

Amendment No. 498

Assembly Amendment to Assembly Bill No. 378	(BDR 23-1050)
Proposed by: Assembly Committee on Government Affairs	
Amendment Box: Replaces Amendment No. 256.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION	Initial and Date	
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AAK/BJF



Date: 4/22/2023

A.B. No. 378—Revises provisions governing collective bargaining.
(BDR 23-1050)



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~~ **provisions** 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:

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

Existing law requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1** of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) ~~Section 2 of this bill requires a request for mediation to be made on or before January 1, rather than February 1, of an odd-numbered year.~~ **Section 1 requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.**

If the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 21 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before March 1 unless the parties agree on a

30 later date. The arbitrator is then required to render a decision on or before March 15 unless the
 31 parties agree on a later date. (NRS 288.575) If the parties do not reach a collective
 32 bargaining agreement through mediation, section 3 of this bill requires mediation to
 33 cease and the parties to begin arbitration proceedings within 10 days, rather than 21
 34 days, after the appointment of a mediator. Section 3 : ~~of this bill;~~ (1) requires arbitration
 35 proceedings to begin on or before February ~~15,~~ rather than March 1; and (2) requires the
 36 arbitrator to render a decision on or before ~~February 15,~~ March 5, 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 conduct
 3 negotiations concerning collective bargaining agreements on behalf of the
 4 Executive Department. The representative may, with the approval of the Governor,
 5 delegate the responsibility to conduct such negotiations to another person.

6 2. A representative designated pursuant to subsection 1 and an exclusive
 7 representative shall ~~begin~~ :

8 (a) Begin negotiations concerning a collective bargaining agreement within 60
 9 days after one party notifies the other party of the desire to negotiate or on or before
 10 ~~November~~ October 1 of each even-numbered year, whichever is earlier ~~15;~~ and

11 (b) Before beginning negotiations concerning a collective bargaining
 12 agreement pursuant to paragraph (a), select a mediator and arbitrator for the
 13 purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575,
 14 respectively, and, to the extent possible, determine and reserve with the mediator
 15 and arbitrator selected by the parties the calendar days when such mediation and
 16 arbitration would occur should the parties not reach a collective bargaining
 17 agreement.

18 3. As soon as practicable after the Board designates an exclusive
 19 representative of an unrepresented bargaining unit pursuant to NRS 288.400 to
 20 288.630, inclusive, the exclusive representative shall engage in collective
 21 bargaining with the representative designated pursuant to subsection 1 as required
 22 by NRS 288.540 to establish a collective bargaining agreement with a term ending
 23 on June 30 of the next odd-numbered year.

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

25 288.570 1. Either party may request a mediator ~~from the Federal Mediation~~
 26 ~~and Conciliation Service~~ selected pursuant to NRS 288.565 if the parties do not
 27 reach a collective bargaining agreement :

28 (a) Within ~~within~~ 120 days after the date on which the parties began
 29 negotiations or on or before February ~~January~~ 1 of an odd-numbered year,
 30 whichever is earlier ~~15;~~ or

31 (b) On or before any later date set by agreement of the parties.

32 2. The mediator shall bring the parties together as soon as possible after ~~his~~
 33 ~~or her appointment~~ a request is made pursuant to subsection 1 and shall attempt
 34 to settle each issue in dispute within ~~21~~ 10 days after his or her appointment or
 35 any later date set by agreement of the parties.

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

37 288.575 1. If a mediator ~~selected~~ requested pursuant to NRS 288.570
 38 determines that his or her services are no longer helpful or if the parties do not
 39 reach a collective bargaining agreement through mediation within ~~21~~ 10 days
 40 after ~~the appointment of the mediator~~ a request made pursuant to NRS 288.570
 41 or on or before any later date set by agreement of the parties, the mediator shall

1 discontinue mediation and the parties shall ~~attempt to agree upon an impartial~~
2 ~~arbitrator.]~~ **engage in arbitration.** Any proposal that conflicts or is otherwise
3 inconsistent with any provision of state law, other than the provisions of chapters
4 284 and 287 of NRS, shall be considered withdrawn by the proposing party when
5 mediation is discontinued.

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

14 ~~— 3.]~~ The arbitrator shall begin arbitration proceedings on or before ~~March]~~
15 ~~February~~ **15 of an odd-numbered year** ~~or any later date set by agreement of the~~
16 ~~parties. for an odd-numbered year.~~

17 ~~— 4.]~~ **3.** The arbitrator and the parties shall apply and follow the procedures for
18 arbitration that are prescribed by any rules adopted by the Board pursuant to NRS
19 288.110. During arbitration, the parties retain their respective duties to negotiate in
20 good faith.

21 ~~15.]~~ **4.** The arbitrator may administer oaths or affirmations, take testimony
22 and issue and seek enforcement of a subpoena in the same manner as the Board
23 pursuant to NRS 288.120, and, except as otherwise provided in subsection ~~7.]~~ **6.**
24 the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

25 ~~16.]~~ **5.** The arbitrator shall render a decision on or before ~~March~~ ~~February]~~
26 ~~15]~~ **5 of an odd-numbered year** ~~or any later date set by agreement of the parties. for~~
27 ~~an odd-numbered year.~~

28 ~~— 7.]~~ **6.** The Executive Department and the exclusive representative shall each
29 pay one-half of the cost of arbitration.

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