an insufficient amount of  
44 money is available to pay for each program submitted to the  
45 Department, the amount of money available must be distributed pro



1 rata based upon the number of licensed employees who are  
2 estimated to be eligible to participate in the program in each school  
3 district that submitted an application.

4 7. An individual employee may not receive as a financial  
5 incentive pursuant to a program an amount of money that is more  
6 than \$3,500 per year.

7 8. The Department shall, in consultation with representatives  
8 appointed by the Nevada Association of School Superintendents and  
9 the Nevada Association of School Boards, develop a formula for  
10 identifying at-risk schools for purposes of this section. The formula  
11 must be developed on or before July 1 of each year and include,  
12 without limitation, the following factors:

13 (a) The percentage of pupils who are eligible for free or  
14 reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

15 (b) The transiency rate of pupils;

16 (c) The percentage of pupils who are limited English proficient;

17 (d) The percentage of pupils who have individualized education  
18 programs;

19 (e) The percentage of pupils who score in the bottom two  
20 quarters on the mathematics portion or the reading portion, or both,  
21 of the high school proficiency examination; and

22 (f) The percentage of pupils who drop out of high school before  
23 graduation.

24 9. The board of trustees of each school district that receives a  
25 grant of money pursuant to this section shall evaluate the  
26 effectiveness of the program for which the grant was awarded. The  
27 evaluation must include, without limitation, an evaluation of  
28 whether the program is effective in recruiting and retaining the  
29 personnel as set forth in subsection 2. On or before December 1 of  
30 each year, the board of trustees shall submit a report of its  
31 evaluation to the:

32 (a) Governor;

33 (b) State Board;

34 (c) Interim Finance Committee;

35 (d) If the report is submitted in an even-numbered year, Director  
36 of the Legislative Counsel Bureau for transmittal to the next regular  
37 session of the Legislature; and

38 (e) Legislative Committee on Education.

39 **Sec. 27.** NRS 391.180 is hereby amended to read as follows:

40 391.180 1. As used in this section, "employee" means any  
41 employee of a school district or charter school in this State.

42 2. A school month in any public school in this State consists of  
43 4 weeks of 5 days each.



1 3. Nothing contained in this section prohibits the payment of  
2 employees' compensation in 12 equal monthly payments for 9 or  
3 more months' work.

4 4. The per diem deduction from the salary of an employee  
5 because of absence from service for reasons other than those  
6 specified in this section is that proportion of the yearly salary which  
7 is determined by the ratio between the duration of the absence and  
8 the total number of contracted workdays in the year.

9 5. Boards of trustees shall either prescribe by regulation or  
10 negotiate ~~[pursuant to chapter 288 of NRS, with respect to]~~ *the* sick  
11 leave, accumulation of sick leave, payment for unused sick leave,  
12 sabbatical leave, personal leave, professional leave, military leave  
13 and such other leave as they determine to be necessary or desirable  
14 for employees. In addition, boards of trustees may either prescribe  
15 by regulation or negotiate ~~[pursuant to chapter 288 of NRS with  
16 respect to]~~ the payment of unused sick leave to licensed teachers in  
17 the form of purchase of service pursuant to subsection 4 of NRS  
18 286.300. The amount of service so purchased must not exceed the  
19 number of hours of unused sick leave or 1 year, whichever is less.

20 6. The salary of any employee unavoidably absent because of  
21 personal illness or accident, or because of serious illness, accident or  
22 death in the family, may be paid up to the number of days of sick  
23 leave accumulated by the employee. An employee may not be  
24 credited with more than 15 days of sick leave in any 1 school year.  
25 Except as otherwise provided in this subsection, if an employee  
26 takes a position with another school district or charter school, all  
27 sick leave that the employee has accumulated must be transferred  
28 from the employee's former school district or charter school to his  
29 or her new school district or charter school. The amount of sick  
30 leave so transferred may not exceed the maximum amount of sick  
31 leave which may be carried forward from one year to the next  
32 according to the applicable negotiated agreement, *if any*, or the  
33 policy of the district or charter school into which the employee  
34 transferred. ~~[Unless the applicable negotiated agreement or policy of  
35 the employing district or charter school provides otherwise, such]~~  
36 *Such* an employee:

37 (a) Shall first use the sick leave credited to the employee from  
38 the district or charter school into which the employee transferred  
39 before using any of the transferred leave; and

40 (b) Is not entitled to compensation for any sick leave transferred  
41 pursuant to this subsection.

