



Local Government Employee- Management Relations Board

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



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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 833; Case 2017-009; IAFF Local 4078 and Christopher Van Leuven v. Town of Pahrump. After being terminated by the Town of Pahrump, Van Leuven won his arbitration. The District court vacated the award, which was then reversed by the Nevada Supreme Court. The parties then subsequently entered into a settlement agreement on the appropriate remedy pursuant to the arbitrator's original decision. Shortly thereafter Van Leuven noticed that the Town had not made PERS contributions on the back wages. That issue was subsequently decided by an arbitrator who held that PERS contributions were raised by the Complainants during negotiations but that the resulting Settlement Agreement did not include PERS contributions and that the agreement specifically waived all compensation or benefits not expressly stated in the agreement. Complainants filed a bad faith bargaining claim with the EMRB and the Respondent thereupon filed a motion to defer to the arbitrator's decision. The EMRB will defer to the decision of an arbitrator if: (1) the arbitration proceedings were fair and regular; (2) the parties agreed to be bound; (3) the decision was not clearly repugnant to the purposes and policies of the EMRA; and (4) the arbitrator was presented generally with the facts relevant to resolving the unfair labor practice. Here the Board held that all the factors had been met and thus deferred to the arbitrator's decision that the Town had not bargained in bad faith and thus it did not owe PERS contributions on any back wages.

Item 834; Consolidated Case 2017-020; Juvenile Justice Supervisors Association and Juvenile Justice Probation Officers Association v. Clark County. Both employee organizations claim that Clark County failed to bargain in good faith over the issue of union leave time as required by SB241, passed in 2015. The JJPOA claimed that it had paid for union leave in its first CBA with Clark County. The County alleged that the concessions given by the JJPOA related to the recession and were made for the purpose of saving jobs. The Board agreed with Clark County. In arriving at this decision, the Board noted that the concessions they gave occurred about a month after the issue of union leave had already been decided. In addition the Board noted that the JJPOA had produced contemporaneous notes or evidence. In contrast the County had extensive notes and none of them reflected any such *quid pro quo*.

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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.

The EMRB will be closed for Christmas and New Year's Day. Any filings electronically submitted will be date stamped as the date received.

Recent Decisions (cont'd from page one)

With respect to the JJSA, it had entered into an agreement with the County to create a union leave bank, with hours for that purpose donated by the members of that bargaining unit, but had reserved the right to not pay for union leave time if the Board were to so agree that it did not have to do so. In this regard the Board held that any concessions given were for the purpose of saving jobs and referred to a JJSA document to this effect. In summary, the Board sided with the County with respect to both of the Complainants.

Item 835; Case 2017-005; Frank Regich v. Marshals Division of the Regional Justice Center. Previous respondents had already been dismissed in this case. The case against this Respondent had been stayed pending a decision by the Nevada Supreme Court. After the stay was lifted the Respondent renewed its motion to dismiss, claiming that the courts are not a local government employer under NRS 288 and, therefore, Regich could not have been a local government employee. As such, he had no standing to bring a claim against the Marshals Division of the RJC. The Board agreed. The Board also dismissed the claim as being untimely.

Regulations Now Codified

Recently the Legislative Counsel Bureau codified the EMRB's regulations into one document. As you may recall, last year the EMRB adopted new regulations that dealt with several subjects, including how to handle the processing of cases due to the expansion of the Board and the use of panels to hear cases. These same regulations also contained provisions for the processing of cases related to alleged violations of provisions for nursing mothers, the call for *amicus* briefs and many other provisions. So now all the agency's regulations can be found in one document. Please visit our website for a copy.

Thank You for Your Annual Filings

Every local government and all but three employee organizations have now filed their annual reports, which were due by November 30th. Last year at this time we still had 84 entities that had yet to file their annual reports. So thank you for getting your annual reports in much faster this year. We should have all the current collective bargaining agreements uploaded to our website in early January. If you need a particular collective bargaining agreement before then just call our office and we would be glad to e-mail you a copy. As mentioned above, three employee organizations have yet to file. If you see your employee organization below, please get your report in as soon as possible.

International Union of Operating Engineers, Local 501
Lander County Classified School Employees Association
Mineral County School Administrators Association

Upcoming Legislative Session

As we approach the upcoming legislative session we will be including information in our e-newsletters as to bills that may affect the EMRB. So far 7 Bill Draft Requests have been submitted that would affect collective bargaining. A BDR is the step before a bill is introduced.

BDR #	Sponsor	One-Line Description
251	Assemblyman Wheeler	Revises provisions related to collective bargaining
405	Senator Atkinson	Revises provisions related to collective bargaining
536	Senate Gov't Affairs	Provides for collective bargaining for NSHE employees
650	Senate Gov't Affairs	Provides for collective bargaining by state employees
651	Senate Gov't Affairs	Revises provisions governing collective bargaining by local government employers
789	Senator Harris	Revises the definition of the term "supervisory employee"
915	Senator Brooks	Revises provisions relating to collective bargaining

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 May 2019:

January 8-10, 2019 in Las Vegas (Panel E) Video-Conferenced to Carson City

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

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

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

April 23-25, 2019 in Carson City (Panel B) Video-Conferenced to Las Vegas

2018-020; Christopher Bordes v. IAFF, Local 2055

May 28-30, 2019 in Las Vegas (Panel D)

2018-010; International Union of Operating Engineers, Local 501 v. University Medical Center

There are no other cases waiting in the queue. Please note that no cases have yet been assigned to panel meetings on February 12-14, 2019; February 20-22, 2019; April 9-11, 2019; and May 14-16, 2019.

On the Horizon

Panel E is scheduled to meet January 8-10, 2019. At that time the Panel is scheduled to decide a motion filed by Storey County and the Storey County Sheriff to set aside a default previously granted by the Board when those entities had not filed an answer to a complaint.

The Panel will also be conducting two hearings. The first is 2018-002; Education Support Employees Association v. Clark County School District. ESEA contends that a CCSD police officer interfered with an ESEA UniServ Director by allegedly assaulting and arresting her when she attempted to represent an ESEA member. CCSD contends that this is not a labor relations issue in that the employee being represented was going to be interrogated for possible criminal violations and that the UniServ Director was interfering in a criminal investigation.

The second hearing is 2018-012; Nye County Management Employees Association v. Nye County. The NCMEA is seeking to accrete the criminal prosecutors who work for the District Attorney. Nye County believes there is no community of interest between those prosecutors and the existing NCMEA members, who are managers.

"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.