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FIRST REPRINT

S.B. 166

SENATE BILL NO. 166—SENATORS PAZINA; DALY,
DONDERO LOOP AND NGUYEN

FEBRUARY 16, 2023

JOINT SPONSORS: ASSEMBLYMEN HIBBETTS AND YUREK

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining by public employees. (BDR 23-556)

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 collective bargaining; revising the definition of “supervisory employee” for the purposes of collective bargaining for local government and state employees; revising the provisions relating to bargaining units of state employees who are peace officers or supervisory employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law prohibits employees who exercise certain duties under a
- 2 paramilitary command structure from being deemed supervisory employees solely
- 3 due to the exercise of such duties. (NRS 288.138) **Section 1** of this bill also
- 4 excludes from being deemed supervisory employees solely due to the exercise of
- 5 certain duties under a paramilitary command structure certain employees who
- 6 provide civilian support services to a law enforcement agency.
- 7 Existing law requires the Government Employee-Management Relations Board
- 8 to establish one bargaining unit per group for certain occupational groups of
- 9 employees of the Executive Department, including category I, category II and
- 10 category III peace officers and supervisory employees from all occupational
- 11 groups. (NRS 288.515) **Section 2** of this bill requires the Board to establish a
- 12 separate bargaining unit for supervisory employees who are: (1) category I peace
- 13 officers; (2) category II peace officers; (3) category III peace officers; and (4)
- 14 firefighters. **Section 2** also provides that a bargaining unit for peace officers must
- 15 be composed exclusively of peace officers.



16 **Section 3** of this bill provides that the amendatory provisions of this bill do not
17 apply during the current term of any collective bargaining agreement entered into
18 before July 1, 2023.

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

1 **Section 1.** NRS 288.138 is hereby amended to read as follows:
2 288.138 1. “Supervisory employee” includes:

3 (a) Any individual having authority in the interest of the
4 employer to hire, transfer, suspend, lay off, recall, promote,
5 discharge, assign, reward or discipline other employees or
6 responsibility to direct them, to adjust their grievances or effectively
7 to recommend such action, if in connection with the foregoing, the
8 exercise of such authority is not of a merely routine or clerical
9 nature, but requires the use of independent judgment. The exercise
10 of such authority shall not be deemed to place the employee in
11 supervisory employee status unless the exercise of such authority
12 occupies a significant portion of the employee’s workday. If any of
13 the following persons perform some, but not all, of the foregoing
14 duties under a paramilitary command structure, such a person shall
15 not be deemed a supervisory employee solely because of such
16 duties:

17 (1) A police officer, as defined in NRS 288.215;

18 (2) A firefighter, as defined in NRS 288.215; ~~for~~

19 (3) A person who:

20 (I) Has the powers of a peace officer pursuant to NRS
21 289.150, 289.170, 289.180 or 289.190; and

22 (II) Is a local government employee who is authorized to
23 be in a bargaining unit pursuant to the provisions of this chapter ~~H~~;
24 *or*

25 (4) *A person who:*

26 (I) *Provides civilian support services to a law*
27 *enforcement agency; and*

28 (II) *Is an employee who is authorized to be in a*
29 *bargaining unit pursuant to the provisions of this chapter.*

30 (b) Any individual or class of individuals appointed by the
31 employer and having authority on behalf of the employer to:

32 (1) Hire, transfer, suspend, lay off, recall, terminate,
33 promote, discharge, assign, reward or discipline other employees or
34 responsibility to direct them, to adjust their grievances or to
35 effectively recommend such action;

36 (2) Make budgetary decisions; and

37 (3) Be consulted on decisions relating to collective
38 bargaining,



1 ↪ if, in connection with the foregoing, the exercise of such
2 authority is not of a merely routine or clerical nature, but requires
3 the use of independent judgment. The exercise of such authority
4 shall not be deemed to place the employee in supervisory employee
5 status unless the exercise of such authority occupies a significant
6 portion of the employee's workday.

7 2. Nothing in this section shall be construed to mean that an
8 employee who has been given incidental administrative duties shall
9 be classified as a supervisory employee.

