

AB 191 (collective bargaining for “professional employees”)

Nevada System of Higher Education Board of Regents
Special Meeting April 24, 2025

Board of Regents Authority

- Constitutional authority to control and manage the affairs and funds of the State University. Nevada Constitution, Art. 11, §§ 4, 7.
- NRS 284.140 identifies faculty and student employees as unclassified employees.
- NRS 284.345 recognizes the Board of Regents' authority to adopt regulations for attendance and for leave for faculty.
- NRS 396 also recognizes the Board's authority over personnel. NRS 396.251; 396.7953; 396.7973; 396.7975.

Graduate Assistants

- Teaching assistants and research assistants
- A full-time graduate assistantship is based on a 20-hour work week.
- Graduate teaching assistants may teach no more than two courses per semester.
- The Board of Regents establishes a salary schedule, which includes the cost of student health insurance.
- Graduate assistants may receive a grant-in-aid for the payment of tuition and a specified portion of the registration fees proportional to the semester salary.
- February 28, 2025 meeting
- April 16, 2025 meeting

Graduate Assistants Packages

- Across NSHE, Base Monthly Rate:
 - \$1,700 minimum to \$3,146 maximum
- Expectation: work 20 hours/week
- In addition to base rate:
 - Health insurance fully paid for the year (including over the summer)
 - 100% registration fees for courses waived
 - Value varies according to number of credits, program, and nonresident tuition fees
 - Contributions to workers' compensation and Medicare



Graduate Assistants Funding Sources – UNLV

	Masters	Doctoral
State	62.5%	77.7%
Grant	11.0%	15.2%
Gift	3.6%	1%
Campus*	22.9%	6.1%

**Campus includes self-supported accounts, differential fee budgets, and student fee accounts*

Total Positions: 1259

Doctoral 677

Masters 582

Graduate Assistants Funding Sources – UNR

State	52.2%
Grant	31%
Self-Supported	9.7%
Other*	4.7%
Gifts	2.4%

**Other funds include indirect costs, differential fees-budgeted, special courses/lab fees, and various student fees*

Total Positions: 1176

PhD 761

MAAs 415

Graduate Assistants Funding Sources – DRI

Federal – Grants and Contracts	84.5%
State – Grants and Contracts	0.7%
State – Cloudseeding	3.4%
DRI – Self Supporting	4.2%
DRI – Self Supporting – Gifts	7.2%

Total Positions: 30

PhD	20
Masters	10

Summary Comparison of Rights and Employment Conditions

Academic Faculty, State Unclassified Employees, and State Classified Employees

	Academic & Administrative Faculty on A (12-month) or B (9-month) Contract	State Unclassified	State Classified
Shared Governance	Yes	No	No
Collective bargaining; Arbitration; EMRB	NSHE Handbook; no arbitration; no EMRB	No; no arbitration; no EMRB	NRS Chapter 288; binding arbitration option; EMRB
Higher education fee repayment	For employee and dependents: Grant-in-Aid If emeritus status, Grant-in-Aid benefits after leaving NSHE	For employee only: Training or education that <ol style="list-style-type: none"> 1. Is required by or related to the job of the employee; 2. Is relevant to the prospective duties of the employee; or 3. Is a benefit to both the agency and the employee. NAC 284.485. 	For employee only: Training or education that <ol style="list-style-type: none"> 1. Is required by or related to the job of the employee; 2. Is relevant to the prospective duties of the employee; or 3. Is a benefit to both the agency and the employee. NAC 284.485. *For NSHE classified, see institution's Grant-in-Aid policy
Annual Leave Accrual	"A" contract: 2 days per month for FTE. "B" contract: no annual leave accrual. Handbook, T4, Ch3, S20.	1.25 days per month. NRS 284.350.	1.25 days per month. NRS 284.350.
Sick Leave Accrual	1 st year = 30 days for FTE; additional 2 days per month after 1 st year for FTE. No sick leave payout upon separation. Handbook, T4, Ch3, S19.	1.25 days per month. Sick leave payout per NRS 284.355.	1.25 days per month. Sick leave payout per NRS 284.355.
Extended Leave for Illness	Extended Salaried Sick Leave. Handbook, T4, Ch3, S19.	Catastrophic Leave. NRS 284.362.	Catastrophic Leave. NRS 284.362.
Sabbatical Leave	Handbook, T4, Ch3, S15.	No	No

What is collective bargaining?

