

SENATE BILL NO. 388—SENATOR SCHEIBLE

MARCH 27, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain public employees. (BDR 23-131)

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

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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; authorizing certain collective bargaining agreements entered into by the Executive Department of the State Government to contain certain provisions relating to the payment of contributions to the Public Employees’ Retirement System; 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 bargaining  
3 with the Executive Department concerning wages, hours and other terms and  
4 conditions of employment for such employees. (NRS 288.400-288.630) Existing law  
5 establishes the subjects of mandatory bargaining for such employees and the subject  
6 matters which are not within the scope of mandatory bargaining and are reserved to  
7 the Executive Department. Matters which are neither subject to mandatory bargaining  
8 or reserved to the Executive Department are required to be discussed by the Executive  
9 Department, but are not required to be negotiated. (NRS 288.500) Matters relating to  
10 contributions to the Public Employees’ Retirement System are neither a mandatory or  
11 a reserved subject for such bargaining. (NRS 288.150, 288.500)

12 Existing law also provides that, with certain exceptions, payment of a public  
13 employee’s portion of contributions to the Public Employees’ Retirement System  
14 must be: (1) made in lieu of equivalent basic salary increases or cost-of-living  
15 increases, or both; or (2) counterbalanced by equivalent reductions in employees’  
16 salaries. (NRS 286.421) **Section 3** of this bill makes a mandatory subject of collective  
17 bargaining for certain groups of employees in the classified service of the Executive  
18 Department of the State Government whether: (1) the payment of the employees’  
19 portion of the contributions to the Public Employees’ Retirement System must be: (1)  
20 made in lieu of equivalent basic salary increases or cost-of-living increases, or both;  
21 or (2) counterbalanced by equivalent reductions in the employees’ salaries.



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

1       **Section 1.** (Deleted by amendment.)

2       **Sec. 2.** (Deleted by amendment.)

3       **Sec. 3.** NRS 288.500 is hereby amended to read as follows:

4       288.500 1. For the purposes of collective bargaining,  
5 supplemental bargaining and other mutual aid or protection,  
6 employees have the right to:

7       (a) Organize, form, join and assist labor organizations, engage in  
8 collective bargaining and supplemental bargaining through  
9 exclusive representatives and engage in other concerted activities;  
10 and

11       (b) Refrain from engaging in such activity.

12       2. Collective bargaining and supplemental bargaining entail a  
13 mutual obligation of the Executive Department and an exclusive  
14 representative to meet at reasonable times and to bargain in good  
15 faith with respect to:

16       (a) The subjects of mandatory bargaining set forth in subsection  
17 2 of NRS 288.150, except paragraph (f) of that subsection;

18       (b) *Whether, pursuant to paragraph (a) of subsection 3 of NRS*  
19 *286.421, the payment of the employees' portion of the*  
20 *contributions to the Public Employees' Retirement System must*  
21 *be:*

22       *(1) Made in lieu of equivalent basic salary increases or*  
23 *cost-of-living increases, or both; or*

24       *(2) Counterbalanced by equivalent reductions in the*  
25 *employees' salaries;*

26       (c) The negotiation of an agreement;

27       ~~(d)~~ (d) The resolution of any question arising under an  
28 agreement; and

29       ~~(e)~~ (e) The execution of a written contract incorporating the  
30 provisions of an agreement, if requested by either party.

31       3. The subject matters set forth in subsection 3 of NRS 288.150  
32 are not within the scope of mandatory bargaining and are reserved to  
33 the Executive Department without negotiation.

34       4. Notwithstanding the provisions of any collective bargaining  
35 agreement negotiated pursuant to the provisions of NRS 288.400 to  
36 288.630, inclusive, the Executive Department is entitled to take the  
37 actions set forth in paragraph (b) of subsection 6 of NRS 288.150.  
38 Any action taken under the provisions of this subsection must not be  
39 construed as a failure to negotiate in good faith.

40       5. This section does not preclude, but the provisions of NRS  
41 288.400 to 288.630, inclusive, do not require, the Executive  
42 Department to negotiate subject matters set forth in subsection 3



1 which are outside the scope of mandatory bargaining. The Executive  
2 Department shall discuss subject matters outside the scope of  
3 mandatory bargaining but it is not required to negotiate those  
4 matters.

5 6. The Executive Department shall furnish to an exclusive  
6 representative data that is maintained in the ordinary course of  
7 business and which is relevant and necessary to the discussion of the  
8 subjects of mandatory bargaining described in subsection 2. This  
9 subsection shall not be construed to require the Executive  
10 Department to furnish to the exclusive representative any advice or  
11 training received by representatives of the Executive Department  
12 concerning collective bargaining.

13 7. To the greatest extent practicable, any decision issued by the  
14 Board before October 1, 2019, relating to the interpretation of, or  
15 the performance under, the provisions of NRS 288.150 shall be  
16 deemed to apply to any complaint arising out of the interpretation  
17 of, or performance under, the provisions of this section.

18 **Sec. 4.** (Deleted by amendment.)

19 **Sec. 5.** This act becomes effective on July 1, 2023.

