



Local Government Employee- Management Relations Board

Nevada Department of Business and Industry
"Growing business in Nevada"



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Philip E. Larson, Board Member
Cam Walker, Board Member
Gary Cottino, Board Member

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Bruce K. Snyder, Commissioner
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Board Secretary

On the Horizon

There are four upcoming meetings of various panels of the Board:

Panel C will meet on November 7-8, 2018, in Las Vegas. At that time the panel is scheduled to hear Case 2018-003, University Medical Center of Southern Nevada v. SEIU, Local 1107. The Clinical Nurse Supervisors wish to be represented by SEIU. UMC counters that the petition is procedurally insufficient and that the nurses cannot belong to a bargaining unit as they are of a class of supervisors exempt by law from doing so.

Panel B will meet on November 8, 2018, in Las Vegas. At that time the panel will deliberate on Case 2018-020, Christopher Bordes v. Reno-Tahoe Airport Authority and the Reno Firefighters Association, IAFF Local 2955. The Reno-Tahoe Airport Authority filed a motion to dismiss itself as a respondent.

The full Board will also meet on November 8, 2018, in Las Vegas. The primary purpose of this meeting is to deliberate on the certification of the election results for a recently-held representation election for the part-time employees at the Las Vegas-Clark County Library District (see page 3).

Finally, Panel A will meet on November 13-15, 2018, in Las Vegas. At that time the panel is scheduled to hear case 2018-014, International Union of Operating Engineers, Local 501 v. Esmeralda County et al. The IUOE claims that the county has engaged in bad faith bargaining, which it denies. The county also alleges that the union does not enjoy support from a majority of the unit and seeks permission to withdraw recognition.

This panel is also scheduled to deliberate on three other matters. One is a motion to defer to an arbitrator's decision in Case 2017-009, IAFF, Local 4068 & Van Leuven v. Town of Pahrump. The second item for deliberation is a motion to dismiss in Case 2018-022, Kreidal, Murillo and Andrews v. Clark County Education Association and Clark County School District. The third item for deliberation relates to Consolidated Case 2017-020, Juvenile Justice Supervisors Association & Juvenile Justice Probation Officers Association v. Clark County. The Board will be deliberating on a case previously heard back in May.

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List of Panels

Panel A Eckersley, Masters, Larson
Panel B Masters, Larson, Walker
Panel C Larson, Walker, Cottino
Panel D Eckersley, Walker, Cottino
Panel E Eckersley, Masters, Cottino

Note: The first person listed is the Presiding Officer of that panel.

Holiday Closings

The EMRB office will be closed on November 12th for Veterans Day; November 22nd for Thanksgiving; and November 23rd for Family Day. As always documents may be electronically filed on those dates and will be date-stamped on the date received in our e-mail inbox.

EMRB's 50th Anniversary: Guest Columnist Salvatore Gugino

The EMRB officially came into existence on April 28, 1969. In the run-up to our 50th anniversary next April, each of our e-newsletters will have a guest columnist. This month's guest columnist is former Board Chairman and Member, Salvatore "Sal" Gugino. Each month's guest columnist will have the freedom to write what pleases him or her. We only asked that they not comment on pending cases. The opinions of our guest columnists may not necessarily reflect those of the Board or staff of the EMRB. Here is this month's message from Sal Gugino:

I was appointed to the EMRB by Governor Richard Bryan, and served as a Board member and, in rotation, as its Chairman, from 1983 through 1995. During that time, I had the pleasure of working with fellow members Elizabeth C. Foremaster, Tammy Barengo, Susan L. Johnson, Howard Ecker, and Jeffrey L. Eskin. Some of you may recall that, during most of that time period, there were two lawyers and one layperson on the Board. That is because Governors Bryan and Miller graciously agreed with me that this Board, which renders significant public sector labor decisions, would benefit by the presence of two lawyers at any one time. During those years, only one (1) decision was reversed by the Nevada Supreme Court. The Legislature, however, subsequently sided with the Board, and passed legislation reflecting our holding.

