



Government Employee- Management Relations Board

Nevada Department of Business and Industry



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November 2019

Members of the Board

Brent C. Eckersley, Esq., Chair
Sandra Masters, Vice-Chair
Cam Walker, Board Member
Gary Cottino, Board Member
Brett Harris, Esq., Board Member

Staff

Bruce K. Snyder, Commissioner
Marisu Romualdez Abellar,
Board Secretary
Chris Roske, Administrative Assistant II

Public Hearing Set for December 17th

The EMRB will be holding the required public hearing for revisions to the agency's regulations. The public hearing will be held on Tuesday, December 17th at 8:30 a.m. in Las Vegas with video-conferencing to Carson City. Details may be found on our home page at the website address above. The regulations are driven by three main events: (1) the passage of Senate Bill 135, authorizing collective bargaining at the state level; (2) revisions by the Nevada Supreme Court to the Nevada Rules of Civil Procedure, especially with respect to due dates for certain documents; and (3) the agency's experience in using panels these past two years. The proposed regulations also incorporate features allowing for increased use of technology. We invite you to attend the public hearing as we value your comments and suggestions. Once the regulations are adopted by the Board they will then be forwarded to the Legislative Counsel Bureau for review by the Legislative Commission at its first meeting in the new year.

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List of Panels

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

Note: The first person listed for each panel is the Presiding Officer.

The EMRB office will be closed on November 28th for Thanksgiving and on November 29th for Family Day.

Status of Implementing State Collective Bargaining

Three of the four components of implementing collective bargaining for state employees have now been completed. These include all financial activities, including the creation of a separate reserve for state funds, developing the protocol for billing the State and the Nevada System of Higher Education (NSHE), billing those entities and collecting the funds. It also includes two approvals by the Interim Finance Committee to approve funds for a third staff person and for up to 11 elections at the state level.

Also completed are the administrative activities as the agency has hired the third staff person and has received and installed the necessary computer equipment, phone and furniture. The agency has also changed its stationery, forms and website due to the name change.

The third area that has been completed is the assignment of job classifications to bargaining units. The Division of Human Resource Management (DHRM) submitted the report, recommending the assignment of more than 1300 job classifications to the 11 bargaining units listed in Section 29 of that bill. This report was submitted on July 30th. Three labor organizations then filed 64 objections to the recommendations. All but one of these were subsequently resolved in a settlement conference. Board action resolved the remaining objection along with several other issues.

The final area is the adoption of revised regulations (see above for details).

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 849; Case 2019-009; Teamsters Local 14 v. Town of Pahrump and Nye County. Teamsters filed a petition for declaratory order, seeking clarification regarding the Town of Pahrump's transfer of town employees to Nye County, claiming that such could not be done without first obtaining permission from Teamsters or the Board. The Board clarified that permission for withdrawal of recognition is not required when the bargaining unit ceases to exist. The Board did agree that one employer cannot transfer its employees to another employer in order to escape its bargaining obligation, absent meeting the requirements of NRS 288.150(3)(b).

Annual Reports Due November 30th

Every local government and employee organization must annually file a report with the EMRB each November. The forms were 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. So far about 65% of the local governments, but only 40% of the employee organizations, have responded. So if you have not yet responded, please do so as soon as possible as we will be contacting non-filing entities as early as December 2nd.

Plaque of Appreciation Presented to Commissioner

Commissioner Snyder recently received a plaque of appreciation from Governor Sisolak for his assistance during the last legislative session with respect to Senate Bill 135, the bill authorizing collective bargaining for state employees. The plaque contains the first page of the bill and the pen used to sign the bill, along with the signatures of the Governor, President of the Senate, Assembly Speaker, Secretary of the Senate and Chief Clerk of the Assembly.



EMRB Chair Brent Eckersley, Commissioner Bruce Snyder and former B & I Director Michael Brown

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 scheduled cases through February 2020.

Note: The two cases scheduled for hearing in December recently settled.

January 14-16, 2020 in Las Vegas (Panel D)

2019-001, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

January 28, 2020 in Carson City video-conferenced to Las Vegas (Panel E)

2019-011, IAFF, Local 5046 v. Elko County Fire Protection District

January 29, 2020 in Carson City video-conferenced to Las Vegas (Panel C)

2019-014, Nevada Classified Employees Association, Chapter 5 v. Churchill County School District

February 11-13, 2020 in Las Vegas (Panel C)

2019-010, Leonard Cardinale v. City of North Las Vegas

February 25-27, 2020 in Las Vegas (Panel C)

2019-010, Leonard Cardinale v. City of North Las Vegas (continuation of the hearing)

Cases in the queue waiting for a hearing date:

2018-018, Francone et al. v. Antinoro & Storey County

2019-003, Francis Davis v. Las Vegas Metropolitan Police Department & Las Vegas Police Protective Association-Civilian Employees, Inc., (PPACE)

On the Horizon

Panel A is scheduled to meet on December 5th in Las Vegas. The only item on that agenda is a motion to dismiss in Case 2019-020, Eric Gil v. City of Las Vegas. This meeting was originally to be held over three days but the hearing scheduled for this meeting recently settled.

The entire Board will then meet on December 17th in Las Vegas, with video-conferencing to Carson City. At that time two separate meetings will be held. The first meeting will be the public hearing on the proposed regulations (see page 1). The second meeting will consist of business before the entire Board and before several of the five panels. The entire Board may take up business related to the three petitions for recognition filed at the state level. Panel E will also deliberate on a hearing recently held in Case 2018-026, Jason Woodard v. Sparks Police Protective Association. That same panel will also deliberate on a motion to file an amended counterclaim in Case 2019-016, City of Las Vegas v. Las Vegas Peace Officers Association. The Board or various panels will also deliberate on three stipulations to dismiss and possibly grant hearings for cases waiting in the queue.

"About the EMRB"

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