



## Government Employee- Management Relations Board

Nevada Department of Business and Industry

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February 2024

### Members of the Board

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Michael J. Smith, Vice-Chair

Sandra Masters, Board Member

Tammara M. Williams, Board Member

Michael A. Urban, Esq., Board Member

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### Inside This Issue

- 1 **On the Horizon**
- 2 **Recent Decisions**
- 2 **Office Closed for Holiday**
- 3 **In the Queue**
- 3 **Labor and Employee  
Organization Information  
Updated on Website**
- 3 **Government Information  
Also Updated on Website**

### List of Panels

Panel A Eckersley, Masters, Williams  
Panel B Smith, Masters, Williams  
Panel C Smith, Masters, Urban  
Panel D Eckersley, Smith, Urban  
Panel E Eckersley, Williams, Urban

Note: The first person listed for each panel is the Presiding Officer.

## On the Horizon

The next Board meeting will be February 27, 2024. This meeting will be held in the Carl Dodge Conference Room in Las Vegas and virtually using WebEx. There is no hearing for this Board meeting. However, the Board will have substantial business as it will be deliberating on a hearing previously held in Consolidated Case 2023-024, Washoe County School District v. Washoe School Principals' Association and Washoe School Principals' Association v. Washoe County School District. Both parties allege that the other party has engaged in bad faith bargaining over a successor agreement.

The Board will also deliberate on a hearing previously held in Case 2023-022; In re: Assignment of Executive Department Job Classifications to Bargaining Units Pursuant to Senate Bill 166. This bill created four new supervisory bargaining units at the State level. The dispute centers around whether certain job classifications, currently designated as managerial, should rather be supervisory and thus included in one of the new bargaining units.

The Board will also deliberate on a petition in Case 2023-033, Nye County v. Nye County Management Association, seeking clarification of the bargaining unit. If the Board believes there may be material facts in dispute then it may instead call for a hearing at a future date.

Other business will include deliberation on a motion to dismiss in Case 2023-033, John Leonard v. Washoe County and Washoe County Sheriff's Office as well as a motion to dismiss in Case 2023-036, Edwin Martin v. Truckee Meadows Fire Protection District. The Board will also be deciding whether to grant a hearing in Case 2023-016, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department.

Moreover, the Board will deliberate on a Motion to Vacate Hearing in Consolidated Case 2023-015, Association of Professional-Technical Administrators v. Washoe County School District – as well as a companion case involving the same two parties in the Second Judicial District Court. The decision there will be what actions, if any, the EMRB should take – as well as a Motion to Expedite Hearing in Case 2024-001 between the same parties.

Finally, the Board will review various administrative documents as a prelude to the upcoming biannual budget cycle. These will include updates of the agency's strategic plan to a new format as well as an action plan for achieving the goals mentioned in the strategic plan. Moreover, staff will also be presenting to the Board a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis.

## Recent Decisions

Please note that summaries of recent decisions are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request. They also may be found on our website.

**Item #890; Case 2023-009; Clark County Education Association v. Clark County School District and Intervenor Education Support Employees Association.** Settling a long dispute, ESEA had entered into an agreement with Teamsters to assist it in representing support staff employees at CCSD. The teacher's union alleged that CCSD had been negotiating directly with Teamsters instead of with ESEA, which was the recognized bargaining agent for support staff. Once a unit has been recognized, the employer is only obligated to bargain with the recognized bargaining agent, which in this case was ESEA. However, there is no law preventing ESEA from entering into an agreement with another entity, such as Teamsters, to assist it in performing its duties. The Board thereupon found that CCSD did not negotiate directly with Teamsters.

A second issue related to whether sanctions were warranted for failure of CCSD to properly respond to CCEA's subpoena for records. At the hearing the Board denied a motion to compel the production of the documents on the grounds the information was not relevant to the complaint. The motion for sanctions was filed after the hearing had concluded and after CCSD had responded to a separate public records request. The Board found that the documents CCSD provided did not rise to a level that warranted sanctions.

