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2019 Nevada Legislature – Changes for Public Employers

On June 3, 2019, the Nevada Legislature ended its 80th Session with the passage of many bills affecting Nevada’s public employers. Below is a summary of new laws that have been approved by the Governor.

With new legislation, there are always a lot of questions about how a bill will be applied and interpreted. We have provided links to Nevada’s legislative website where you can view the final text of the bill (click on “**As Enrolled**” for the final text). We also encourage you to talk through your questions with a KZA attorney and stay tuned to the Employer Reports for continued updates on these new laws. In the coming days, we will update you on additional new laws if and when they are approved by the Governor.

[SB 135](#) – Collective Bargaining for State Employees. This Bill allows certain state employees the ability to organize and join labor organizations, or refrain from engaging in that activity, and to engage in collective bargaining through exclusive representatives. It defines an employee as someone “employed in the classified service of the State pursuant to chapter 284 of NRS” or “employed by the Nevada System of Higher Education in the classified service of the State or is required to be paid in accordance with the pay plan for the classified service of the State.” The Bill sets forth election procedures for these employees and requirements for collective bargaining agreements, establishes unfair labor practices, expands the powers and duties of the Local Government Employee-Management Relations Board (EMRB) to include hearing and deciding disputes between these parties, and changes the name of the EMRB to the Government Employee-Management Relations Board.



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SB 153 – Changes to Collective Bargaining. This Bill changes NRS 288.155 by removing the prohibition upon a local government employer from increasing compensation or monetary benefits paid to employees in a bargaining unit upon the end of the term stated in a collective bargaining agreement and until the successor agreement becomes effective. The Bill further authorizes collective bargaining agreements entered into between local government employers and employee organizations to remain in effect beyond the term of office of any member or officer of the local government employer. The Bill changes certain prohibitions upon bargaining units and requires employees in certain supervisory and administrative positions to be members of a different bargaining unit from the employees they supervise.

SB 158 – Collective Bargaining Units/Police & Fire. NRS 288.170 prohibits a supervisory employee from being a member of the same bargaining unit as the employees under his/her direction. This Bill revises the definition of “supervisory employee” to prohibit a police officer, firefighter or certain other persons who have the powers of a peace officer from being deemed a supervisory employee solely because he or she engages in some, but not all, of the employment actions of a supervisory employee under a paramilitary command structure. This bill becomes effective July 1, 2019.

SB 111 – Changes to Negotiations/Arbitrations. This Bill amends NRS 354.6241 that limits a fact finder’s or arbitrator’s ability to consider a local government’s ability to pay compensation or monetary benefits by providing that a budgeted ending fund balance of not more than 25 percent of the total budgeted expenditures, less capital outlay, is not subject to negotiation. The Bill changes this amount to not more than 16.67 percent of the total budgeted expenditures, less capital outlay. This Bill also provides that any money appropriated by the State to carry out increases in salary or benefits is subject to negotiation and must be considered by a fact finder or arbitrator in determining a school district’s ability to pay compensation or monetary benefits. This Bill becomes effective July 1, 2019.



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AB 274 – Whistleblower Protections. This Bill seeks to strengthen protections for whistleblowers in state and local government employment by making the placement of false information in the personnel file of a state or local governmental officer or employee who discloses improper governmental action a form of reprisal or retaliatory action, clarifying the scope of whistleblower protection, and requiring a state or local governmental officer or employee to use his/her official authority or influence to remedy any reprisal or retaliatory action of which the officer or employee becomes aware. This Bill also makes it mandatory for a local government to enact procedures that provide at least the same amount of protection against reprisal and retaliation as is provided in existing law and authorizes such procedures to provide greater protection than provided in existing law. This Bill also changes the notice requirements for state or local governmental officers or employees in relation to whistleblower protections. This Bill became effective upon the Governor’s approval.

SB 245 – Civil Damages. Existing law provides that the limitation on the amount of damages that may be awarded in a tort action against a governmental entity or its officers or employees is \$100,000 (NRS 41.035). This Bill increases the limitation to \$150,000 and provides that this increase becomes effective on July 1, 2020 and expires on June 30, 2022. On July 1, 2022, the amount of damages available increases to \$200,000.

SJR 8 - Proposed Constitutional Amendment on Equal Rights. This Resolution proposes to amend the Nevada Constitution by adding a guarantee that equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin. This resolution must be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendment to the Nevada Constitution becomes effective.



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SB 388 – Public Records. This Bill becomes effective July 1, 2019 and amends NRS Chapter 239 by providing a means for designating confidential a record or portion of a record that contains personally identifiable information collected by automated means over the Internet by a governmental entity as part of the electronic collection of information from the general public. This Bill further prescribes how such records should be managed under the public records law.

AB 89 – State Employment & Veteran Preferences. Existing law establishes certain preferences for veterans relating to appointment and promotion to positions in the classified service of the Executive Department of the State Government (NRS 284.260, 284.265). Existing law defines a veteran for the purposes of these preferences to mean a resident of this State who has certain military service and was separated from such service under conditions other than dishonorable (NRS 284.015, 417.005). AB 89 removes the residency qualification, thereby making veterans who are not residents of Nevada eligible for the veterans' preferences relating to employment in the classified service. This Bill becomes effective for employers on October 1, 2019.

SB 242 – Peace Officers' Bill of Rights. This Bill makes changes to the Peace Officers' Bill of Rights. It provides back pay for certain unpaid suspensions, establishes a statute of limitations for certain investigations, limits when investigations may be reopened, imposes restrictions upon an employer's ability to reassign a peace officer during an investigation, restricts certain questioning of a peace officer by a superior officer, limits the use of compelled statements in civil matters, requires the employer to allow inspection of certain evidence during investigations, and changes the penalties for a violation of the Bill of Rights. These changes become effective July 1, 2019.



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AB 492 – Worker’s Compensation Stress Claims for First Responders. Effective immediately, this Bill amends Nevada’s worker’s compensation stress statute to provide that a first responder may prove that his/her mental injury is compensable because it was primarily caused by extreme stress due to the first responder directly witnessing a death or grievous injury, or the aftermath of a death or grievous injury, under certain circumstances during the course of his or her employment. The Bill also provides that an injury or disease caused by stress shall be compensable if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing evidence that the employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident and the primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

This Bill also requires an agency that employs a first responder to provide educational training to first responders related to the awareness, prevention, mitigation and treatment of mental health issues.

A “first responder” is defined as a salaried or volunteer firefighter, a police officer, an emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State, or an emergency medical technician or paramedic who is employed by a public safety agency in this State.

SB 31 - State Personnel System. This Bill revises provisions relating to filling positions in the classified service without competition in cases involving certain appointments of employees with disabilities (NRS 284.305) and revises provisions governing the testing of certain employees and applicants for the presence of drugs by permitting testing of blood or other bodily substances.



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SB 100 – Schools Hiring Veterans & Military Spouses. This Bill requires regulations to expedite an application for a teaching license by the spouse of a member of the Armed Forces of the United States who is on active duty. It requires school districts to consider the Joint Services Transcript or a similar document of a veteran as credit towards training and experience for certain skilled positions. It also allows a member or veteran of the Armed Forces of the United States, or a spouse of such member or veteran, who obtained a license through an equivalent alternative route to licensure program in another state to obtain a license in Nevada if they had completed the alternative route to licensure program in Nevada. These requirements for employers become effective July 1, 2019.