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CHAPTER 288 - RELATIONS BETWEEN GOVERNMENTS AND PUBLIC EMPLOYEES

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GENERAL PROVISIONS

NRS 288.010 Short title. This chapter may be cited as the Local Government Employee-Management Relations Act. (Added to NRS by 1969, 1376)

NRS 288.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 288.025](#) to [288.075](#), inclusive, have the meanings ascribed to them in those sections. (Added to NRS by 1969, 1376; A 1971, 1503; 1975, 918; 1981, 1868)

NRS 288.025 “Administrative employee” defined. “Administrative employee” means any employee whose primary duties consist of work directly related to management policies, who customarily exercises discretion and independent judgment and regularly assists an executive. In addition, it includes the chief administrative officer, his deputy and immediate assistants, department heads, their deputies and immediate assistants, attorneys, appointed officials and others who are primarily responsible for formulating and administering management policy and programs. (Added to NRS by 1971, 1509)

NRS 288.027 “Bargaining agent” defined. “Bargaining agent” means an employee organization recognized by the local government employer as the exclusive representative of all local government employees in the bargaining unit for purposes of collective bargaining. (Added to NRS by 1975, 917)

NRS 288.028 “Bargaining unit” defined. “Bargaining unit” means a group of local government employees recognized by the local government employer as having sufficient community of interest appropriate for representation by an employee organization for the purpose of collective bargaining. (Added to NRS by 1975, 917)

NRS 288.030 “Board” defined. “Board” means the Local Government Employee-Management Relations Board. (Added to NRS by 1969, 1376)

NRS 288.033 “Collective bargaining” defined. “Collective bargaining” means a method of determining conditions of employment by negotiation between representatives of the local government employer and employee organizations, entailing a mutual obligation of the local government employer and the representative of the local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;
 2. The negotiation of an agreement;
 3. The resolution of any question arising under a negotiated agreement; or
 4. The execution of a written contract incorporating any agreement reached if requested by either party,
- ↳ but this obligation does not compel either party to agree to a proposal or require the making of a concession. (Added to NRS by 1975, 917)

NRS 288.034 “Commissioner” defined. “Commissioner” means the Commissioner appointed by the Board.
(Added to NRS by 1981, 1867)

NRS 288.040 “Employee organization” defined. “Employee organization” means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of local government employees.
(Added to NRS by 1969, 1376; A 1975, 918)

NRS 288.045 “Fact-finding” defined. “Fact-finding” means the formal procedure by which an investigation of a labor dispute is conducted by one person, a panel or a board at which:

1. Evidence is presented; and
2. A written report is issued by the fact finder describing the issues involved and setting forth recommendations for settlement which may or may not be binding as provided in [NRS 288.200](#).

(Added to NRS by 1975, 917)

NRS 288.050 “Local government employee” defined. “Local government employee” means any person employed by a local government employer.
(Added to NRS by 1969, 1376)

NRS 288.060 “Local government employer” defined. “Local government employer” means any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State and includes, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.
(Added to NRS by 1969, 1377; A 1971, 1503; [2001_3164](#))

NRS 288.063 “Mediation” defined. “Mediation” means assistance by an impartial third party to reconcile differences between a local government employer and a bargaining unit through interpretation, suggestion and advice.
(Added to NRS by 1975, 917; A 1983, 180)

NRS 288.067 “Recognition” defined. “Recognition” means the formal acknowledgment by the local government employer that a particular employee organization has the right to represent the local government employees within a particular bargaining unit.
(Added to NRS by 1975, 917)

NRS 288.070 “Strike” defined. “Strike” means any concerted:

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;
2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or
3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization.

(Added to NRS by 1969, 1377)

NRS 288.075 “Supervisory employee” defined.

1. “Supervisory employee” means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee’s workday.
2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

(Added to NRS by 1971, 1509; A 1975, 918)

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

NRS 288.080 Creation; number, qualifications, terms of office and appointment of members.

1. The Local Government Employee-Management Relations Board is hereby created, consisting of three members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than two of whom may be members of the same political party. The term of office of each member is 4 years.