10 **Sec. 2.** NRS 288.515 is hereby amended to read as follows:

11 288.515 1. ~~[The]~~ *Except as otherwise provided in subsection*
12 *2, the* Board shall establish one bargaining unit for each of the
13 following occupational groups of employees of the Executive
14 Department:

15 (a) Labor, maintenance, custodial and institutional employees,
16 including, without limitation, employees of penal and correctional
17 institutions who are not responsible for security at those institutions.

18 (b) Administrative and clerical employees, including, without
19 limitation, legal support staff and employees whose work involves
20 general office work, or keeping or examining records and accounts.

21 (c) Technical aides to professional employees, including,
22 without limitation, computer programmers, tax examiners,
23 conservation employees and regulatory inspectors.

24 (d) Professional employees who do not provide health care,
25 including, without limitation, engineers, scientists and accountants.

26 (e) Professional employees who provide health care, including,
27 without limitation, physical therapists and other employees in
28 medical and other professions related to health.

29 (f) Employees, other than professional employees, who provide
30 health care and personal care, including, without limitation,
31 employees who provide care for children.

32 (g) Category I peace officers.

33 (h) Category II peace officers.

34 (i) Category III peace officers.

35 (j) Supervisory employees from all occupational groups ~~[H]~~ *other*
36 *than firefighters and category I, category II or category III peace*
37 *officers.*

38 (k) Firefighters.

39 *(l) Supervisory employees who are category I peace officers.*

40 *(m) Supervisory employees who are category II peace officers.*

41 *(n) Supervisory employees who are category III peace officers.*

42 *(o) Supervisory employees who are firefighters.*

43 2. *Any bargaining unit established for peace officers*
44 *pursuant to subsection 1 must be composed exclusively of peace*
45 *officers.*



1 **3.** The Board shall determine the classifications of employees
2 within each bargaining unit. The parties to a collective bargaining
3 agreement may assign a new classification to a bargaining unit
4 based upon the similarity of the new classification to other
5 classifications within the bargaining unit. If the parties to a
6 collective bargaining agreement do not agree to the assignment of a
7 new classification to a bargaining unit, the Board must assign a new
8 classification to a bargaining unit based upon the similarity of the
9 new classification to other classifications within the bargaining unit.

10 ~~3.~~ **4.** As used in this section:

11 (a) “Category I peace officer” has the meaning ascribed to it in
12 NRS 289.460.

13 (b) “Category II peace officer” has the meaning ascribed to it in
14 NRS 289.470.

15 (c) “Category III peace officer” has the meaning ascribed to it in
16 NRS 289.480.

17 (d) “Professional employee” means an employee engaged in
18 work that:

19 (1) Is predominately intellectual and varied in character as
20 opposed to routine mental, manual, mechanical or physical work;

21 (2) Involves the consistent exercise of discretion and
22 judgment in its performance;

23 (3) Is of such a character that the result accomplished or
24 produced cannot be standardized in relation to a given period; and

25 (4) Requires advanced knowledge in a field of science or
26 learning customarily acquired through a prolonged course of
27 specialized intellectual instruction and study in an institution of
28 higher learning, as distinguished from general academic education,
29 an apprenticeship or training in the performance of routine mental or
30 physical processes.

31 (e) “Supervisory employee” has the meaning ascribed to it in
32 paragraph (a) of subsection 1 of NRS 288.138.

33 **Sec. 3.** Insofar as they conflict with the provisions of such an
34 agreement, the amendatory provisions of this act do not apply
35 during the current term of any collective bargaining agreement
36 entered into before July 1, 2023, but do apply to any extension or
37 renewal of such an agreement and to any collective bargaining
38 agreement entered into on or after July 1, 2023. For the purposes of
39 this section, the term of a collective bargaining agreement ends on
40 the date provided in the agreement, notwithstanding the provisions
41 of NRS 288.550 or any provision of the agreement that it remains in
42 effect, in whole or in part, after that date until a successor agreement
43 becomes effective.



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

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