

# Local Government Employee-Management Relations Board E-Newsletter

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## 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 826; Case 2017-006; Jake Grunwald v. Las Vegas Metropolitan Police Department.** Officer Grunwald was a Field Training Officer, responsible for supervising rookie officers. While in that capacity he admitted to engaging in sexual relations with a trainee, which was against agency rules. After negotiations, Officer Grunwald received a 1-day suspension, which he agreed not to grieve.

During this time period Officer Grunwald applied for the position of Sergeant and over time he reached number one on the list. When he reached the top of the list, LVMPD removed him from the Sergeants' promotional list, basing its decision on the department's promotional guidelines, which did not allow for the promotion of any person on a list which had a minor suspension on file in the prior year.

Grunwald and the LVPPA thereupon filed a complaint with the EMRB, alleging that LVMPD made a unilateral change to the collective bargaining agreement and also alleging that the removal from the promotional list was a second instance of discipline. LVMPD contends that removal from the promotional list was not discipline at all but rather the exercising of a management right to determine promotional standards and qualifications.

The Board held that there was not a unilateral change to a mandatory subject of bargaining, or one significantly related thereto, and instead believed that promotional subjects are within the rights conferred to management in NRS 288.

## Nursing Mothers Accommodation Act Complaint Form Now Available

AB 113 made it a prohibited practice for a local government not to allow a reasonable place and time for a nursing mother to express breast milk. The law also mandated that the EMRB develop a simple-to-complete complaint form in lieu of a typical court-style complaint form. This two-page form is now available on our website. The EMRB encourages both local governments and employee organizations to make known to their employees and members the existence of this form.

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## Regulations Now Awaiting Final Approval

The Board held the required public hearing on the proposed regulations on Wednesday, January 10<sup>th</sup>. No comments were offered on the regulations. The EMRB hopes this means that any concerns expressed at the two prior public workshops were addressed in the revisions to the regulations made in the final draft which was adopted by that Board, also on January 10<sup>th</sup>.

The packet of documents has now been forwarded to the Legislative Counsel Bureau, which will schedule the regulations for consideration by the Legislative Commission at its next meeting, which should be sometime in February.

The impetus for the regulations is the enactment of two bills into law in the recent session of the legislature. AB 113 makes it a prohibited practice for a local government to not accommodate a nursing mother with respect to reasonable time off and a clean, private place and requires that the EMRB adopt an expedited review process.

SB 460 increases the size of the Board from three to five members and allows the agency to hear cases in panels of three Board members. The proposed regulation specifies how the Board members are to be selected for the panels, who is to be the presiding officer of a given panel, and the process for assigning cases to the panels. The regulations also allow for a possible *en banc* reconsideration of a panel's decision when the panel's decision was a split decision.

## Last Call for the Filing of Annual Reports

Below are lists of the employee organizations and local governments who have yet to file their annual report, which was due November 30<sup>th</sup>. The EMRB will be calling these entities over the next few days, giving them 72 hours to file. A list of those still not filing will be presented to the Board on February 12<sup>th</sup> to determine what actions should be taken to ensure compliance with state law. Please call if you have filed and should not have been on the list or if you have any questions about filing.

### Employee Organizations

Association of Professional & Technical Administrators  
 Carson City Employees Association  
 Churchill County Administrators' Association  
 Churchill County Sheriff's Deputies Association  
 Clark County Deputy Sheriff's Association

Elko County Support Staff Organization  
 Humboldt County Law Enforcement Association  
 I.A.F.F. Local #2139, Incline Firefighters  
 I.A.F.F. Local #4227, Storey County Firefighter's Association  
 I.A.F.F. Local #4642, Mason Valley Firefighters

International Union of Operating Engineers Local 12  
 Lander County Classroom Teachers Association  
 Lander County Sheriff's Association  
 Las Vegas Valley Public Employees Association  
 Lovelock Police Officers Association

Lyon County Sheriff's Employees Association  
 Peace Officers' Association of the Clark County School District  
 Reno Administrative/ Professional Group  
 Storey County Sheriff's Office Employees Association  
 Washoe County District Attorney Investigators Association

Winnemucca Police Officers Association  
 Yerington Police Officer's Association Local #120

### Local Governments

Carson City Convention & Visitors Authority  
 Coral Academy of Science Charter/Reno  
 ICDA Charter High School  
 Silver State Charter School

## 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 Board has now scheduled cases through April 2018.

### **February 12-14, 2018 in Las Vegas**

2017-025, Yu & Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Dept.

### **March 19-21, 2018 in Las Vegas**

2017-024, IAFF, Local 1607 v. City of North Las Vegas

2017-031, Darin Welsh v. Police Protective Association Civilian Employees (backup case)

### **April 10-12, 2018 in Las Vegas**

2017-017, Teamsters Local 14, Williams & Davis v. Las Vegas Metropolitan Police Department

The following cases are in the queue, waiting for potential hearing dates:

2017-026, City of Elko v. Elko Police Officers Association

2017-031, Darin Welsh v. Police Protective Association Civilian Employees

2017-036, Holloway & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

Assuming that the proposed regulations receive final approval at the next meeting of the Legislative Commission, the use of three-member panels to hear cases will then begin in May. It is anticipated that during the three months of May, June and July that five panels will meet to hear cases.

## On the Horizon

The next meeting of the Board, which will be held in Las Vegas, will be Monday, February 12<sup>th</sup> through Wednesday, February 14<sup>th</sup>. At that time the Board is scheduled to hear 2017-015, Yu and Las Vegas Police Managers & Supervisors Association v. Las Vegas Metropolitan Police Department. Yu worked in the K-9 unit until he was administratively transferred out of the unit for alleged work performance deficiencies. He thereupon filed a grievance, which was denied by LVMPD. Yu then filed for arbitration, which was also denied. Yu and LVPMSA thereupon filed the instant complaint with the EMRB, alleging that LVMPD made a unilateral change to the grievance procedures of the collective bargaining agreement. LVMPD denies it made a unilateral change, noting that administrative transfers are not subject to the grievance process.

The Board is also expected at that time to also rule on five pending motions and also decide case 2017-011, SEIU, Local 1107 v. Southern Nevada Health District, a case previously heard and for which post-hearing briefs will have been received by then. This case involves whether three job classifications should be exempt from the bargaining unit for various reasons.

### **"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.