2. The Governor shall appoint the members of the Board.
(Added to NRS by 1969, 1380; A 1975, 919; 1977, 1183; 1981, 64; 1989, 1671)

NRS 288.090 Officers and employees; quorum.

1. The members of the Board shall annually elect one of their number as Chairman and one as Vice Chairman. Any two members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations:

- (a) Appoint a Commissioner and a Secretary, who shall be in the unclassified service of the State; and
- (b) Employ such additional clerical personnel as may be necessary, who shall be in the classified service of the State.

(Added to NRS by 1969, 1380; A 1979, 285)

NRS 288.100 Salary and expenses of members.

1. Each member of the Board is entitled to receive a salary of not more than \$80, as fixed by the Board, for each day in which he is engaged in the business of the Board.
2. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
(Added to NRS by 1969, 1381; A 1977, 1365; 1981, 1979; 1985, 392; 1989, 1710)

NRS 288.110 Rules governing various proceedings and procedures; hearing and order; injunction; time for filing complaint or appeal; costs.

1. The Board may make rules governing:
 - (a) Proceedings before it;
 - (b) Procedures for fact-finding;
 - (c) The recognition of employee organizations; and
 - (d) The determination of bargaining units.
2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. The Board shall conduct a hearing within 90 days after it decides to hear a complaint. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.
3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.
4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.
5. The Board may decide without a hearing a contested matter:
 - (a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or
 - (b) Upon agreement of all the parties.
6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.
(Added to NRS by 1969, 1381; A 1975, 919; 1977, 1366; 1987, 1435; 1989, 1671)

NRS 288.120 Subpoenas; powers of district court.

1. For the purpose of hearing and deciding appeals or complaints, the Board may issue subpoenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.
2. The district court in and for the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Board.
3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the Board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:
 - (a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;
 - (b) That the witness has been subpoenaed in the manner prescribed in this chapter; and
 - (c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,
 and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.
4. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.
(Added to NRS by 1969, 1381)

NRS 288.130 Hearings and determinations are contested cases; judicial review. Every hearing and determination of an appeal or complaint by the Board is a contested case subject to the provisions of law which govern the administrative decision and judicial review of such cases.

(Added to NRS by 1969, 1382; A 1977, 64)

RECOGNITION OF AND NEGOTIATION WITH EMPLOYEE ORGANIZATIONS**NRS 288.140 Right of employee to join or refrain from joining employee organization; discrimination by employer prohibited; limitations on nonmember acting for himself; membership of law enforcement officer.**

1. It is the right of every local government employee, subject to the limitation provided in subsection 3, to join any employee organization of his choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.
2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government

employee who is not a member of that employee organization from acting for himself with respect to any condition of his employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

(Added to NRS by 1969, 1377)

NRS 288.150 Negotiations by employer with recognized employee organization: Subjects of mandatory bargaining; matters reserved to employer without negotiation.

1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) The policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

- (1) Appropriate staffing levels and work performance standards, except for safety considerations;
- (2) The content of the workday, including without limitation workload factors, except for safety considerations;
- (3) The quality and quantity of services to be offered to the public; and
- (4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

(Added to NRS by 1969, 1377; A 1971, 1503; 1975, 919; 1983, 1622; 1987, 743, 1496, 1607; 1989, 1165)

NRS 288.155 Agreement may extend beyond term of member or officer of local government employer. Agreements entered

into between local government employers and employee organizations pursuant to this chapter may extend beyond the term of office of any member or officer of the local government employer.

(Added to NRS by 1975, 40)

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

1. An employee organization may apply to a local government employer for recognition by presenting:
 - (a) A copy of its constitution and bylaws, if any;
 - (b) A roster of its officers, if any, and representatives; and
 - (c) A pledge in writing not to strike against the local government employer under any circumstances.

