

STATE OF NEVADA

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MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

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February 18, 2016

**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 Tuesday, February 9, 2016, at the hour of 8:30 a.m., and continuing on Tuesday, February 10, 2016, and continuing on Wednesday, February 11, 2016, at the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Room 203, Las Vegas, Nevada 89104.

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
Marisu Romualdez Abellar, Board Secretary
Greg Zunino, Attorney General's Office
Scott Davis, Attorney General's Office

Members of the Public Present:¹

Scott Greenberg, Clark County School District
Carlos McDade, Clark County School District
Randy Peters, SEIU, Local 1107
Richard Hodges, SEIU, Local 1107
Sean McDonald, Urban Law Firm (for SEIU)
Fabida Pavel, SEIU, Local 1107
Cherie Mancini, SEIU, Local 1107
Lanita Tragano, SEIU, Local 1107
Ashley Garza, SEIU, Local 1107

¹ Not including attorneys of record and witnesses for the hearing (item 4).

PRELIMINARY MATTERS

1. **Call to Order**

The Board meeting was called to order by Philip E. Larson, Chairman, on Tuesday, February 9, 2016 at 8:30 a.m.

2. **Public Comment**

Sean McDonald of the Urban Law Firm spoke on Tuesday, asking when the Board would be enforcing its order in Case 2015-011 (i.e., the SB 241 case). Sean McDonald returned on Wednesday and the Board agreed to hold another period of public comment, at which time he reiterated his comments made the prior day and again requesting that the Board take appropriate steps to enforce its order.

3. **Approval of the Minutes**

The Board approved the minutes as presented for the Board meeting held January 11-14, 2016.

CASES

HEARING CALENDAR

4. **Case 2015-001**

Bramby Tollen v. Clark County Association of School Administrators and Profession-Technical Employees

The hearing on the case was held on Tuesday, February 9, 2016 and Wednesday, February 10, 2016. Upon conclusion of the testimony phase the Board ordered that post-hearing briefs be filed within 30 days upon receipt of the transcript from the court reporter and that the parties are to specifically brief the legal issue of when the duty of fair representation ceases, given the facts of the case.

STIPULATION CALENDAR

5. **Case A1-046092**

Washoe County School Police Officers Association v. Washoe County School District

The Board reviewed the Joint Status Report filed by the parties and directed the Commissioner to advise the parties that the case would be set for hearing at the earliest opportunity for the Board to meet up north, unless the case settles in the interim and the Board receives a stipulation to dismiss in the matter.

6. **Case A1-046127**
Laws and Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department
Upon motion, the Board approved the Stipulation to Dismiss as presented, with each side responsible for its own fees and costs.

MOTION CALENDAR

7. **Case 2015-009**
Eric Rockwell v. North Las Vegas Police Department
Upon motion, the Board granted Respondent's Motion to Dismiss, agreeing that Complainant has not met his burden to show why the Board should not defer to the arbitrator's decision.
8. **Case 2015-020**
International Union of Elevator Constructors, Local 18 v. Clark County
Upon motion, the Board denied Respondent's Motion to Stay Proceedings, agreeing with Complainant's arguments as outlined in its opposition to the motion and also noting that the Board currently has no openings through June anyways.

CALENDAR FOR MISCELLANEOUS MATTERS RELATED TO CASES

9. **Case A1-046020**
Charles Jenkins; Law Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department
The Board took notice of the Notice of Compliance filed by the Las Vegas Metropolitan Police Department.
10. **Case 2015-008**
Education Support Employees Association v. Clark County School District
Upon motion, the Board held in favor of the Clark County School District that it is a management right to hire employees pursuant to NRS 288.150 and that using sick leave as a basis for making hiring decisions is not discipline. The Board directed the Attorney General's Office to prepare the order.
11. **Case 2015-025 and 2015-032**
IAFF, Local 1285 v. City of Las Vegas
Upon motion, the Board agreed with staff's recommendation to consolidate the two cases, agreeing that the conditions as set forth in the administrative rules for consolidation have been met.

12. Cases in the Queue for Future Hearing or Settlement Conference

The Board agreed to hear the following case and directed the Commissioner to set it for hearing: 2015-031, Police Officers Association of the Clark County School District v. Clark County School District.

