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DEPARTMENT OF BUSINESS AND INDUSTRY GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

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NOTICE OF WORKSHOP TO SOLICIT COMMENTS FOR NEW REGULATIONS OR CHANGES TO EXISTING REGULATIONS OF THE EMRB

The Government Employee-Management Relations Board needs to adopt new regulations and/or amend its existing regulations pertaining to Chapter 288 of the Nevada Administrative Code. To this end the EMRB will conduct a workshop, which will be conducted by Commissioner Bruce K. Snyder.

The workshop is scheduled for July 10, 2019, at 2:00 p.m. in the Fourth Floor Tahoe Room at the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102. The workshop will be video conferenced to the Department of Business and Industry Director's Office, 1830 College Parkway, Suite 100, Carson City, Nevada 89706.

The purpose of the workshop is to solicit comments from interested persons on the topics listed below. After discussing the issues related to SB 135 it was determined that the agency should first hold an initial public workshop to solicit ideas and recommendations on how best to implement the requirements of that bill. The EMRB believes that the numerous issues associated with the bill first requires listening to our user community. After this initial public workshop the agency will draft language, which will then be formalized by the Legislative Counsel Bureau (LCB). Once the formal document is then returned by the LCB to the EMRB, the EMRB will then conduct a second public workshop in which comments would then be solicited on the draft language.

The agenda for the workshop is as follows:

1. Public Comment

The EMRB welcomes public comment. Public comment must be limited to matters relevant to or within the authority of the Government Employee-Management Relations Board. No subject may be acted upon unless that subject is on the agenda and is scheduled for possible action. If you wish to be heard, please raise your hand and the Commissioner will recognize you. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited. The EMRB will not restrict public comment based upon viewpoint.

2. Solicitation of Comments and Suggestions on Rules Relating to the Recent Revisions to the Nevada Rules of Civil Procedure.

The Nevada Supreme Court recently adopted major revisions to the Nevada Rules of Civil Procedure. The EMRB invites comments and suggestions on which of our rules should be revised to, if at all, to make our rules better conform to the NRCP. In particular, the agency invites comments and suggestions on the following:

- Should the agency adopt changes as to service of the complaint by other than certified mail, including allowing a Respondent to accept service of a complaint by e-mail?
- Should the agency adopt the methodology for counting days as to when documents other than the complaint are due? The revised NRCP adopted a date counting methodology based upon multiples of seven days and excluded the three additional days for mailing.
- The agency welcomes other ideas based upon revisions to the NRCP.

3. Solicitation of Comments and Suggestions on Rules Relating to the Operation of Panels.

- When a case is filed the case is assigned to an initial panel of three Board members who has control of the case, including resolving any motions filed, until such time as the panel grants a hearing. At that time the case is then randomly assigned to a hearing panel. Should a new case be kept before the full Board until such time as a hearing is granted? Doing so would simplify and expedite scheduling of pre-hearing matters but would require more Board involvement.
- Currently if a panel member cannot attend a meeting then a non-panel Board member may substitute for the absent meeting with the consent of the parties to the hearing. How might the rules be revised, if at all, to allow for continued operation of a panel due to either a long-term absence of a Board member or when the Board might have a vacancy?
- The agency welcomes other ideas to make the panels run more smoothly.

4. Solicitation of Comments and Suggestions on Rules Relating to the Adoption of SB 135.

- NAC 288.200 through NAC 288.420, inclusive, are rules that detail how cases are processed by the EMRB. It is the intent of the EMRB that cases related to the Executive Department or labor organizations be subject as much as possible to the same process as that for local governments and employee organizations. To this end, there are a number of instances in the agency's existing rules where it mentions "local governments." The agency proposes to eliminate the word "local" and add a definition that the word "government" means both local governments and the Executive Department of the state government. The agency welcomes comments and suggestions in this regard.
- Section 27 of SB 135 allows the EMRB to conduct a preliminary investigation of a complaint filed with the agency for a case alleging a violation by the Executive Department or a labor organization.
 - ✓ Under what conditions, if any, should the EMRB conduct such an investigation?
 - ✓ Who should determine whether an investigation is to be conducted?
 - ✓ Who should conduct the investigation?
 - ✓ How should an investigation be conducted?
 - ✓ What input should the parties have in the investigation?
 - ✓ Should the parties be allowed to comment on the report?
- Section 28 of the SB 135 allows a hearing officer to conduct a hearing for a dispute involving the Executive Department and/or a labor organization.
 - ✓ Under what conditions, if any, should the EMRB use a hearing officer in lieu of having the case heard directly by the full Board or a panel?
 - ✓ If used, how is a hearing officer selected and assigned to a case?
 - ✓ How should the hearing be conducted?
 - ✓ How is the hearing officer's decision reported back to the Board or a panel?
 - ✓ Should the parties be allowed to file objections to the report, and if so, how is this to be done?
 - ✓ Should oral argument on any objections be allowed when the report is on the agenda for the full Board or a panel?

- Sections 30 through 33 relate to the recognition of a labor organization as an exclusive representative for certain job classifications within the Executive Department, including the holding of elections. NAC 288.110 and NAC 288.120 are the current agency rules for elections at the local government level.
 - ✓ Should these be revised to include the State or should a separate group of rules instead be drafted?
 - ✓ If the latter, what rules are recommended for inclusion to clarify or expound upon the law as stated in Sections 30 through 33?
 - ✓ SB 135 states that a labor organization seeking recognition is to submit a membership list or other evidence that it is authorized to represent either a minimum of 30 percent or 50 percent of the employees within a bargaining unit. What rules should be adopted related to the verification of the information submitted?
- Section 53(4) of SB 135 states that the Board, after conducting hearings to determine which job classifications are within the scope of each of the 11 bargaining units defined in Section 29, is to then adopt regulations to this effect. The list of job classifications, and their assignment to the bargaining units, will be the subject of a separate administrative rule. However, the agency now welcomes comments and suggestions as to what provisions in this regard should be in the rules, other than for the above-mentioned list. In particular:
 - ✓ How should the creation of new job classifications be resolved?
 - ✓ How should the split of a job classification into two or more job classifications be resolved?
 - ✓ How should the combination of two or more job classifications into one job classification be resolved?
 - ✓ How should the elimination of a job classification be resolved?
- The agency welcomes other ideas related to SB 135.

5. Proposed Additions or Revisions for Other Than the Above Reasons.

The agency welcomes any other proposals for adding to or revising its administrative rules. A number of the changes made in the last several years have come from those we serve, and thus we are open to proposals for reasons other than the three stated reasons listed above (items 2 through 4 on the agenda).

6. Additional Period of Public Comment.

Please see comments under item 1 on the agenda.

A copy of SB 135, as well as a current set of EMRB regulations, are attached to the e-mail sent to those on our mailing lists. They may also be obtained at the workshop or by contacting the EMRB at the address or telephone number listed above.

The Notice of Workshop to Solicit Comments for New Regulations or Changes to Existing Regulations of the EMRB has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Government Employee-Management Relations Board, 3300 W. Sahara Avenue,
Suite 260, Las Vegas, Nevada

Department of Business & Industry, 3300 W. Sahara Avenue, Fourth Floor, Las
Vegas, Nevada

Department of Business & Industry, 1830 College Parkway, Suite 100, Carson
City, Nevada

Nevada State Library, 201 S. Carson Street, #100, Carson, City, Nevada

Department of Administration Public Meeting Notice Web Site: <http://notice.nv.gov/>

Employee-Management Relations Board Web Site: www.emrb.nv.gov