

Local Government Employee-Management Relations Board E-Newsletter

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January 2017

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Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

Staff

Bruce K. Snyder, Commissioner

Marisu Romualdez Abellar,
Board Secretary

Recent Board 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 819; Case 2016-012; Nevada State Education Association v. Silver State Charter Schools. This is another case resulting from the passage of SB241 in 2015. The Nevada State Education Association (NSEA) was recognized by Silver State Charter Schools (SSCS) on December 17, 2015. NSEA notified SSCS on January 8, 2016 of its intent to negotiate the first CBA between the parties. SSCS refused to negotiate, claiming that NSEA missed the deadline to notify the employer.

Prior to SB241 employee organizations had to give notice by February 1st if the subject of negotiations required the budgeting of money. SB241 added a second sentence to NRS 288.181, requiring employee organizations representing teachers and educational support personnel to give notice by January 1st to negotiate any subject of mandatory bargaining. NSEA argued that the January 1st deadline was inapplicable due to the fact that NSEA was only recently recognized.

The Board held that the deadline of January 1st was unambiguous and did apply. It also held that it did apply to a newly recognized bargaining unit if the unit was recognized prior to the January 1st deadline and that prior Board decisions on the deadline date could be distinguished in that those units were not recognized until the deadline had passed for the year. Finally, the Board held that SSCS had not refused to bargain in good faith as the notice to bargain was untimely.

Commissioner Snyder to Visit Carson City January 31st

Commissioner Snyder will be in Carson City on January 31st to attend a budget hearing that afternoon. However, earlier in the day he will be at the offices of the Department of Business & Industry and will be available to talk with anyone in our user community who might want to stop by and discuss any matters pertaining to the EMRB. The specifics are:

Tuesday, January 31st from 11:00 a.m. to 2:00 p.m.
Department of Business & Industry Director's Office
1830 College Parkway, Suite 100
Carson City, Nevada 89706

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On the Horizon

The Board will conduct a short telephonic meeting on January 19th. The next in-person meeting of the Board, which will be held in Las Vegas, will be Tuesday, February 7, 2017 through Thursday, February 9, 2017. The agenda for the meeting will be issued on January 30, 2017. At that time the Board is scheduled to hear 2015-028, Ricardo Bonvicin & Kumiko-Katie Moore v. City of North Las Vegas. The Complainants are two former Detention Supervisors who were bumped from Lieutenant to Sergeant when the city detention center closed and the detention center at the City of Las Vegas was instead used. When a new vacancy for Lieutenant came up, they were told they would have to test for the position, which they claim was not required. They ultimately retired. They allege a number of violations of NRS 288, including personal or political discrimination. The City denies all of the allegations.

The Board is also scheduled to deliberate on two cases in which the hearing has already been held. These are:

2016-014, Daniel Burgess v. Clark County School District. This complaint alleges that the school district committed a prohibited practice by placing limits on the employee's right to arbitration. The school district alleges that no prohibited practice occurred because there was no collective bargaining agreement in place at the time covering the employee.

2015-034, Las Vegas Peace Officers Association v. City of Las Vegas. This dispute revolves around the issue of paid union leave time under SB 241, and although the Board and the District Court have previously weighed in on this issue, this case brings forth other issues not yet addressed by the Board regarding paid union leave.

Annual Reports Now Past Due

The EMRB recently sent out final notices to those local governments and employee organizations who have yet to file their annual reports, which were due November 30th. If your entity received such a letter then you must file your annual report no later than January 19th or else face the possibility that the Board may authorize the taking of appropriate legal action. An e-mail was also sent to all the attorneys practicing before the EMRB, asking them to review the list of those entities who have yet to file, and to contact any of them that may be their clients.

Did you know

our office will be closed on Monday, January 16th for Martin Luther King, Jr. Day? Even though we will be off, documents electronically filed on those days will be date-stamped as of the date received in our inbox.

2017 Legislative Session to Begin February 6th

The 2017 session of the State Legislature begins on February 6th. Prior to then lawmakers and other officials are allowed to file bill draft requests (known as BDR's) with the Legislative Counsel Bureau. So far four BDR's have been filed that affect NRS 288, which is the EMRB's enabling statute. The first BDR has already been assigned a bill number, SB 48. This bill would allow a local government to notify an employee organization that it does not wish to collectively bargain a successor collective bargaining agreement. Upon expiration of the CBA, the local government can then unilaterally set the wages, benefits and other working conditions.

Three BDR's have been submitted for which no bill number has yet been assigned. BDR 556, submitted by the Legislative Commission, would increase the size of the Board from three members to five members. This was one of the recommendations of the Sunset Subcommittee of the Legislative Commission. BDR 621, submitted by Assemblyman Yeager, would revise "provisions governing relations between local governments and public employees." Nothing else is yet known about this BDR. BDR 6845 "revises provisions relative to collective bargaining." No details on these latter two BDR's are currently known.

In the Queue...

Once initial pleadings, including pre-hearing 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 Board has now scheduled cases through April 2017.

February 2017

2015-028, Bonvicin & Moore v. City of North Las Vegas

March 2017

2016-007, Thomas O'Neil v. City of Las Vegas

April 2017

2016-007, Brown et al. & Las Vegas Police Protective Association, Inc. v. Las Vegas Metropolitan Police Department

In addition to the above cases which have hearing dates, there are three additional cases waiting for a hearing date to be assigned. Some of these are not yet in the queue but will be any day once the pre-hearing statements are filed. These cases will most likely have future hearing dates assigned by the Board at its February meeting:

2016-020, Nevada Classified School Employees Association v. Churchill County School District.

2016-023, Las Vegas Metropolitan Police Department v. Las Vegas Police Managers and Supervisors Association.

2016-024, Churchill County School District v. Nevada Classified School Employees Association.

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Our Move Is Getting Closer

It appears that the EMRB may be moving sometime in February. The state has entered into an agreement to lease three floors of an office building on Sahara Avenue, about a mile west of Interstate 15 in Las Vegas. The new office space will accommodate 10 of the 13 divisions as well as the Director's office within the Department of Business and Industry. We are excited about this opportunity as the department will have three hearing rooms of various sizes that can be reserved.

The EMRB's own office, which will be on the second floor, will include a better reception area, a dedicated space for our office equipment and a separate conference room. The space will thus allow us to have proper facilities for conducting settlement conferences and other small, in-person meetings. As we get closer to the date we will let you know the exact date. Once moved in we plan on holding our annual open forum, at which we get good ideas for improving the agency, at our new facility. Continue to stay tuned!

"About the EMRB"

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