42 7. Subject to the provisions of subsection 8:

43 (a) If an intermission of less than 6 days is ordered by the board  
44 of trustees of a school district or the governing body of a charter



1 school for any good reason, no deduction of salary may be made  
2 therefor.

3 (b) If, on account of sickness, epidemic or other emergency in  
4 the community, a longer intermission is ordered by the board of  
5 trustees of a school district, the governing body of a charter school  
6 or a board of health and the intermission or closing does not exceed  
7 30 days at any one time, there may be no deduction or  
8 discontinuance of salaries.

9 8. If the board of trustees of a school district or the governing  
10 body of a charter school orders an extension of the number of days  
11 of school to compensate for the days lost as the result of an  
12 intermission because of those reasons contained in paragraph (b) of  
13 subsection 7, an employee may be required to render his or her  
14 services to the school district or charter school during that extended  
15 period. If the salary of the employee was continued during the  
16 period of intermission as provided in subsection 7, the employee is  
17 not entitled to additional compensation for services rendered during  
18 the extended period.

19 ~~[9. If any subject referred to in this section is included in an~~  
20 ~~agreement or contract negotiated by:~~

21 ~~—(a) The board of trustees of a school district pursuant to chapter~~  
22 ~~288 of NRS; or~~

23 ~~—(b) The governing body of a charter school pursuant to~~  
24 ~~NRS 386.595;~~

25 ~~the provisions of the agreement or contract regarding that subject~~  
26 ~~supersede any conflicting provisions of this section or of a~~  
27 ~~regulation of the board of trustees.]~~

28 **Sec. 28.** NRS 391.3196 is hereby amended to read as follows:

29 391.3196 1. On or before May 1 of each year, the board shall  
30 notify postprobationary employees in their employ, in writing, by  
31 certified mail or by delivery of the employee's contract, concerning  
32 their reemployment for the ensuing year. If the board, or the person  
33 designated by it, fails to notify a postprobationary employee who  
34 has been employed by a school district of the employee's status for  
35 the ensuing year, the employee shall be deemed to be reemployed  
36 for the ensuing year under the same terms and conditions as he or  
37 she is employed for the current year.

38 2. This section does not apply to any licensed employee who  
39 has been recommended to be demoted, dismissed or not reemployed  
40 if proceedings have commenced and no final decision has been  
41 made by the board. A licensed employee may be demoted or  
42 dismissed for grounds set forth in NRS 391.312 after the employee  
43 has been notified that he or she is to be reemployed for the ensuing  
44 year.





1 3. Any licensed employee who is reemployed pursuant to  
2 subsection 1 shall, by May 10, notify the board in writing of  
3 the employee's acceptance of employment. Failure on the part of the  
4 employee to notify the board of his or her acceptance within the  
5 specified time is conclusive evidence of the employee's rejection of  
6 the contract.

7 ~~4. If the licensed employees are represented by a recognized~~  
8 ~~employee organization and negotiation has been commenced~~  
9 ~~pursuant to NRS 288.180, then the provisions of subsections 1, 2~~  
10 ~~and 3 do not apply except in the case of a demotion, dismissal or~~  
11 ~~decision not to reemploy an employee.]~~ Before May 10 of each year,  
12 the employees shall notify the board in writing, on forms provided  
13 by the board, of their acceptance of reemployment. ~~[Any agreement~~  
14 ~~negotiated by the recognized employee organization and the board~~  
15 ~~becomes a part of the contract of employment between the board~~  
16 ~~and the employee.]~~ The board shall mail contracts, by certified mail  
17 with return receipts requested, to each employee to be reemployed at  
18 the last known address of the employee or shall deliver the contract  
19 in person to each employee, obtaining a receipt therefor. Failure on  
20 the part of the employee to notify the board of the employee's  
21 acceptance within 10 days after receipt of the contract is conclusive  
22 evidence of the employee's rejection of the contract.

23 **Sec. 29.** NRS 679A.160 is hereby amended to read as follows:

24 679A.160 Except as otherwise provided by specific statute, no  
25 provision of this Code applies to:

26 1. Fraternal benefit societies, as identified in chapter 695A of  
27 NRS, except as stated in chapter 695A of NRS.

