

Local Government Employee-Management Relations Board E-Newsletter

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Deadline Nears to File Annual Reports

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 21st.

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 e-mail to the person who should now be the official contact person.

So far about 47% of the local governments and 24% of the employee organizations have responded. So if you have not yet responded, please do so as soon as possible!

As we receive the updated information and copies of new collective bargaining agreements, we will be posting this updated information on our website. If you have any questions on the process please do not hesitate to contact us at the phone number or e-mail address above.

Update on Election Case

As you may recall the EMRB held two elections between the Education Support Employees Association and Teamsters Local 14 to determine who should represent the 12,000 support employees who work for the Clark County School District. In the latest election Teamsters Local 14 received more than 80% of the votes cast and the Board determined Teamsters Local 14 the winner of the election. ESEA filed a Petition for Judicial Review, claiming that the Board could not divert from the standard of a majority of the votes that could have been cast, claiming it should remain in power, since Teamsters Local 14 received less than 50% of the votes that could have been cast. ESEA prevailed on this issue at the District Court level and the EMRB appealed to the Nevada Supreme Court.

That is all old news. The new news is that the EMRB has filed its opening brief and that the Supreme Court did grant the EMRB's motion to expedite the appeal, in which the EMRB claims. After the filing of the opening brief the Court issued an Order to Show Cause as to why it has jurisdiction of the matter. The EMRB has until December 2nd to file its response. Once the Supreme Court decides this matter then it is anticipated that briefing will then continue. This, however, could set the case back a couple months.

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On the Horizon

The next meeting of the Board, which will be held in Las Vegas, will be Monday, December 12th through Wednesday, December 14th. The agenda for the meeting will be issued on December 5th. At that time the Board is scheduled to hear two cases. The first is 2016-014, Daniel Burgess v. Clark County School District. In 2014 CCSD recognized a new employee organization, the Police Administrators Association of CCSD, which consisted of Lieutenants on the school police force. In 2015 Mr. Burgess was terminated. CCSD approached the employee with an offer for arbitrating his termination as no CBA had yet been agreed to for the new union. The employee, through counsel, argues that CCSD engaged in direct dealing and interfered with and restrained the employee in the exercise of his rights, which CCSD denies. This is a one-day case.

The second case is 2016-010, Troyce Krumme and Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department. Troyce Krumme received a written reprimand for the manner in which he allegedly handled a shooting by another officer at a Las Vegas casino. Krumme alleges that the department made a unilateral change in the manner in which it issued the written reprimand. He also alleges that LVMPD discriminated against him for political reasons as this was a high-profile case. LVMPD denies the allegations. This is a two-day case.

The Board is also scheduled to deliberate on two Petitions for Declaratory Order. As you may recall, such petitions ask the Board how to handle a specific situation. In this regard, you can think of these petitions as preventive in nature as the parties seek to avoid committing a prohibited practice. The first of these is 2016-023, Las Vegas Metropolitan Police Department v. Las Vegas Police Managers and Supervisors Association. In this petition LVMPD seeks a decision from the Board that would designate Captains as confidential employees, and thus prohibited from being within the LVPMSA bargaining unit. Alternatively, LVMPD seeks to designate the employees as supervisory employees, which would prohibit them from belonging within the current LVPMSA bargaining unit, although it could leave the door open for a separate bargaining unit of just Captains.

The second is 2016-024, Churchill County School District v. Nevada Classified Support Employees Association. In this petition the school district seeks to a decision from the Board that would designate five classified employee positions as being confidential.

Website Usage Statistics

Just over a month ago the EMRB installed Google Analytics on its website, to help the agency better determine how often the website is being viewed and what pages are the most popular. To say the least we were pleasantly surprised by our first set of numbers. During this time period we had a total of 355 individual sessions, which works out to about 17 sessions per working day. This may not seem like a lot but you must keep in mind that the universe of persons dealing with our agency is small – consisting of about 170 local governments and 200+ bargaining units plus a few dozen attorneys who handle most of the cases. There were a total of 121 new visitors to the site and 234 returning visitors. These visitors altogether viewed 1425 pages on our website. The most popular item to view was our database of collective bargaining agreements, which were first added to our website about a year ago. Before then they were just placed in our vertical files – and now this is what our users most want to see! Also very popular were the decisions and orders issued by the Board.

Did you know

our office will be closed on Thursday, November 24th for Thanksgiving and also on Friday, November 25th for Family 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.

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 March 2017:

December 2016

2016-014, Daniel Burgess v. Clark County School District

2016-010, Krumme & PMSA v. Las Vegas Metropolitan Police Department

January 2017

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

2016-004, Richard Marshall v. Nye County

February 2017

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

March 2017

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

In addition to the above cases which have hearing dates, there is one additional case yet waiting for a hearing date to be assigned:

2016-016, Brown et al. & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

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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. This means that the EMRB will no longer need to have a dedicated hearing room.

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. The tentative target date for the move will be sometime in January. 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. 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.