- Collective bargaining is a process where employees elect a union to represent them in negotiating a contract regarding, at a minimum, the mandatory topics of collective bargaining.
- If enacted, AB 191 would authorize certain employee groups of NSHE the right to elect a union and engage in the collective bargaining process.
- AB 191 would set forth the requirements related to collective bargaining, including
 - Mandatory topics of bargaining
 - Management rights reserved to the employer (not required to be bargained)
 - Process for an impasse during negotiations
 - CBA provisions regarding grievances and binding arbitration



Comparing NSHE Handbook, AB 191 and NRS 288: Who?

	NSHE Handbook	AB 191	NRS 288 (State Classified; Local Govt)
Who is eligible to organize for collective bargaining?	<ul style="list-style-type: none"> professional employees employed for 6 months at .50 FTE or more, excluding adjunct faculty members, administrators and clinical faculty members. NSHE Handbook, Title 4, Ch 4, Sec 2.13. <p>Current CBAs:</p> <ul style="list-style-type: none"> TMCC CSN WNC NSU is in the bargaining process. <p>Covered by CBA: approximately 930 employees</p>	<p>people in the following categories who work more than 160 hours per year:</p> <ul style="list-style-type: none"> academic faculty administrative faculty Letters of Appointment or part time instructors Graduate Assistants postdoctoral scholars residents student workers temporary/hourly technologists <p>AB 191, Sec. 13 (professional employee), Sec. 12 (managerial employee), Sec. 9 (confidential employee)</p> <p>Estimate of “professional employees”: approximately 22,000 individuals</p>	<p>Bargaining units for state classified employees set forth in NRS 288.515</p>

Comparing NSHE Handbook, AB 191 and NRS 288: Subjects

Mandatory Subjects of Bargaining	<ul style="list-style-type: none"> 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 a professional employee on each work day or work week. h. Total number of days worked required of a professional employee in a work year. i. Discharge and disciplinary procedures. j. Recognition clause. k. Deduction of dues for the recognized employee organization. l. Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter. m. Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements. 	<ul style="list-style-type: none"> (a) Salary or wage rates or other forms of compensation or remuneration. (b) Sick leave. (c) Vacation leave. (d) Holidays. (e) Maternity or paternity leave and family medical leave. (f) Other paid or nonpaid leaves of absence. (g) Except as otherwise provided in subsection 3, insurance and health care benefits provided by the state professional employer. (h) Total hours of work required of a professional employee on each workday or workweek. (i) Total number of days of work required of a professional employee in a work year. (j) Discharge and disciplinary procedures. (k) Recognition clause. (l) The method for determining the classification and titles of professional employees in the bargaining unit. (m) Deduction of dues for the recognized professional organization. (n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 6 to 51, inclusive, of this act. 	<ul style="list-style-type: none"> (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) Except as otherwise provided in subsections 8 and 11, 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.
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*NRS 288.500(2)(a) excludes subsection (f) (insurance benefits) from the subject of mandatory bargaining for State classified employees.