28 2. Hospital, medical or dental service corporations, as  
29 identified in chapter 695B of NRS, except as stated in chapter 695B  
30 of NRS.

31 3. Motor clubs, as identified in chapter 696A of NRS, except as  
32 stated in chapter 696A of NRS.

33 4. Bail agents, as identified in chapter 697 of NRS, except as  
34 stated in NRS 680B.025 to 680B.039, inclusive, and chapter 697 of  
35 NRS.

36 5. Risk retention groups, as identified in chapter 695E of NRS,  
37 except as stated in chapter 695E of NRS.

38 6. Captive insurers, as identified in chapter 694C of NRS, with  
39 respect to their activities as captive insurers, except as stated in  
40 chapter 694C of NRS.

41 7. Health and welfare plans arising out of collective bargaining  
42 ~~[under chapter 288 of NRS.]~~ *as authorized pursuant to section 3 of*  
43 *this act*, except that the Commissioner may review the plan to  
44 ensure that the benefits are reasonable in relation to the premiums  
45 and that the fund is financially sound.



1       **Sec. 30.** Section 2.330 of the Charter of Carson City, being  
2 chapter 690, Statutes of Nevada 1979, as amended by chapter 238,  
3 Statutes of Nevada 2007, at page 814, is hereby amended to read as  
4 follows:

5               Sec. 2.330 Employees: Merit Personnel System.

6               1. The Board of Supervisors shall establish a Merit  
7 Personnel System for all employees of Carson City except  
8 those exempted under the provisions of subsection ~~[4.]~~ 3.

9               2. The Board of Supervisors shall administer this section  
10 through the adoption of appropriate regulations which shall  
11 provide for:

12              (a) The classification of all positions, not exempt from the  
13 Merit Personnel System, based on the duties, authority and  
14 responsibility of each position, with adequate provision for  
15 reclassification of any position whatsoever whenever  
16 warranted by changed circumstances.

17              (b) A pay plan for all employees, including exempt  
18 employees other than elected officers that are covered in  
19 NRS 245.043.

20              (c) Policies and procedures for regulating reduction in  
21 force and the removal of employees.

22              (d) Hours of work, attendance regulations and provisions  
23 for sick and vacation leave.

24              (e) Policies and procedures governing persons holding  
25 temporary or provisional appointments.

26              (f) Policies and procedures governing relationships with  
27 employees and employee organizations.

28              (g) Policies concerning employee training and  
29 development.

30              (h) Grievance procedures.

31              (i) Other policies and procedures necessary for the  
32 administration of a Merit Personnel System.

33              3. ~~In the event of a conflict between the policies and~~  
34 ~~procedures adopted pursuant to this section and the provisions~~  
35 ~~of a collective bargaining agreement entered into pursuant to~~  
36 ~~chapter 288 of NRS, the provisions of the agreement prevail.~~

37              ~~—4.]~~ There are exempted from the provisions of this  
38 section:

39              (a) The Manager and all department heads, elected or  
40 appointed;

41              (b) All deputy district attorneys;

42              (c) Not more than six employees in the Office of the  
43 Sheriff, as designated by the Sheriff; and



(d) Not more than two deputies each in the offices of the Clerk, the Treasurer, the Recorder, the Assessor, and any other department created by this Charter or by ordinance.

**Sec. 31.** Section 9.030 of the Charter of the City of North Las Vegas, being chapter 324, Statutes of Nevada 1987, at page 744, is hereby amended to read as follows:

Sec. 9.030 Collective bargaining.

1. ~~{The City Council shall recognize employee organizations for the purpose of collective bargaining pursuant to chapter 288 of NRS.~~

*2. The City Council authorizes collective bargaining, the* City Manager is responsible for and shall direct all collective bargaining with recognized employee organizations. The City Manager may designate any administrative officer subject to his direction and supervision as his representative for the purpose of those negotiations.

~~{3.}~~ 2. Any agreement resulting from those negotiations must be ratified by the City Council before it is effective.

**Sec. 32.** Section 11 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 175, Statutes of Nevada 2007, at page 606, is hereby amended to read as follows:

Sec. 11. Board: Powers and duties; expenses of members.

1. The Board shall submit its proposed annual budget for the Authority in the manner set forth in NRS 354.470 to 354.626, inclusive.