Because those were "tight" budget years, the Board often served without pay. I can recall one instance, while working for free, that we had to fly to a Northern Nevada county which will remain unnamed. The City in that County was attempting to "contract out" the entire Fire Department to a private company. At hearing, the Mayor of the City was on the stand. He was a middle-aged fellow in an ill-fitting suit, his hair was slicked back, and he had a "gap" in his smile just like Ernest Borgnine! Doing his best "Marty" imitation, he testified, *"You know, us folks up here don't like Chapter 288, so we just don't follow it!"* Things went downhill from there, and the City was required to retain their Fire Department.

On another occasion, we ventured to an even smaller "cow county," where the attorney for one of the parties was an older gentleman, wearing suspenders, a white shirt and tie, but no jacket. He had a large white beard, which would have shamed both Santa Claus and Gabby Hayes. In a town which could not have had more than six attorneys, this fine fellow had declared himself to be a "Constitutional" lawyer, and he further announced that he had numerous philosophically intricate legal theories to explain why his union client was immune from any punitive action contemplated by his employer. Since I had taken Constitutional Law from Justice Anthony Kennedy, I was particularly keen to hear what this man had to say. In the end, it turned out to be some of the most interesting legal "gibberish" that I have ever heard.

Let me close with my recollection of a particularly contentious hearing between a large county employer and its employee, who prided himself on being a "gadfly" and a thorn in the side of the chief administrator of that large agency. At hearing, it became readily apparent that the union representatives were not at all happy about the "hijinx" that their fellow member was engaging in, and they were obviously displeased with the kind of defenses that they were being forced to argue, such as "Engaging the superintendent in an involuntary and potentially hostile "stare-off" competition is neither "disruptive" nor "disorderly." In fact, there is nothing in the bargaining agreement addressing "stare-offs."

The union representatives were thus forced to "improvise" and "misdirect" in order to win their case. They did this by attempting to introduce a copy of the last bill which the employer's attorney had sent (it appeared that a union member, who was a secretary, had purloined a copy of the bill and sent it to the defense team). The employer's attorney, who was now red-faced from embarrassment (his hourly rate was quite high) leaped from his chair, and with his long hair flying in the wind, protested that this was not only "inadmissible," but that it was "privileged and confidential" and its production was just "WRONG."

I will leave you to stroll through the written decisions to see what we did!

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 January 2019 with two sets of cases that were postponed moved to February and March 2019:

November 7-8, 2018 in Las Vegas (Panel C)

2018-003; UMC v. SEIU, Local 1107

November 13-15, 2018 in Las Vegas (Panel A)

2018-014; Int'l Union of Operating Engineers, Local 501 v. Esmeralda County

January 8-10, 2019 in Las Vegas (Panel E)

2018-002; Education Support Employees Association v. Clark County School District

2018-012; Nye County Management Employees Association v. Nye County

January 29-31, 2019 in Las Vegas (Panel B)

2018-006; Charles Ebarb v. Clark County & Clark County Water Reclamation District

2018-034; Ryan Cook v. Las Vegas Metropolitan Police Department

February 20-22, 2019 in Carson City (Panel A)

2018-016; WEA, Aufdenkamp & Wojdyski v. I Can Do Anything Charter School

March 12-14, 2019 in Las Vegas (Panel D)

2018-008; Travis Crumrine v. Las Vegas Metropolitan Police Department

Annual Filings Due End of November

Every local government and employee organization must annually file a report with the EMRB each November. The forms were e-mailed to the official contact person at each local government and employee organization on October 19th. If you are the official contact person please complete the form and associated documents, if any, and return them to us by the November 30th deadline. If you are no longer the official contact person please forward the form to the person who should now be the official contact person.

Representation Election Results

The EMRB recently conducted a representation election for the part-time employees at the Las Vegas-Clark County Library District. The election was to determine whether the part-time employees at the library district would be represented by Teamsters Local 14 or whether they would remain non-union. The final tally, subject to certification by the Board, was 83 yes votes and 12 no votes. There were 186 eligible voters. The final day for the filing of any objections is Friday, November 2nd. The Board, sitting en banc, will review the results at a meeting scheduled for Thursday, November 8th at 8:15 a.m.

"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.