↪ A local government employer shall not recognize as representative of its employees any employee organization which has not adopted, in a manner valid under its own rules, the pledge required by paragraph (c).
 2. If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a bargaining unit, and if the employee organization is recognized by the local government employer, it shall be the exclusive bargaining agent of the local government employees in that bargaining unit.
 3. A local government employer may withdraw recognition from an employee organization which:
 - (a) Fails to present a copy of each change in its constitution or bylaws, if any, or to give notice of any change in the roster of its officers, if any, and representatives;
 - (b) Disavows its pledge not to strike against the local government employer under any circumstances;
 - (c) Ceases to be supported by a majority of the local government employees in the bargaining unit for which it is recognized; or
 - (d) Fails to negotiate in good faith with the local government employer,

↪ if it first receives the written permission of the Board.
 4. If the Board in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular bargaining unit, it may conduct an election by secret ballot upon the question. Subject to judicial review, the decision of the Board is binding upon the local government employer and all employee organizations involved.
 5. The parties may agree in writing, without appealing to the Board, to hold a representative election to determine whether an employee organization represents the majority of the local government employees in a bargaining unit. Participation by the Board and its staff in an agreed election is subject to the approval of the Board.
- (Added to NRS by 1969, 1378; A 1971, 1504; 1975, 921; 1977, 1366; 1983, 1624)

NRS 288.161 Local government employer to file list of recognized employee organizations with Board. Each local government employer shall, on or before November 30 of each year, file with the Board a list of all employee organizations recognized by the employer and a description of the bargaining unit for each employee organization.

(Added to NRS by 1989, 1669)

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

1. Each employee organization recognized by a local government employer in this State shall file a report with the Board during November of each year.
 2. The report required by this section shall include:
 - (a) The full name of the employee organization.
 - (b) The name of each local government employer which recognizes the employee organization.
 - (c) The names of the officers of the employee organization.
 - (d) The total number of persons in each bargaining unit represented by the employee organization.
 - (e) Copies of all changes in the employee organization's constitution or bylaws adopted during the preceding year.
 - (f) The name, address and telephone number of the person designated by the employee organization to receive communications from the Board on business relating to the employee organization.
 - (g) A copy of any collective bargaining agreement in effect between the organization and the local government employer.
 3. An employee organization which has not previously been recognized by a local government employer shall file the information required by this section within 30 days after recognition.
- (Added to NRS by 1979, 284)

NRS 288.170 Determination of bargaining unit; appeal to Board.

1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.
2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.
3. A head of a department of a local government, an administrative employee or a supervisory employee must not be a member of the same bargaining unit as the employees under his direction. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board. An employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers, as defined in [NRS 288.215](#), may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.
4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to

participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

6. As used in this section, “confidential employee” means an employee who is involved in the decisions of management affecting collective bargaining.

(Added to NRS by 1969, 1378; A 1971, 1504; 1975, 922; 1987, 1305, 2202; 1991, 703; [2005, 325](#))

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

1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of that desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give notice on or before February 1.

2. Following the notification provided for in subsection 1, the employee organization or the local government employer may request reasonable information concerning any subject matter included in the scope of mandatory bargaining which it deems necessary for and relevant to the negotiations. The information requested must be furnished without unnecessary delay. The information must be accurate, and must be presented in a form responsive to the request and in the format in which the records containing it are ordinarily kept. If the employee organization requests financial information concerning a metropolitan police department, the local government employers which form that department shall furnish the information to the employee organization.

3. The parties shall promptly commence negotiations. As the first step, the parties shall discuss the procedures to be followed if they are unable to agree on one or more issues.

4. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

(Added to NRS by 1969, 1379; A 1971, 1505; 1975, 923; 1977, 757; 1979, 1373; 1981, 1868; 1983, 1044)

NRS 288.190 Mediation: Selection and duties of mediator; cost. Except in cases to which [NRS 288.205](#) and [288.215](#) apply:

1. Anytime before March 1, the dispute may be submitted to a mediator, if both parties agree. Anytime after March 1, either party involved in negotiations may request a mediator. If the parties do not agree upon a mediator, the Commissioner shall submit to the parties a list of seven potential mediators. The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is agreed to or requested pursuant to subsection 1, the mediator must be selected at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators from the Commissioner.

