



Government Employee- Management Relations Board

Nevada Department of Business and Industry



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December 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

Board Adopts Revised Regulations

On December 17th the EMRB held a public hearing on the additions and amendments to the agency's regulations. Only one comment was received and that was in support of the proposed changes. At the conclusion of the public hearing the Board then unanimously adopted the regulations.

Staff has since forwarded the necessary paperwork to the Legislative Counsel Bureau. The regulations will be reviewed by the Legislative Commission at its next meeting on December 30th at 9:30 a.m. If the Legislative Commission approves the regulations, they will then take effect once filed with the Secretary of State's Office, which usually happens within a day or two after Legislative Commission approval.

Changes to the regulations are being 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.

EMRB staff will issue a special e-mail to all those on its mailing lists once it receives confirmation that the regulations have taken effect. In the meantime, please contact our office for a copy of the proposed regulation.

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Cam Walker Submits Resignation

Board Member Cam Walker submitted his resignation on December 17th, to be effective December 31, 2019 or when a successor is appointed to his position, whichever is later. His resignation letter, however, states that he would not be able to serve in any case beyond March 31, 2020.

EMRB staff has submitted the resignation to the Governor's Office and has been notified that they are currently processing applicants on file and that a replacement should be appointed in the near future.

The EMRB wishes to thank Mr. Walker for his service of more than two years on the Board. Along with Gary Cottino, he was appointed to the Board when the Board expanded from three to five members in 2017. We wish Cam all the best in his future endeavors!

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 Christmas Day and New Year's Day. Any electronic filings received on those days will be date-stamped on the date filed.

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 852; Case 2019-020; Eric Gil v. City of Las Vegas. The City filed a motion to dismiss, claiming that the complaint was untimely filed. Complainant countered that the doctrine of equitable tolling applies. The Board held that there are factual allegations in dispute as to the timeliness of the complaint which warrants a hearing on the matter. The Board therefore ordered a bifurcated hearing, with the first part of the hearing over the issue of the applicability of equitable tolling.

On the Horizon

The entire Board will meet on January 14, 2020, in Las Vegas with the meeting video-conferenced to Carson City. At that time the Board is expected to deliberate on six petitions covering five of the eleven bargaining units at the State level. If the Board determines that a petition is supported by evidence showing that more than 50% of the employees in the bargaining unit support a labor organization, then the Board is mandated to designate that labor organization as the exclusive representative of the bargaining unit. If the level of support is between 30% and 50% then the Board is to order that an election be held. The ballot for any election would include any labor organization with support between 30% and 50% for the bargaining unit, as well as a "no union" option. Except for Unit E, the Board has already heard staff reports on the audits conducted on the documents accompanying the petitions. The staff report for Unit E will be presented at this meeting.

The petitions to be decided upon at the January 14th meeting include:

1. Petition filed by AFSCME Local 4041 for Unit E (Professional Health Care Employees);
2. Petition filed by AFSCME Local 4041 for Unit F (Non-Professional Health Care and Personal Care Employees);
3. Petition filed by the Nevada Highway Patrol Association (NHPA) for Unit G (Category I Peace Officers);
4. Petition filed by the Nevada State Law Enforcement Officers Association (NSLEOA) for Unit G (Category I Peace Officers);
5. Petition filed by NSLEOA for Unit H (Category II Peace Officers); and
6. Petition filed by AFSCME Local 4041 for Unit I (Category III Peace Officers).

The Board will also deliberate on Case 2018-006, Charles Ebarb v. Clark County & Clark County Water Reclamation District. The deliberation will take into account briefs submitted pursuant to a prior Board order.

Finally, the Board will also deliberate on Case 2018-031, Teamsters Local 14 v. Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE). In this case Teamsters Local 14 has requested an election be held in an attempt to supplant the existing employee organization as the bargaining agent for the civilian employees who work at the Las Vegas Metropolitan Police Department. The parties have each submitted three sets of briefs covering a multitude of issues in the case, in addition to two separate sets of hearings.

Panel D will meet January 14-16, 2020, in Las Vegas. At that time the panel will hear Case 2019-001, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department. The employee organization alleges that LVMPD unilaterally removed work performed by Sergeants in the Digital Forensics Lab by transferring that work to new, appointed non-bargaining unit supervisory positions. LVMPD denies that it made a unilateral change when it designated the positions of Commissioned Computer Forensics Lab Supervisors as appointed positions. The panel will also deliberate on a motion to dismiss filed in Case 2019-012, Luquisha McCray v. Clark County.

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 May 2020. There are no cases in the queue waiting for a hearing date.

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

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

March 24-26, 2020, in Carson City video-conferenced to Las Vegas (Panel E)

2018-026, Jason Woodard v. Sparks Police Protective Association (second part of bifurcated hearing)

April 14-16, 2020, in Las Vegas (Panel C)

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

April 28-30, 2020, in Carson City video-conferenced to Las Vegas (Panel D)

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

May 12-14, 2020, in Las Vegas (Panel A)

2019-007, Nye County Management Employees Association & Boskovich v. Nye County

May 27, 2020, in Las Vegas (Panel B)

2019-020, Eric Gil v. City of Las Vegas (first part of bifurcated hearing)

May 28, 2020, in Las Vegas (Panel D)

2019-022, Veronica Howard v. Teamsters Local 14

Annual Reports Past Due

If you are one of the 15 employee organizations or 2 local governments who have yet to file your annual reports, which were due November 30th, please call our office as soon as possible. Also, we wish to thank the more than 300 entities who have already filed!

"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.