2. In addition to powers elsewhere conferred, the Board, on behalf of the Authority, may:

(a) Establish, construct, purchase, lease, enter into a lease purchase agreement respecting, acquire by gift, grant, bequest, devise or otherwise, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage convention, exhibit and auditorium facilities, including personal property and real property, appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein.

(b) Insure or provide for the insurance of any facility and of the Board and its officers, employees and agents against such risks and hazards as the Board may deem advisable, without thereby waiving any immunity granted by law.

(c) Arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, food, beverages, alcoholic beverages or facilities for or in connection with a facility, hire and retain officers, agents and



1 employees, including a fiscal adviser, engineers, attorneys or  
2 other professional or specialized personnel.

3 (d) Direct the Board of County Commissioners or the  
4 Board of Supervisors of the City of Elko, and the governing  
5 body of any other political subdivision within the boundaries  
6 of the Authority, with the concurrence of that board or body,  
7 to acquire by the exercise of the power of eminent domain  
8 any real property which the Board deems necessary for its  
9 purposes, after the adoption by the Board of a resolution  
10 declaring such acquisition necessary for its purposes. This  
11 power must be exercised in the manner provided by any  
12 applicable statutory provisions and laws of the State of  
13 Nevada. Title to property so acquired must be taken in the  
14 name of the Authority.

15 (e) Sell, lease, exchange, transfer, assign or otherwise  
16 dispose of any real or personal property, or any interest  
17 therein acquired for the purpose of this act, including the  
18 lease of any facility acquired by the Authority which is to be  
19 operated and maintained as a public project and convention,  
20 auditorium or exhibit facility.

21 (f) Fix, and from time to time increase or decrease, rates,  
22 tolls, rents or charges for services or facilities furnished in  
23 connection with any facility and take such action as necessary  
24 or desirable to effect their collection.

25 (g) Receive, control, invest and order the expenditure of  
26 money pertaining to any facility or related properties,  
27 including but not limited to annual grants from the Federal  
28 Government, the State, the county and incorporated cities in  
29 the county for capital improvements for facilities.

30 (h) Enter into contracts, leases or other arrangements for  
31 commercial advertising purposes with any person or  
32 government.

33 (i) Exercise all or any part or combination of the powers  
34 granted in this act to the Authority, except as otherwise  
35 provided in this act.

36 (j) Sue and be sued.

37 (k) Perform other acts necessary, convenient, desirable or  
38 appropriate to carry out the purposes and provisions of this  
39 act.

40 (l) Engage in the sale and dispensing of alcoholic  
41 beverages in connection with activities conducted in  
42 connection with the facility, operate a bar in connection  
43 therewith and obtain all necessary licenses and permits and  
44 provide any bonds or security necessary or advisable.



1 (m) Engage in the preparation, sale, serving and  
2 dispensing of food and beverages in connection with the  
3 facilities and activities conducted in connection therewith.

4 (n) Provide security for all authorized facilities and  
5 activities by means of security guards, burglar alarm systems,  
6 fire alarm systems and other modern methods of protection  
7 and detection, with all materials, supplies and equipment  
8 incidental thereto.

9 (o) Use or make available all facilities of the Authority or  
10 any portion thereof for any event, activity, meeting,  
11 convention, entertainment, promotions, party or other purpose  
12 approved by the Board, with or without charge, as determined  
13 by the Board.

14 (p) Sell, or cause to be sold, promotional items.

15 3. The Board, in addition to the other powers conferred  
16 upon it, may:

17 (a) Set aside a fund in an amount which it considers  
18 necessary, which may be expended in the discretion of the  
19 Board for the purpose of promoting or attracting conventions,  
20 meetings and like gatherings which will utilize the facilities  
21 of the Authority. Such an expenditure shall be deemed to be  
22 made for a public purpose.

23 (b) Solicit and promote tourism generally, individually  
24 and through annual grants to chambers of commerce,  
25 convention authorities and other convention generating  
26 entities, and further promote generally the use of its facilities,  
27 pursuant to lease agreements, by organized groups or by the  
28 general public for the holding of conventions, expositions,  
29 trade shows, entertainment, sporting events, cultural activities  
30 or similar uses reasonably calculated to produce revenue for  
31 the Authority, and to enhance the general economy. Such  
32 promotion may include advertising the facilities under control  
33 of the Board and the resources of the community or area,  
34 including without restriction tourist accommodations,  
35 transportation, entertainment and climate.

36 (c) Enter into contracts for advertising and pay the cost  
37 thereof, including reasonable commissions.

38 (d) Authorize the expenditure of money subject to its  
39 control and derived from any source within its jurisdiction  
40 and authority, regardless of any purported limitations thereon  
41 incident to any transfer or remittance to the Board of the  
42 proceeds of any license tax or other money collected by any  
43 political subdivision, but subject to all valid contractual or  
44 statutory restrictions which may apply to any such money or  
45 remittances or to the use or disposition thereof.



1 (e) Borrow money or accept contributions, grants or other  
2 financial assistance from the Federal Government or any  
3 agency or instrumentality thereof, for use in furtherance of  
4 any of the authorized purposes of the Authority and meet and  
5 comply with any conditions imposed thereon, which are  
6 within the authority or discretion of the Board.

7 (f) Appoint an Executive Director, the Authority  
8 Treasurer, the Auditor for the Authority, assistants to officers  
9 and establish such other offices and appoint such other  
10 officers as it deems necessary. All appointive officers serve at  
11 the pleasure of the Board and shall perform such duties as  
12 may be designated by the Board and are entitled to receive a  
13 salary set by the Board. The Board shall, by agreement  
14 ~~[pursuant to chapter 288 of NRS, or by]~~ *or* resolution, set the  
15 annual, sick and disability leave, salary or wages, pensions,  
16 insurance and other benefits for appointed and hired  
17 Authority officers and employees.

18 4. Any contracts, leases, franchises or other transactions  
19 authorized or executed by the Board are not affected by the  
20 fact that the term of office of any or all of its members may  
21 expire before completion of the transaction authorized.

22 5. When any member of the Board or officer or  
23 employee of the Authority travels for the transaction of  
24 business of the Authority, the Board may pay him or her the  
25 actual expenses necessary for such travel, including travel  
26 expenses, room, board, gratuities, car rental, telephone, taxi  
27 fares and any other expense reasonably incurred in  
28 connection with such travel. Travel fares must be the amount  
29 charged by public conveyance unless the Board determines  
30 that travel by private conveyance is more economical, or  
31 travel by public conveyance is impractical or unavoidable  
32 over any of the routes to be traveled. The Board may allow  
33 for traveling by private conveyance an amount not to exceed  
34 the maximum allowance per mile for travel by private  
35 conveyance established by the State Board of Examiners for  
36 state officers and employees generally.

37 **Sec. 33.** Section 29 of the Reno-Tahoe Airport Authority Act,  
38 being chapter 474, Statutes of Nevada 1977, as last amended by  
39 chapter 155, Statutes of Nevada 1991, at page 293, is hereby  
40 amended to read as follows:

41 Sec. 29. Board: Adoption of plan of civil service. The  
42 Authority, by action of the Board, may adopt its own plan of  
43 civil service to be administered by the Board. The plan must  
44 include, but need not be limited to, the following provisions:



- 1           1. Entry into the service on the basis of open  
2 competition.
- 3           2. Service, promotions and remuneration on the basis of  
4 merit, efficiency and fitness.
- 5           3. Classifications of the positions in the service.
- 6           4. The rating of candidates on the basis of publicly  
7 announced competitive examinations and the maintenance of  
8 lists of eligible candidates.
- 9           5. Employment of candidates from the eligible lists in  
10 the highest qualified rating.
- 11          6. Probationary periods not to exceed 12 months.
- 12          7. Disciplinary action, suspension or discharge of  
13 employees for cause only with the right of notice and review.
- 14          8. Schedules of compensation and increases in pay  
15 prepared by the Board.
- 16          9. Promotion on the basis of ascertained merit, seniority  
17 in service and competitive examinations.
- 18          10. Provision for keeping service records on all  
19 employees.
- 20          11. Regulations for hours of work, attendance, holidays,  
21 leaves of absence and transfers.
- 22          12. Procedures for layoffs, discharge, suspension,  
23 discipline and reinstatement.
- 24          13. The exemption from civil service of managers,  
25 supervisors, except those supervisors covered by an  
26 agreement ~~[negotiated]~~ *collectively bargained as authorized*  
27 pursuant to ~~[chapter 288 of NRS,]~~ *section 3 of this act,*  
28 deputy directors, the executive director, persons employed to  
29 render professional, scientific, technical or expert service,  
30 persons providing services of a temporary or exceptional  
31 character, persons employed on projects paid from the  
32 proceeds of bonds issued by the Authority and persons  
33 employed for a period of less than 3 months in any 12-month  
34 period.
- 35          14. Review by the Board, at the request of the employee  
36 in question and after notice and hearing, of any disciplinary  
37 action, suspension or discharge of any employee, which  
38 action, suspension or discharge may be affirmed, modified or  
39 reversed by the Board. The decision of the Board is a final  
40 decision in a contested case for the purpose of judicial  
41 review. An employee may appeal the decision of the Board to  
42 a district court within the time limits and in the manner  
43 provided by law for the appeal of administrative decisions of  
44 state agencies.