The Board ordered that the following case go to a settlement conference: 2015-027, Bonner and Washington v. City of North Las Vegas.

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

GENERAL AGENCY MATTERS

13. Schedule of Future Board Meetings

The Board reviewed the proposed schedule and made changes to the following for 2016:

<u>Dates</u>	<u>Location</u>	<u>Hearings on Cases</u>
March 1, 2, & 3, 2016	Las Vegas	2015-031
April 12, 13, & 14, 2016	Las Vegas	Not yet assigned
May 10, 11, & 12, 2016	Las Vegas	Not yet assigned
June 14, 15, & 16, 2016	Las Vegas	Not yet assigned
July 12, 13, & 14, 2016	Undetermined	Not yet assigned
August 16, 17, & 18, 2016	Undetermined	Not yet assigned
September 13, 14, & 15, 2016	Undetermined	Not yet assigned
October 11, 12, & 13, 2016	Undetermined	Not yet assigned
November 8, 9, & 10, 2016	Las Vegas	Not yet assigned
December 13, 14, & 15, 2016	Las Vegas	Not yet assigned

14. Report of the Deputy Attorney General

Bureau Chief Greg Zunino gave a short oral report and also reported that a replacement has been hired to replace Scott Davis, who has been both promoted and then transferred. The replacement is to begin work on February 29th. Mr. Zunino also reported on the status of the Petition for Judicial Review in the ESEA/Teamsters Local 14 election case and the Motion for Stay filed by ESEA. He reported that the EMRB joined in the document filed by Teamsters Local 14 and that a hearing on the motion is set for February 17th. On another matter, Mr. Zunino and the Board further discussed enforcing the Board's order in Case 2015-011 (i.e., the SB 241 case) and after discussion directed Mr. Zunino to take appropriate steps in court to enforce the order.

15. Reports by the Commissioner

A. Report on Cases Currently Outstanding.

Commissioner Snyder briefly discussed the contents of the log.

- B. Introduction of Intern Javier Pacheco.
Commissioner Snyder introduced intern Javier Pacheco, who then gave a short summary of his background and interest in the law.

- C. Status of Annual Filings by Local Governments and Employee Organizations.
Board Secretary Romualdez-Abellar reported that only two local governments and ten employee organizations have not yet filed their annual reports, which is down significantly from the prior month.

- D. Upcoming Review by Sunset Subcommittee.
Commissioner Snyder asked if there were any proposed changes to the answers to be presented to the Sunset Subcommittee, to which the Board had no changes to recommend.

- E. Report on the Open forum Held on January 21, 2016.
Commissioner Snyder reported on the Open Forum held on January 21st, and specifically took the Board through the minutes of that meeting. In response the Board took action as follows: (1) it agreed to place a moratorium on any post-Board pay for at least the remainder of the current fiscal year and to conduct the March Board meeting via videoconference in order to save on travel costs, all with the intent of keeping the sum total of any work programs below the threshold for Interim Finance Committee approvals; (2) to direct the Commissioner to begin the process for amending the agency's regulations to revise its timing rules for the filing of documents, to eliminate the need for home addresses on complaints, to prohibit attaching exhibits to certain pleadings, and to authorize the e-serving of documents; and (3) to include in the agency's budget enhancements for the upcoming biennium proposals to expand the Board from three to five members, for providing for in-house counsel in lieu of using the Attorney General's Office, to increase the daily pay for Board members to \$150 and to include a line item for representation elections. All other proposals made by attendees at the Open Forum were rejected by the Board.

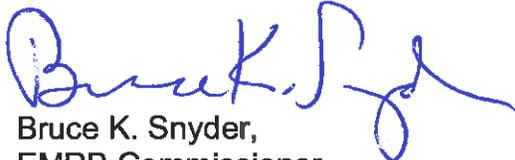
- 16. Items for Future Agendas**
No items were mentioned for future meetings.

CLOSING MATTERS

- 17. Comments by Board Members**
No comments were made by any Board members.

- 18. Additional Period of Public Comment**
No public comment was offered.

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner