

AB191 – Script for 3/4/2025 hearing

Kent Ervin, K-E-N-T E-R-V-I-N, for the Nevada Faculty Alliance (NFA). Thank you, Assemblymember Anderson, Chair Considine and committee members for the opportunity to present AB191, a bill to improve our higher education system through collaboration between NSHE professionals and administrators.

The Nevada Faculty Alliance (NFA) is the independent association of faculty and professional staff of the Nevada System of Higher Education (NSHE). We are working on AB191 with the Nevada Graduate Student Workers/UAW.

NFA is the bargaining agent for faculty collective bargaining units at three of our community colleges. However, collective bargaining at NSHE is allowed only through the policy handbook of the Board of Regents, which is outdated and does not provide the protections and responsibilities that other public employees in Nevada have under NRS 288. NSHE professional employees are the largest group of public employees in Nevada who do not have collective bargaining authorized in state law.

AB191 applies to professional employees at NSHE and will not affect collective bargaining statutes for local government employees or state classified employees. Professional employees covered by AB191 include academic faculty, nonmanagerial administrative faculty, part-time instructors, and graduate assistants. The bill closely follows the collective bargaining provisions in NRS Chapter 288 for state classified employees, with some clarifications for higher education under a governing board like the Board of Regents.

AB 191 allows professional employees and NSHE to access the state Government Employees-Management Relations Board (EMRB) for resolution of negotiation and contract issues, which would save time and litigation—a clear benefit to both sides. Under its internal collective bargaining policies, NSHE is both bargaining and interpreting the rules of engagement—a conflict of interest. AB191 will also level the playing field by allowing access to third-party mediation and arbitration, the same as in NRS 288 for state classified employees. AB191 preserves the full authority of the Legislature and Governor over both budgets and legislation.

We would now like to go to Michael Piccinelli of the American Federation of Teachers and then Rotua Lumbantobing of the American Association of University Professors, on Zoom.

[340 words = 2.5 minutes]

[then two NGSW/UAW statements]

[after UAW, Assemblymember Anderson asks about form of bill description, or else moving to questions]

[“chunk by chunk” description of AB191, or just do highlighted sentences]

Kent Ervin, NFA. Sections 6 to 51 of AB191 create a new subhead of NRS 288 for NSHE professionals, independent of the statutes for local government and state classified employees, but mostly copying or adapting those provisions. We have submitted a detailed section-by-section description.

Sections 4 to 16 define terms just for this act. The covered employers defined Section 5, are limited to Boards and Commissions, eliminating other state agencies, with over 400 professional employees, which currently means NSHE.

Section 13 defines professional employees as anyone who is NOT a state Classified employee. Subsection 2 excludes specific employee categories, mostly redundant for clarity. Part (k) excludes part-time employees with 160 or fewer hours, which excludes a temporary lecturer teaching only one 3-credit course.

Sections 17 to 24 cover the rights of professional employees to join a professional organization and be represented by a recognized professional organization.

Sections 25 to 31 outline the formation of new bargaining units using the community of interest standard. Employee authorizations or elections are overseen by the state Employee-Management Relations Board (EMRB). Bargaining units form only when employees organized themselves and seek representation..

Sections 32 to 39 and 45, cover negotiating and ratifying a collective bargaining agreement. The negotiation topics in section 32 are where the issues you have just heard about can be addressed.

Sections 40 and 41 state that if provisions of a negotiated contract between professional employees and NSHE require legislative action or state funding, those provisions do not take effect until and unless the law is changed or the budgets are funded through the normal state legislative processes.

Sections 42 to 44 allow for mediation or arbitration in case of difficulty of the parties to reach a contract agreement, closely following the process in NRS 288 for state Classified employees.

Sections 46 to 48 define prohibited unfair labor practices, with disputes directed first to the EMRB, and section 49 funds the EMRB.

Sections 50, 51, and 65 designate NSHE as the appropriate entity to negotiate with employees, with opportunity to use the assistance of Office of the Attorney General or the state Division of Human Resource Management only on a pay-for-service basis.

Section 63 and 64 modify NRS 396 to provide that this act applies to employees that the legislature previously exempted from all provisions of Title 23 of NRS, including graduate assistants.

Section 66 is a preservation clause for the existing bargaining units at NSHE.

Sections 1 to 3 and 52 to 62 are conforming language and the effective date is July 1, 2025.

[412 words = 3.0 minutes]

[259 words = 2.0 minutes]