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of his selection as mediator. He may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. The local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. If the dispute is submitted to a mediator and then submitted to a fact finder, the mediator shall, within 15 days after the last meeting between the parties, give to the Commissioner of the Board a report of the efforts made to settle the dispute.

(Added to NRS by 1969, 1379; A 1971, 1505; 1977, 917; 1979, 285; 1981, 1868; 1985, 1420; 1987, 571; 1989, 1669; 1997, 69; [2005, 819](#))

NRS 288.195 Right of employee organization to be represented by attorney. Whenever an employee organization enters into negotiations with a local government employer, pursuant to [NRS 288.140](#) to [288.220](#), inclusive, such employee organization may be represented by an attorney licensed to practice law in the State of Nevada.

(Added to NRS by 1973, 324)

NRS 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. Except in cases to which [NRS 288.205](#) and [288.215](#), or [NRS 288.217](#) apply:

1. If:

(a) The parties have participated in mediation and by April 1, have not reached agreement; or

(b) The bargaining unit represented by the employee organization contains fewer than 30 persons,

↪ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for his findings and recommendations. His findings and recommendations are not binding on the parties except as provided in subsections 5, 6 and 9. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee

organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report his findings and recommendations to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 9 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.

7. Except as otherwise provided in subsection 8, any fact finder, whether his recommendations are to be binding or not, shall base his recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in [NRS 354.6241](#), with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, he shall use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and he shall consider whether the Board found that either party had bargained in bad faith.

➤ The fact finder's report must contain the facts upon which he based his determination of financial ability to grant monetary benefits and his recommendations or award.

8. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➤ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

9. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of [NRS 288.150](#) as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➤ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

(Added to NRS by 1969, 1379; A 1971, 10, 1505; 1973, 238; 1975, 923; 1977, 389, 917, 1367; 1979, 286, 1374; 1981, 1869; 1983, 1625; 1985, 1420; 1987, 572; 1991, 626; 1995, 1936; [2005, 820](#))

NRS 288.201 Request for formation of panel to determine whether findings and recommendations of fact finder are final and binding. Any request for the formation of a panel to determine whether the findings and recommendations of a fact finder must be final and binding must be filed with the Commissioner. The request must include:

1. A list of the issues which remain unresolved and the position of each party regarding those issues;

2. The requester's assessment of the fiscal effect on the local government of the requester's positions;

3. An outline of any previous fact-finding between the parties, which includes any recommendations and awards of a fact finder and the actions of each party in response thereto;

4. A statement of whether the parties engaged in mediation regarding the current dispute;

5. A schedule of the dates and times set by the fact finder for the hearing; and

6. Any other information deemed necessary by the Commissioner.

➤ Any person filing such a request shall give written notice of the request to the Nevada State Board of Accountancy and the State Bar of Nevada.

(Added to NRS by 1981, 1867; A 1985, 1422; [2005, 822](#))

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

1. Within 5 days after receiving notice of such a request, the Nevada State Board of Accountancy and the State Bar of Nevada shall each submit to the Commissioner and each party to the dispute a list of names of five of their members who would serve on a panel and are not closely allied with any employee association or local government employer.

2. Within 8 days after receiving the lists, the parties shall choose one name from each list by alternately striking one name until the names of only one attorney and one accountant remain, who will each be a member of the panel. The parties shall choose the member from the list of accountants separately from their choice from the list of attorneys. The parties shall notify the Commissioner of their selections and he shall notify the attorney and accountant selected.