Comparing NSHE Handbook, AB 191 and NRS 288: Subjects cont'd

	<p>n. General savings clauses.</p> <p>o. Duration of collective bargaining agreements.</p> <p>p. Safety of the employee.</p> <p>q. Procedures for reduction or addition in work force.</p> <p>NSHE Handbook, Title 4, Chapter 4, section 13.</p>	<p>(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.</p> <p>(p) General savings clauses.</p> <p>(q) Except as otherwise provided in section 37 of this act, the duration of collective bargaining agreements.</p> <p>(r) Safety of professional employees.</p> <p>(s) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.</p> <p>(t) Policies for the transfer and reassignment of professional employees.</p> <p>(u) Policies which prohibit:</p> <p>(1) Discrimination on the actual or perceived race, color, religion, national origin, ancestry, age, gender physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of professional employees.</p> <p>(2) Reprisal or retaliation by a state professional employer against a state professional employee.</p> <p>(v) Procedures for reduction in or addition to the workforce consistent with the provisions of sections 6 to 51, inclusive, of this act.</p> <p>AB 191, sec. 32.</p>	<p>(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.</p> <p>(p) General savings clauses.</p> <p>(q) Duration of collective bargaining agreements.</p> <p>(r) Safety of the employee.</p> <p>(s) Teacher preparation time.</p> <p>(t) Materials and supplies for classrooms.</p> <p>(u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.</p> <p>(v) Procedures for reduction in workforce consistent with the provisions of this chapter.</p> <p>(w) Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.</p> <p>NRS 288.150(2).</p>
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Comparing NSHE Handbook, AB 191 and NRS 288: Management Rights

<p>Management Rights</p>	<p>“...the Board of Regents, in accordance with its authority under Article 11, Section 4 of the Nevada Constitution, has retained and will continue to retain, whether exercised or not, the sole right, responsibility, authority or prerogative to make rules for the government of the NSHE and shall determine the mission, means, number and types of personnel, as well as the general policies of the NSHE, its member institutions and any unit of the System including, but not limited to, those concerning academic, curricular, programmatic, financial and personnel matters.”</p> <p>NSHE Handbook, Title 4, Chapter 4, Section 13.</p>	<p>3. The following are not subject to negotiation pursuant to this section: (a)[PERS benefits]. (b)[PEBP benefits]. (c)[Public Employees’ Deferred Compensation Program].</p> <p>4. The following are not subjects within the scope of mandatory bargaining and are reserved to the state professional employer without negotiation: (a) Except as otherwise provided in paragraph (t) of subsection 2, the right to hire, direct, assign or transfer an employee. This right does not include the right to assign or transfer an employee as a form of discipline. (b) The right to determine the quality and quantity of services to be offered to the public. (c) Safety of the public.</p> <p>5. “...take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070...”</p> <p>AB 191, sec. 32.</p>	<p>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.</p> <p>NRS 288.150(3); NRS 288.500(3). (b) 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. NRS 288.150(6)(b); NRS 288.500(4).</p>
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Comparing NSHE Handbook, AB 191 and NRS 288: Impasse

<p>What if there is an impasse during negotiations?</p>	<ul style="list-style-type: none"> • Mediation • Factfinder • Deadlock – neither party is required to settle. <p>NSHE Handbook, Title 4, Chapter 4, Sections 15-18.</p>	<ul style="list-style-type: none"> • Mediation • Binding arbitration. • If prohibited practices are alleged, the State Employee Management Relations Board (EMRB) may hear those complaints and the EMRB's decision is subject to judicial review under the Nevada Administrative Procedure Act, NRS 233B. • The EMRB charges a fee up to \$10 for each professional employee who belongs to a bargaining unit with an exclusive representative. <p>AB 191, sec. 42-49.</p>	<ul style="list-style-type: none"> • Mediation • Binding arbitration. NRS 288.570 – 288.580. • If prohibited practices are alleged, the State Employee Management Relations Board (EMRB) may hear those complaints and the EMRB's decision is subject to judicial review under the Nevada Administrative Procedure Act, NRS 233B. NRS 288.620 – NRS 288.630. • The EMRB charges a fee up to \$10 for each employee who belongs to a bargaining unit with an exclusive representative. NRS 288.475.