**Item #891; Case 2022-018; International Union of Elevator Constructors, Local 18 v. Clark County and Clark County v. International Union of Elevator Constructors.** IUEC, Local 18 filed a bad faith bargaining complaint alleging that Clark County implemented a tentative agreement which the union membership failed to ratify and then refused to return to the bargaining table thereafter. In response, Clark County filed a petition to decertify the union alleging that it was not supported by a majority of the employees in the bargaining unit. The Board ultimately heard from every employee in the bargaining unit. This testimony, along with documentary evidence consisting of multiple petitions signed by almost all the employees, made it abundantly clear that an overwhelming majority of the bargaining unit employees did not want to be represented by IUEC and that the dissatisfaction predated the facts which gave rise to the prohibited practices complaint. Thus, the Board distinguished a case cited by IUEC, Lee Lumber, and declined to adopt its holding. Thereupon, the Board granted Clark County's petition to decertify. The Board then rendered as moot the prohibited practices claims. In dicta the Board noted that a government employer should wait to approve an agreement only after such agreement is first ratified by the bargaining unit members.

**Item #892; Consolidated Case 2023-010 (Consolidated with 2023-014, 2023-018, and 2021-021; Clark County Education Association v. Clark County School District.** During the hearing the parties agreed to settle all their claims with one exception; namely whether the terms and conditions of incentive payments using weighted funding under NRS 387.1214 and NRS 387.12445 are subject to mandatory collective bargaining under NRS 288.150. Accordingly, the parties converted this issue into a petition for declaratory order. The Board found that such funds were not subject to collective bargaining despite the incentives constituting direct monetary compensation, a subject of mandatory bargaining.

At arriving at this decision, the Board first found that NRS 288.150 predated the language in Senate Bill 543 while it also looked to legislative intent. With respect to an analysis of the plain language of SB 543, the Board noted that "Section 4 generally prohibits the use of additional weighted funds for collective bargaining." It also analyzed the word "settle" in the statute. Thus, it took the legislature at its word. Beyond the plain language the Board looked to the intent of the funds, which was to ensure that the weighted funding was being spent on the pupils in Zoom and Victory schools to improve their education, thus carving out those funds from collective bargaining.

## Office Closed for Holiday

The office will be closed on Monday, February 19<sup>th</sup> in observance of Presidents' Day. Users may still file documents electronically and any documents filed will be date-stamped as of that day.

## In the Queue...

Once initial pleadings, including prehearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. The following cases are scheduled for a hearing:

**March 19-21, 2024, In-Person at the Reno City Hall, in Las Vegas and via WebEx**

Case 2023-013, Rosa Myers v. City of Reno et al.

**April 16-17, 2024, In-Person in Las Vegas and via WebEx**

Case 2023-030, Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

**May 20-21, 2024, In-Person in Las Vegas and via WebEx**

Case 2023-026; AFSCME, Local 4041 v. State of Nevada, Executive Department and Governor Lombardo

There are three cases waiting in the queue for a hearing date. However, for the last two cases listed the parties have elected to go to mediation in the interim:

Case 2023-016; Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

Case 2023-019; AFSCME, Local 4041 v. State of Nevada, Department of Veterans Services, Nevada State Veterans Home

Case 2023-029; AFSCME, Local 4041 v. State of Nevada, Department of Veterans Services, Nevada State Veterans Home

## Labor and Employee Organization Information Updated on Website

Now that all the Labor Organizations and Employee Organizations have filed their annual reports with the EMRB, basic information on each is available in a spreadsheet on our website. The link may be found on the lower right-hand side of the home page under the "Directories" category.

The basic information includes the name of each labor and employee organization, the name of the contact person for that entity, the e-mail address reported to us on the form, a list of the bargaining units the organization represents, the name of the employer of the employees, whether a collective bargaining agreement is on file and the date the current collective bargaining agreement expires.

Also, on our website are copies of all the collective bargaining agreements. A link to them may be found under the "Resources" category on the home page.

## Government Information Also Updated on Website

The spreadsheet of the various governments has also been updated. This spreadsheet contains the name of each government, the name of the contact person, the address, a work phone number, e-mail address and website address. For each government, it also lists any labor or employee organizations recognized as well as a list of the various bargaining units represented by each labor or employee organization.

### "About the EMRB"

The Government Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between governments and their labor and employee organizations (i.e., unions), provides support in the process, and resolves disputes between governments, labor and employee organizations, and individual employees as they arise.