3. Within 5 days after receiving notice of their selection, the attorney and accountant shall:

- (a) Choose the third member of the panel, who must:
- (1) Be willing to serve on the panel;
 - (2) Be a resident of this State; and
 - (3) Not be closely allied with any employee organization or local government employer.
- (b) Notify the Commissioner of their choice, and the three members shall, within 5 days after selecting the third member of the panel, notify the Commissioner of the dates when they will all be available to attend hearings.
4. The Commissioner shall serve as a nonvoting member and also as the chairman of the panel.
5. If the accountant or attorney selected to serve on the panel is unable to do so, the Nevada State Board of Accountancy or State Bar of Nevada shall designate a person to replace its nominee. If the person selected by the accountant and attorney is unable to serve, they shall designate a person to replace him. If the Commissioner is unable to serve, the Governor shall designate a person to serve in his capacity.
- (Added to NRS by 1981, 1867; A [2005, 822](#))

NRS 288.203 Compensation of members of panel; claims.

1. Each person, except the Commissioner, who serves on a panel formed pursuant to [NRS 288.201](#) is entitled to receive as compensation:
- (a) One hundred fifty dollars for each day he is engaged in the business of the panel; and
 - (b) The per diem allowance and travel expenses provided for state officers and employees generally.
2. All claims which arise pursuant to this section must be paid from the reserve for Statutory Contingency Account upon approval by the Commissioner and the State Board of Examiners.
- (Added to NRS by 1981, 1868; A 1985, 618; 1991, 1760; [2007, 595](#))

NRS 288.205 Submission of dispute between certain employees and local government employer to fact finder: Time limited for certain matters. In the case of an employee organization and a local government employer to which [NRS 288.215](#) applies, the following departures from the provisions of [NRS 288.200](#) also apply:

1. If the parties have not reached agreement by April 10, either party may submit the dispute to an impartial fact finder at any time for his findings.
 2. In a regular legislative year, the fact-finding hearing must be stayed up to 20 days after the adjournment of the Legislature sine die.
 3. Any time limit prescribed by this section or [NRS 288.200](#) may be extended by agreement of the parties.
- (Added to NRS by 1977, 916; A 1979, 1375)

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

1. For the purpose of investigating disputes, the fact finder may issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.
 2. The district court in and for the county in which any investigation is being conducted by a fact finder may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the fact finder.
 3. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the fact finder may report to the district court in and for the county in which the investigation is pending by petition, setting forth:
 - (a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;
 - (b) That the witness has been subpoenaed in the manner prescribed in this chapter;
 - (c) That the witness has failed and refused to attend or produce the papers required by subpoena before the fact finder in the investigation named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation, and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the fact finder.
 4. The court, upon petition of the fact finder, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the fact finder. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the fact finder, the court shall thereupon enter an order that the witness appear before the fact finder at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.
- (Added to NRS by 1969, 1379; A 1971, 1507)

NRS 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.

1. As used in this section:
 - (a) "Firefighters" means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.
 - (b) "Police officers" means those persons who are salaried employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.
2. The provisions of this section apply only to firefighters and police officers and their local government employers.
3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining

in dispute to an arbitrator who must be selected in the manner provided in [NRS 288.200](#) and have the same powers provided for fact finders in [NRS 288.210](#).

4. The arbitrator shall, within 10 days after he is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.

5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:

(a) The parties to the dispute; or

(b) Any interested person.

6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.

7. A determination of the financial ability of a local government employer must be based on all existing available revenues as established by the local government employer and within the limitations set forth in [NRS 354.6241](#), with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.

9. If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

10. The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in [NRS 288.200](#), and shall report his decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.

11. The decision of the arbitrator must include a statement:

(a) Giving his reason for accepting the final offer that is the basis of his award; and

(b) Specifying his estimate of the total cost of the award.

(Added to NRS by 1977, 916; A 1985, 2163; 1987, 1860; 1995, 1938; [2005, 326](#))

NRS 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.

1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.

2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of [NRS 288.200](#) and has the powers provided for fact finders in [NRS 288.210](#).

3. The arbitrator shall, within 30 days after he is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

4. The parties to the dispute shall each pay one-half of the costs of the arbitration.

5. A determination of the financial ability of a school district must be based on all existing available revenues as established by the school district and within the limitations set forth in [NRS 354.6241](#), with due regard for the obligation of the school district to provide an education to the children residing within the district.

6. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

7. If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

8. The arbitrator shall, within 10 days after the final offers are submitted, render his decision on the basis of the criteria set forth in [NRS 288.200](#). The arbitrator shall accept one of the written statements and shall report his decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

9. The decision of the arbitrator must include a statement:

(a) Giving his reason for accepting the final offer that is the basis of his award; and

(b) Specifying his estimate of the total cost of the award.

10. As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

(Added to NRS by 1991, 625; A 1995, 1939)

NRS 288.220 Certain proceedings not required to be open or public. The following proceedings, required by or pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.

2. Any meeting of a mediator with either party or both parties to a negotiation.
 3. Any meeting or investigation conducted by a fact finder.
 4. Any meeting of the governing body of a local government employer with its management representative or representatives.
 5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.
- (Added to NRS by 1969, 1380; A 1971, 600, 1508; 1977, 1368; 1979, 287)

STRIKES

NRS 288.230 Legislative declaration; illegality of strikes.

1. The Legislature finds as facts:
 - (a) That the services provided by the State and local government employers are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Nevada;
 - (b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the State to its people; and
 - (c) That every person who enters or remains in the employment of the State or a local government employer accepts the facts stated in paragraphs (a) and (b) as an essential condition of his employment.
 2. The Legislature therefore declares it to be the public policy of the State of Nevada that strikes against the State or any local government employer are illegal.
- (Added to NRS by 1969, 1382)

NRS 288.240 Injunctive relief against strike or threatened strike.

1. If a strike occurs against the State or a local government employer, the State or local government employer shall, and if a strike is threatened against the State or a local government employer, the State or local government employer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.
 2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike. The provisions of [N.R.C.P. 65](#) and of the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the State or of any local government employer.
- (Added to NRS by 1969, 1382)

NRS 288.250 Punishment of employee organization, officer or employee by court for commencement or continuation of strike in violation of order.

1. If a strike is commenced or continued in violation of an order issued pursuant to [NRS 288.240](#), the court may:
 - (a) Punish the employee organization or organizations guilty of such violation by a fine of not more than \$50,000 against each organization for each day of continued violation.
 - (b) Punish any officer of an employee organization who is wholly or partly responsible for such violation by a fine of not more than \$1,000 for each day of continued violation, or by imprisonment as provided in [NRS 22.110](#).
 - (c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.
 2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.
- (Added to NRS by 1969, 1382)

NRS 288.260 Punishment of employee by employer for commencement or continuation of strike or violation in violation of court's order.

1. If a strike or violation is commenced or continued in violation of an order issued pursuant to [NRS 288.240](#), the State or the local government employer may:
 - (a) Dismiss, suspend or demote all or any of the employees who participate in such strike or violation.
 - (b) Cancel the contracts of employment of all or any of the employees who participate in such strike or violation.
 - (c) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in such strike or violation.
 2. Any of the powers conferred by subsection 1 may be exercised alternatively or cumulatively.
- (Added to NRS by 1969, 1383; A 1971, 1508)

PROHIBITED PRACTICES

NRS 288.270 Employer or representative; employee or employee organization.

1. It is a prohibited practice for a local government employer or its designated representative willfully to:
 - (a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.
 - (b) Dominate, interfere or assist in the formation or administration of any employee organization.
 - (c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.
 - (d) Discharge or otherwise discriminate against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization.
 - (e) Refuse to bargain collectively in good faith with the exclusive representative as required in [NRS 288.150](#). Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by [NRS 288.180](#).

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in [NRS 288.150](#). Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by [NRS 288.180](#).

(Added to NRS by 1971, 1508; A 1975, 924; 1977, 757)

NRS 288.280 Controversies concerning prohibited practices to be submitted to Board. Any controversy concerning prohibited practices may be submitted to the Board in the same manner and with the same effect as provided in [NRS 288.110](#), except that an alleged failure to provide information as provided by [NRS 288.180](#) shall be heard and determined by the Board as soon as possible after the complaint is filed with the Board.

(Added to NRS by 1971, 1509; A 1977, 758)