1     **Sec. 34.** NRS 288.010, 288.025, 288.027, 288.028, 288.030,  
2 288.033, 288.034, 288.045, 288.063, 288.067, 288.075, 288.080,  
3 288.090, 288.100, 288.105, 288.110, 288.120, 288.130, 288.150,  
4 288.153, 288.155, 288.160, 288.161, 288.165, 288.170, 288.180,  
5 288.190, 288.195, 288.200, 288.201, 288.202, 288.203, 288.205,  
6 288.210, 288.215, 288.217, 288.220, 288.270, 288.280 and  
7 391.3116 are hereby repealed.

8     **Sec. 35.** This act becomes effective on June 30, 2012.

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**LEADLINES OF REPEALED SECTIONS**

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- 288.010 Short title.
- 288.025 “Administrative employee” defined.
- 288.027 “Bargaining agent” defined.
- 288.028 “Bargaining unit” defined.
- 288.030 “Board” defined.
- 288.033 “Collective bargaining” defined.
- 288.034 “Commissioner” defined.
- 288.045 “Fact-finding” defined.
- 288.063 “Mediation” defined.
- 288.067 “Recognition” defined.
- 288.075 “Supervisory employee” defined.
- 288.080 Creation; number, qualifications, terms of office  
and appointment of members.
- 288.090 Officers and employees; quorum.
- 288.100 Salary and expenses of members.
- 288.105 Fees assessed against local government employers.
- 288.110 Rules governing various proceedings and  
procedures; hearing and order; injunction; time for filing  
complaint or appeal; costs.
- 288.120 Subpoenas; powers of district court.
- 288.130 Hearings and determinations are contested cases;  
judicial review.
- 288.150 Negotiations by employer with recognized  
employee organization: Subjects of mandatory bargaining;  
matters reserved to employer without negotiation.
- 288.153 Agreement must be approved at public hearing;  
report of fiscal impact of agreement.
- 288.155 Agreement may extend beyond term of member or  
officer of local government employer.





**288.160 Recognition of employee organization: Application for and withdrawal of recognition; exclusive bargaining agent; election.**

**288.161 Local government employer to file list of recognized employee organizations with Board.**

**288.165 Recognized employee organization to file annual report with Board.**

**288.170 Determination of bargaining unit; appeal to Board.**

**288.180 Notice by employee organization of desire to negotiate; request for information; commencement of negotiations; exemption.**

**288.190 Mediation: Selection and duties of mediator; cost.**

**288.195 Right of employee organization to be represented by attorney.**

**288.200 Submission of dispute to fact finder: Selection, compensation and duties of fact finder; effect of findings and recommendations; criteria for recommendations and awards.**

**288.201 Request for formation of panel to determine whether findings and recommendations of fact finder are final and binding.**

**288.202 Formation of panel to determine whether findings and recommendations of fact finder are final and binding.**

**288.203 Compensation of members of panel; claims.**

**288.205 Submission of dispute between certain employees and local government employer to fact finder: Time limited for certain matters.**

**288.210 Subpoenas of fact finder; powers of district court.**

**288.215 Submission of dispute between firefighters or police officers and local government employer to arbitrator; hearing; determination of financial ability of local government employer; negotiations and final offer; effect of decision of arbitrator; content of decision.**

**288.217 Submission of dispute between school district and employee organization to arbitrator; hearing; determination of financial ability of school district; negotiations and final offer; effect of decision of arbitrator; content of decision.**

**288.220 Certain proceedings not required to be open or public.**

**288.270 Employer or representative; employee or employee organization.**

**288.280 Controversies concerning prohibited practices to be submitted to Board.**



**391.3116 Contract negotiated by collective bargaining may supersede provisions of NRS 391.311 to 391.3197, inclusive.**

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