

# Local Government Employee-Management Relations Board E-Newsletter

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Board Secretary

## Board Certifies Teamsters Local 14

On January 11<sup>th</sup> the Board took up the matter of certifying the election held on December 5<sup>th</sup>, between the Education Support Employees Association and Teamsters, Local 14. The election was held to determine which employee organization was to represent 11,578 support employees who work for the Clark County School District. These support employees include bus drivers, secretaries, kitchen help, custodians, mechanics, and so forth.

Almost 40 individuals attended the meeting. Several spoke on the matter and three also submitted written comments. As reported last month, Teamsters, Local 14 received 4,349 votes while the Education Support Employees Association, the incumbent union, received 970 votes. There were 50 votes that were either void, not counted or challenged for various reasons. So in the end Teamsters received almost 82% of the valid votes cast.

This was the second election held in the past year between the two unions. In February 2015 Teamsters, Local 14 received 71% of the votes cast. However, in that election the "winner" was required to receive a majority of the votes that could have been cast – not actually cast – and neither entity met that threshold. For the election just held, the Board used the standard of a majority of the votes cast.

After deliberating on the matter, the Board first overruled an objection filed by ESEA. This objection claimed that the election was not within the Board's authority. The Board held that it was within their authority to hold a second runoff election that uses the majority of the votes cast standard for the reasons stated in its prior opinion (Order 520Q).

The Board then certified that a majority of the valid ballots had been cast for Teamsters, Local 14 and thus certified Teamsters, Local 14 as the new exclusive collective bargaining representative of the affected employees, to be effective upon the latter of 30 days from the date of the written order, which was January 20<sup>th</sup>, or submission to the Clark county School District the materials required by NRS 288.160(1), which include the filing of the by-laws, list of officers, and a no-strike pledge.

ESEA then made a motion to stay the Board's order pending the outcome of any court proceedings. The Board denied that motion.

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## Open Forum Held

The EMRB held an Open Forum on Thursday, January 21<sup>st</sup>. The meeting, held in Las Vegas, was also video conferenced to Carson City. The purpose of the Open Forum was for agency board members and staff to hear ideas and comments from its user community. A report of these ideas and comments will be presented to the Board at its next meeting on February 9-11, 2016. At that time it is expected that the Board will then give direction to the staff to pursue certain of these items. The timing of the meeting was important as the agency will embark on the development of its budget for the next two-year period in March, which will also include developing proposed changes to its enabling statute found in NRS 288. We list here the highlights of the meeting:

### Potential Statutory Changes

Discussion was held at length over a staff proposal to look at expanding the Board from three to five members and to have cases heard in panels of three, which would allow for an increase of 67% in the time allotted for hearing cases at a very minimal extra cost. Those expressing an opinion believed this would be a significant improvement in getting cases heard. There was the suggestion that for cases decided 2-1 that the losing party be allowed to petition for an en banc reconsideration, thus allowing all five members to be involved on the case. There was also a short discussion relating to ways for the EMRB to recover its costs related to representation elections.

### Potential Regulatory Changes

E-Service of pleadings, which would allow parties to a case to serve documents on other parties electronically in lieu of having to mail the documents;

Elimination of the requirement to include the addresses of the parties in a complaint;

Clarification of the timing rules for the filing of certain pleadings subsequent to the complaint;

Prohibition on attaching exhibits to complaints, answers and pre-hearing statements; and

Requiring the attachment of settlement agreements to stipulations to dismiss.

Those in attendance voiced their displeasure with the latter proposal. In other business, those in attendance either did not like, or did not see the need for, placing all pleadings of open cases on the website. The full minutes of the meeting, which will provide much more detail on all the topics and comments, may be viewed on our website beginning on Wednesday, January 27<sup>th</sup>.

## On the Horizon

The next meeting of the Board will be held Tuesday, February 9<sup>th</sup> through Thursday, February 11<sup>th</sup> in Las Vegas. The agenda for this meeting will be issued on February 1<sup>st</sup>. At that time the Board is scheduled to hear one case, which is expected to last all three days: 2015-001, Bramby Tollen v. Clark County Association of School Administrators and Professional-Technical Employees. Ms. Tollen alleges that her union breached its duty of fair representation when she was threatened with discipline by the Clark County School District over allegations of her working for another employer in the State of Washington while on medical leave at CCSD. Her union denies the allegations and alleges that she voluntarily resigned her employment with CCSD and therefore she did not need representation at a pending disciplinary hearing.

## Did you know

that the EMRB uses the Attorney General's Office for its legal services? For the past several years the Attorney General's Office had assigned Scott Davis as the Deputy Attorney General for the EMRB. Scott recently received a promotion to Senior Deputy Attorney General and was reassigned to the Nevada Department of Transportation. We wish Scott well in his new job and look forward to his replacement!

## 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. Below is a description of the current queue:

The Board has scheduled the following case for February: 2015-001, Bramby Tollen v. Clark County Association of School Administrators and Professional-Technical Employees.

2015-013, Eric Brown v. Las Vegas Metropolitan Police Department is scheduled for April while A1-046127, Mike Quick v. Las Vegas Metropolitan Police Department is scheduled for May.

There are currently five cases in the queue awaiting a hearing date:

2015-017, North Las Vegas Police Supervisors Association v. City of North Las Vegas

2015-025, IAFF, Local 1285 v. City of Las Vegas

2015-026, Cesar Sedano & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

2015-029, Melissa Reed v. Storey County

2015-031, Police Officers Association of the Clark County School District v. Clark County School District

2015-032, IAFF, Local 1285 v. City of Las Vegas

## In Case You Missed It ...

The EMRB recently released several important documents. The first is the 2015 Annual Report. This report reviews the major events and decisions of 2015 and sets various goals for the coming calendar year. Also, the report shows how the agency is doing as compared to its performance measures as established by the Budget Office.

Also, in late December the EMRB sent an important letter to school districts, charter schools and employee organizations representing school employees. Senate Bill 241 made a number of important changes to the agency's enabling statute, NRS 288. One of the little known changes prohibits school administrators who make more than \$120,000 per year from being represented by an employee organization. This amount is to annually be indexed for inflation and the EMRB Commissioner is tasked with issuing a letter each April 1<sup>st</sup> announcing the new dollar threshold. The letter issued in late December discusses the process which will be used in arriving at this number.

Finally, NRS 288 makes it a prohibited practice for a local government, an employee organization or a local government employee to discriminate against someone. A draft paper detailing the EMRB's own case law and standards for determining such cases was distributed to the attorneys on our mailing list in late December.

If you did not receive a copy of any of the above documents, or would just like a copy, please contact us at our telephone number or e-mail address below.

### "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.