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Comparing NSHE Handbook, AB 191 and NRS 288: Grievances

What is the definition of "grievance"?	<p>"A grievance is an act or omission to act by the respective administrations of the System institutions, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to promotion, appointment with tenure or other aspects of contractual status, or relating to alleged violations of the NSHE Code or institutional bylaws."</p> <p>"Decisions of the Board of Regents are not subject to review by grievance procedures. Any decision which involves the nonreappointment to or termination of employment of faculty as provided in Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.4 of the NSHE Code, or the furlough or lay off of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures."</p> <p>NSHE Code, Title2, Chapter 5, Section 5.7.2.</p>	<p>"'Grievance' means an act, omission or occurrence that a professional employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between a state professional employer and a professional employee, including, without limitation, working hours, working conditions, membership in a professional organization or the interpretation of any law, regulation or agreement."</p> <p>AB 191, Sec. 11.</p>	<p>"'Grievance' means an act, omission or occurrence that an employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or agreement."</p> <p>NRS 288.435.</p>
Grievance Process	Grievances by professional employees are resolved or adjusted internally.	<ul style="list-style-type: none"> • The CBA must include a procedure to resolve grievances that culminates in binding arbitration. • The procedure may incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review. <p>AB 191, Sec. 36.</p>	<ul style="list-style-type: none"> • The CBA must include a procedure to resolve grievances that culminates in binding arbitration. <p>NRS 288.505.</p>

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Comparing NSHE Handbook, AB 191 and NRS 288: Decertification

<p>Withdrawing recognition of, or decertifying, the employee organization</p>	<ul style="list-style-type: none"> • If the employee organization is no longer supported by a majority of the members of the bargaining unit, the process for decertification is set forth in Handbook, Title 4, Chapter 4, Sec. 8 “Decertification” • If there is a strike, the Board may cancel the CBA and refuse to bargain with employee organization until a new election. Handbook, Title 4, Chapter 4, Sec. 21. 	<p>With permission from the EMRB, employer may withdraw recognition of the professional organization if it fails to present a copy of changes to bylaws, charter, or constitution or give notice of a change in the roster of its officers.</p> <p>AB 191, sec. 19.</p>	<p>In relation to local government,</p> <p>“3. A local government employer may withdraw recognition from an employee organization which:</p> <p>(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;</p> <p>(b) Disavows its pledge not to strike against the local government employer under any circumstances;</p> <p>(c) Ceases to be supported by a majority of the local government employees in the bargaining unit for which it is recognized; or</p> <p>(d) Fails to negotiate in good faith with the local government employer,</p> <p>→ if it first receives the written permission of the [EMRB].” NRS 288.160(3).</p>
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What is the fiscal impact of AB 191?

For FY 26:

- One (1) Labor Relations Managers,
- Two (2) Labor/Employee Relations Specialists, and
- Two (2) Labor Relations Attorney positions.

For FY 27:

- Three (3) additional Labor/Employee Relations Specialist positions
- Two (2) additional Labor Relations Attorney positions, and
- One (1) Legal Assistant position.

The remaining 9 positions are being postponed until the next biennium:

- One (1) Director of Labor/Employee Relations
- Four (4) Labor/Employee Relations Coordinators
- Three (3) Labor Relations Attorney positions
- One (1) Labor Relations Paralegal Researcher

The bill contains no provision for paying NSHE's cost to administer it. As drafted, the bill contains no appropriation provided to NSHE for its services.



What is the fiscal impact of AB 191?

Items of Revenue or Expense, or Both	Fiscal Year	Fiscal Year	Fiscal Year	Effect on Future Biennia*
	FY 2025	FY 2026	FY 2027	Future Biennia
Personnel (Expense)	-	\$804,650	\$1,659,042	\$3,318,084
Operating (Expense)	-	\$35,000	\$67,000	\$134,000
Total	-	\$839,650	\$1,726,042	\$3,452,084

*Effect on future Biennia only includes the 11 positions and related operating costs being requested this biennium. At a minimum, it would cost NSHE a total of \$6,273,934 in future biennia to phase in the remaining 9 positions.

This does not include the fiscal impact of benefits that are bargained for in future collective bargaining agreements, such as changes to salaries, benefits or processes.

Current Status

- NSHE testified to a neutral position at the March 4, 2025, Assembly Committee on Government Affairs.
- On March 31, 2025, AB 191 passed out of the Assembly Committee on Government Affairs during their work session in a party line vote.
- Interim Chancellor Patricia Charlton requests that the Board take action to support, oppose, or provide other direction to the Chancellor regarding a formal position on AB 191.

