

STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

1 DEBORAH BOLAND, M.D., a Local)
 2 Government Employee and member of the) Consolidated CASE NO. A1-045847;
 3 UMC PHYSICIANS' BARGAINING UNIT) A1-045848; A1-045849; A1-045850;
 4 of NEVADA SERVICE EMPLOYEES) A1-045851; A1-045852; A1-045853;
 5 UNION, SEIU LOCAL 1107, AFL-CIO, CLC,) A1-045854; A1-045855; A1-045856;
 6 et. al.,) A1-045857; A1-045858; A1-045859;
 7) A1-045860; A1-045861; A1-045862;
 8 Complainants,) A1-045863; and A1-045864
 9 vs.) **ORDER (CORRECTED)**
 10 NEVADA SERVICE EMPLOYEES UNION,) **ITEM NO. 802-A**
 11 SEIU LOCAL 1107, AFL-CIO and SERVICE)
 12 EMPLOYEES INTERNATIONAL UNION,)
 13 AFL-CIO, CLC,)
 Respondents.)

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 15 On the 15th day of September 2015, this matter came on before the State of Nevada,
 16 Local Government Employee-Management Relations Board ("Board") for consideration and
 17 decision pursuant to the provisions of the Local Government Employee-Management Relations
 18 Act ("the Act") NRS Chapter 288. The Board held a second administrative hearing concerning
 19 the appropriate remedy in this matter on September 15, 2105.

20 Our previous order found that Respondent Service Employees International Union, Local
 21 1107 ("Local 1107") breached its duty of fair representation when it abandoned outstanding
 22 grievances. We ordered Local 1107 to remedy this violation of the Act by pursuing the
 23 grievances that were outstanding as of Local 1107's withdrawal as bargaining agent. Because we
 24 had previously bifurcated this hearing, the Board permitted any party to request this second
 25 hearing to address the issue of remedies. Respondent Nevada Service Employees Union, SEIU
 Local 1107 requested such a hearing.

26 The issue before the Board at this second hearing was simply to ascertain which
 27 grievances remained outstanding and to clarify those which Local 1107 must address to remedy
 28 its breach of the duty of fair representation. At the second hearing Dr. Brad Walker appeared and

1 testified as to the status of outstanding grievances. Local 1107 did not present any witnesses at
2 the second hearing.

3 Having considered the testimony of Dr. Walker, the Board finds that the following
4 grievances, which are listed in Complainant's Exhibit 43, are outstanding and within the scope of
5 our prior order:

6 Grievance # 1: the "charge physicians" grievance;

7 Grievance # 3-4: the "failure to hire physicians at FTE-status" grievance;

8 Grievance # 6: the "changing of posted schedules" grievance;

9 Grievance # 7: the "per diem used as full/part time" grievance;

10 Grievance # 9: the "working clocked out under threat of discipline" grievance;

11 Grievance # 13: the "missing steward pay" grievance;

12 Grievance # 18: the "CME" grievance;

13 Grievance # 20: the "Laughlin travel time" grievance;

14 Grievance # 22: the "McCarran shifts past 3 AM" grievance;

15 Grievance # 26: the "temporary reassignments" grievance,

16 Each of these grievances was identified based upon Exhibit 43, and was discussed at the
17 second hearing by Dr. Walker. The Board finds insufficient evidence to show that any other
18 grievance was outstanding as of Local 1107's withdrawal.

19 In accordance with our prior order, Local 1107 shall pursue the above-listed grievances.
20 Local 1107 shall do so within the discretion typically allotted to bargaining agents to pursue
21 grievances and in accordance with the duty of fair representation.

22 DATED the 28th day of September, 2015.

23 LOCAL GOVERNMENT EMPLOYEE-
24 MANAGEMENT RELATIONS BOARD

25 BY: _____

26 PHILIP E. LARSON, Chairman

27 BY: _____

28 BRENT C. ECKERSLEY, ESQ.,
Vice-Chairman

BY: _____

SANDRA MASTERS, Board Member

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 28th day of September, 2015, I served a copy of the foregoing
4 ORDER (SECOND CORRECTED) by mailing a copy thereof, postage prepaid to:

5
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7 Rodriguez Law Offices
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9 Michael A. Urban, Esq.
10 The Urban Law Firm
11 4270 S. Decatur Blvd., Suite A-9
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14 Executive Assistant

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