

STATE OF NEVADA

BRIAN SANDOVAL
Governor

Members of the Board

PHILIP E. LARSON, Chairman
BRENT C. ECKERSLEY, ESQ., Vice-Chairman
SANDRA MASTERS, Board Member



BRUCE BRESLOW
Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

May 8, 2015

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A meeting of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Monday, May 4, 2015 at the hour of 3:00 p.m., and continuing on Tuesday, May 5, 2015 at the hour of 8:00 a.m., and continuing on Wednesday, May 6, 2015 at the hour of 8:00 a.m. at the DPS/Nevada Highway Patrol Training Room, 3920 E. Idaho Street, Elko, Nevada 89801.

The following Board members were present:

Philip E. Larson, Chairman
Brent C. Eckersley, Esq., Vice-Chairman
Sandra Masters, Board Member

Also present:

Bruce K. Snyder, Commissioner
Scott Davis, Esq., Deputy Attorney General

Members of the Public Present:¹

None

PRELIMINARY MATTERS

1. Call to Order

The Board meeting was called to order by Philip E. Larson, Chairman, on Monday, May 4, 2015 at 3:00 p.m.

2. Public Comment

No public comment was offered.

¹ Apart from those attending the hearing (item 4).

3. **Approval of the Minutes**

The Board approved the minutes as presented for the Board meeting held April 7-9, 2015.

CASES

HEARING CALENDAR

4. **Case A1-046068**

Elko County Employees Association, Nevada Classified School Employees and Public Workers Association Local 6181 v. Elko County

The hearing on the case was held by the Board. The Board agreed to the request of the parties to submit post-hearing briefs in lieu of oral closing arguments. Accordingly the briefs are due June 22nd.

STIPULATION CALENDAR

5. **Case No. A1-046131**

IAFF, Local 1285 v. City of Las Vegas

Upon motion, the Board approved the Stipulation and Order to Dismiss, as presented, with each side responsible for its own attorney fees and costs.

MOTION CALENDAR

6. **Case No. A1-046110**

Laura Conklin v. City of Reno

Upon motion, the Board lifted the stay and agreed with Respondent's request to defer to the arbitrator's decision under the limited deferral doctrine, and accordingly dismissed the case with prejudice.

7. **Case No. A1-046120**

International Association of Fire Fighters, Local 1908 v. County of Clark, Clark County Fire Department

Upon motion, the Board denied Respondent Clark County's Motion to Dismiss and elected not to defer to the arbitrator's decision under the limited deferral doctrine, noting there is a question as to whether the arbitrator's decision might be repugnant to the purposes under NRS 288.

8. **Case No. A1-046123**

Nye County Law Enforcement Association v. Nye County

Upon motion, the Board granted Respondent's motion for leave to amend its answer. The Board, however, agreed not to stay the matter and the hearing set for June remains on the calendar.

9. **Case No. A1-046133**
Service Employees International Union, Local 1107 v. The Southern Nevada Regional Housing Authority
Upon motion, the Board granted Respondent's motion to amend its counterclaim.
10. **Case No. 2015-004**
Lyon County Sheriff's Employees Association v. Lyon County, a political subdivision of the State of Nevada
Upon motion, the Board granted Respondent Lyon County's Motion to Dismiss Prohibited Practices Complaint, noting that the allegations in the complaint exceed the limitations period in NRS 288.

CALENDAR FOR MISCELLANEOUS MATTERS RELATED TO CASES

11. **Case A1-046108**
Las Vegas City Employees Association & Val Sharp v. City of Las Vegas
After deliberating on the case, the Board held that the City did not commit a prohibited practice, noting that the City's actions were reasonable, especially given the fact the Board believed that the union's President had given a "green light" to the City to take whatever action it deemed warranted against Sharp.
12. **Case A1-046116**
David O'Leary v. Las Vegas Metropolitan Police Department
After deliberating on the case, the Board came to the following motion, which was approved: (1) that LVMPD did not make a unilateral change; (2) that LVMPD discriminated against O'Leary based upon political reasons; (3) that O'Leary is to be reinstated with back pay; and (4) that no award of attorney fees or costs is warranted.
13. **Cases in the Queue for Future Hearing or Settlement Conference**
Upon motion, the Board agreed to hear A1-046138, Education Support Employees Association v. Clark County School District and that this case, per recommendation by the Commissioner, would be heard in September.

The Commissioner also mentioned that A1-046119/21, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department, as a backup case, had not been heard and a new date for the hearing of this case would also be set. Additionally, the Commissioner reported that he had received a letter from SIEU, Local 1107, pursuant to the Board's most recent order in the Boland case and that a date for the continued hearing would be set by him.

The Board took no further action on any other cases in the queue.

GENERAL AGENCY MATTERS

14. Schedule of Future Board Meetings

The Board reviewed the proposed schedule and made changes to the following for 2015:

<u>Dates</u>	<u>Location</u>	<u>Hearings on Cases</u>
June 9, 10 & 11, 2015	Las Vegas	A1-046123 & A1-046113
July 14, 15 & 16, 2015	Las Vegas	A1-046130 & 2015-006
August 11, 12, & 13, 2015	Las Vegas	A1-046133
September 15, 16, & 17, 2015	Las Vegas	A1-045847 to A1-045864; A1-046119/21 & A1-046138
October 12, 13, & 14, 2015	Unknown	To be determined
Nov. 17, 18, & 19, 2015	Las Vegas	To be determined
Dec. 8, 9, & 10, 2015	Las Vegas	To be determined

15. Report of the Deputy Attorney General

Deputy Attorney General Davis reported on the status of the various cases currently either in District Court or at the Nevada Supreme Court. He mentioned that he would be in Carson City on Friday morning for a hearing on the Deputy Marshals case. There is also a motion hearing on May 19th on the ESEA-Teamsters 14 election case, as well as a hearing on the Jenkins case on June 1st before the Nevada Supreme Court. He further mentioned that two new Petitions for Judicial Review had been filed.

16. Reports by the Commissioner

A. Report on Cases Currently Outstanding.

Commissioner Snyder distributed the log of open cases and briefly discussed the contents of the log.

B. Setting of Assessment Rate and Civil Penalty Fee for Fiscal Year 2016.

Commissioner Snyder presented a memorandum recommending that the assessment rate be kept at its current rate of \$6.75 per employee and that the civil penalty fee be kept at its current rate of \$1.00 per employee. Upon motion, the Board set the two rates as recommended by the Commissioner.

C. Briefing on Pending Legislation Affecting NRS 288.

Commissioner Snyder gave a presentation based on a written report on the 12 bills currently active that amend NRS 288. He also stated that Friday, May 15th was the deadline for bills to make it out of committee in the second house or else they will be dead.

17. Items for Future Agendas

No items were specifically requested by any of the Board members for inclusion on a future agenda.

CLOSING MATTERS

- 18. Comments by Board Members**
No comments were made by any Board members.
- 19. Additional Period of Public Comment**
No public comment was offered.

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner

