

ASSEMBLY BILL NO. 378—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 22, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing collective bargaining.
(BDR 23-1050)

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

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

AN ACT relating to public employees; revising certain deadlines relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes certain groups of employees in the classified service of
2 the Executive Department of the State Government to engage in collective
3 bargaining with the Executive Department concerning wages, hours and other terms
4 and conditions of employment for such employees. (NRS 288.400-288.630) In
5 general, a collective bargaining agreement for such a group of employees must
6 begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-
7 numbered year. (NRS 288.550)

8 Existing law requires the Governor to designate a representative to conduct
9 negotiations concerning collective bargaining agreements on behalf of the
10 Executive Department and requires negotiations between the representative of the
11 Executive Department and the exclusive representative of a bargaining unit to begin
12 within 60 days after one party notifies the other party of the desire to negotiate or
13 November 1 of each even-numbered year, whichever is earlier. (NRS 288.565)

14 **Section 1** of this bill requires such negotiations to begin on or before October 1,
15 rather than November 1, of each even-numbered year.

16 Existing law authorizes either the representative of the Executive Department
17 or the exclusive representative of a bargaining unit to request a mediator if the
18 parties do not reach a collective bargaining agreement within 120 days after
19 beginning negotiations or February 1 of an odd-numbered year, whichever is
20 earlier, unless the parties agree on a later date. (NRS 288.570) **Section 2** of this bill
21 requires a request for mediation to be made on or before January 1, rather than
22 February 1, of an odd-numbered year.



23 If the representative of the Executive Department and the exclusive
24 representative of a bargaining unit do not reach a collective bargaining agreement
25 through mediation within 21 days after the appointment of a mediator, mediation is
26 required to cease and the parties are required to begin arbitration proceedings on or
27 before March 1 unless the parties agree on a later date. The arbitrator is then
28 required to render a decision on or before March 15 unless the parties agree on a
29 later date. (NRS 288.575) **Section 3** of this bill: (1) requires arbitration proceedings
30 to begin on or before February 1, rather than March 1; and (2) requires the
31 arbitrator to render a decision on or before February 15, rather than March 15.

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

1 **Section 1.** NRS 288.565 is hereby amended to read as follows:
2 288.565 1. The Governor shall designate a representative to
3 conduct negotiations concerning collective bargaining agreements
4 on behalf of the Executive Department. The representative may,
5 with the approval of the Governor, delegate the responsibility to
6 conduct such negotiations to another person.

7 2. A representative designated pursuant to subsection 1 and an
8 exclusive representative shall begin negotiations concerning a
9 collective bargaining agreement within 60 days after one party
10 notifies the other party of the desire to negotiate or on or before
11 ~~[November]~~ *October* 1 of each even-numbered year, whichever is
12 earlier.

13 3. As soon as practicable after the Board designates an
14 exclusive representative of an unrepresented bargaining unit
15 pursuant to NRS 288.400 to 288.630, inclusive, the exclusive
16 representative shall engage in collective bargaining with the
17 representative designated pursuant to subsection 1 as required by
18 NRS 288.540 to establish a collective bargaining agreement with a
19 term ending on June 30 of the next odd-numbered year.

20 **Sec. 2.** NRS 288.570 is hereby amended to read as follows:

21 288.570 1. Either party may request a mediator from the
22 Federal Mediation and Conciliation Service if the parties do not
23 reach a collective bargaining agreement ~~;~~
24 ~~—(a) Within]~~ *within* 120 days after the date on which the parties
25 began negotiations or on or before ~~[February]~~ *January* 1 of an odd-
26 numbered year, whichever is earlier. ~~;~~ ~~or~~

27 ~~—(b) On or before any later date set by agreement of the parties.]~~

28 2. The mediator shall bring the parties together as soon as
29 possible after his or her appointment and shall attempt to settle each
30 issue in dispute within 21 days after his or her appointment or any
31 later date set by agreement of the parties.



1 **Sec. 3.** NRS 288.575 is hereby amended to read as follows:

2 288.575 1. If a mediator selected pursuant to NRS 288.570
3 determines that his or her services are no longer helpful or if the
4 parties do not reach a collective bargaining agreement through
5 mediation within 21 days after the appointment of the mediator or
6 on or before any later date set by agreement of the parties, the
7 mediator shall discontinue mediation and the parties shall attempt to
8 agree upon an impartial arbitrator. Any proposal that conflicts or is
9 otherwise inconsistent with any provision of state law, other than the
10 provisions of chapters 284 and 287 of NRS, shall be considered
11 withdrawn by the proposing party when mediation is discontinued.

12 2. If the parties do not agree upon an impartial arbitrator within
13 5 days after the date on which mediation is discontinued pursuant to
14 subsection 1 or on or before any later date set by agreement of the
15 parties, the parties shall request from the Federal Mediation and
16 Conciliation Service a list of seven potential arbitrators. The parties
17 shall select an arbitrator from this list by alternately striking one
18 name until the name of only one arbitrator remains, and that
19 arbitrator must hear the dispute in question. The party who will
20 strike the first name must be determined by a coin toss.

21 3. The arbitrator shall begin arbitration proceedings on or
22 before ~~[March]~~ *February* 1 ~~[for any later date set by agreement of~~
23 ~~the parties.]~~ *of an odd-numbered year.*

24 4. The arbitrator and the parties shall apply and follow the
25 procedures for arbitration that are prescribed by any rules adopted
26 by the Board pursuant to NRS 288.110. During arbitration, the
27 parties retain their respective duties to negotiate in good faith.

28 5. The arbitrator may administer oaths or affirmations, take
29 testimony and issue and seek enforcement of a subpoena in the same
30 manner as the Board pursuant to NRS 288.120, and, except as
31 otherwise provided in subsection 7, the provisions of NRS 288.120
32 apply to any subpoena issued by the arbitrator.

33 6. The arbitrator shall render a decision on or before ~~[March]~~
34 *February* 15 ~~[for any later date set by agreement of the parties.]~~ *of*
35 *an odd-numbered year.*

36 7. The Executive Department and the exclusive representative
37 shall each pay one-half of the cost of arbitration.

38 **Sec. 4.** This act becomes effective on July 1, 2023.

