

# Local Government Employee-Management Relations Board E-Newsletter

2501 E. Sahara Avenue Suite 203 • Las Vegas • NV • 89104  
www.emrb.nv.gov • emrb@business.nv.gov • (702) 486-4504

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## Members of the Board

Philip E. Larson, Chairman

Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

## Staff

Bruce K. Snyder, Commissioner

Marisu Romualdez Abellar,  
Board Secretary

## Sunset Subcommittee to Review EMRB

State law provides that every board and commission be reviewed at least once every ten years. This review is conducted by the Sunset Subcommittee, which is a committee of the Legislative Commission. It consists of six legislators and two citizen members. As stated in NRS, the purpose of the review is to determine whether a given agency should be terminated, modified, consolidated or continued as is. The Sunset Subcommittee makes recommendations, which will then be considered by the State Legislature in 2017.

The EMRB is one of 32 boards and commissions slated for review this year. We look forward to the opportunity to tell our story, including the significant improvements we have made in the last couple years.

Our opportunity will be at the committee's next meeting scheduled for Tuesday, March 15<sup>th</sup> at 9:00 a.m. The meeting will take place in room 3137 of the Legislative Building in Carson City and will be video-conferenced to room 4401 at the Grant Sawyer Building in Las Vegas. Chairman Philip Larson will be present in Carson City and Commissioner Bruce Snyder will attend in Las Vegas.

We encourage those affiliated either with a local government or an employee organization to attend. There will be an opportunity at the beginning of the meeting for public comment. We at the EMRB would welcome any public comment you might wish to offer – no matter what you might say!

## Board Takes Step to Enforce Decision

On November 24, 2015, the Board issued its decision in case 2015-011, SEIU, Local 1107 v. Clark County, in which the Board interpreted several key provisions of SB 241 and ultimately ruled in favor of SEIU, Local 1107. Since then Clark County has filed a Petition for Judicial Review.

Despite not filing a motion to stay the Board's order, Clark County has yet to comply with the Board's order. So the Board, through its assigned attorney, has filed a motion seeking enforcement of its order. This motion is set for a hearing in court on March 29<sup>th</sup>. We will be sure to let you know the outcome of the motion as soon as a decision is rendered by the court.

## Inside This Issue

- 1 Sunset Subcommittee to Review EMRB** – Read about an upcoming hearing
- 1 Board Takes Step to Enforce Decision** – Read about the Board enforcing its decision in the SB 241 Case
- 2 On the Horizon** – Learn about our next meeting
- 2 Update on ESEA/Teamsters, Local 14 Election**
- 2 Proposed Regulations in the Works** – Read about new enhancements in the works
- 2 Did You Know?**
- 3 In the Queue** - See the cases waiting to be heard
- 3 Recent Decisions** – Read about recent decisions

## On the Horizon

The next meeting of the Board will be held Wednesday, March 2<sup>nd</sup> and Thursday, March 3<sup>rd</sup> in Las Vegas. Please note that the meeting will take place on the 4<sup>th</sup> floor of the Grant Sawyer Building and will be video-conferenced to the State Capitol. Office staff and one Board member will be in Las Vegas while the other two Board members will be in Carson City. The EMRB is conducting this meeting in part to determine the viability of holding meetings with hearings via video-conference.

The agenda for this meeting has been issued and may be viewed on our website. On Wednesday, the Board will conduct a hearing for case 2015-022, Teamsters, Local 14 v. City of Mesquite. Teamsters alleges that the City of Mesquite unlawfully dealt directly with the 911 dispatchers in giving them raises. Teamsters also alleges that doing so encouraged dispatchers to leave the union and thus constituted discrimination. Finally, the union alleges that the City refused to select a new arbitrator or permit an arbitration. The City denies the allegations and alleges that its actions were a management right and were done for a legitimate public safety concern. They also allege that some of the claims are now moot.

Thursday, the Board will hear case 2015-031, Police Officers Association of the Clark County School District v. Clark County School District. The POA alleges that the school district did not give step increases after the expiration of the collective bargaining agreement and that doing so is a prohibited practice. This case is an outgrowth of the Board's recent decision interpreting SB 241.

## Update on ESEA/Teamsters, Local 14 Election

The Board certified the election on January 11<sup>th</sup>, in which it determined that Teamsters, Local 14 had won the election. The Board's decision also placed a hold on the transfer of bargaining agents for 30 days. Thereafter, ESEA filed a Petition for Judicial Review and also filed, on short order, a motion to stay the Board's order pending the court's resolution of the Petition for Judicial Review. On February 17<sup>th</sup> District Court Judge Cory issued a stay in the election case between ESEA and Teamsters Local 14. He also set an expedited briefing schedule for the Petition for Judicial Review, which will culminate with oral argument in late April. The net effect is that ESEA will remain the bargaining representative until such time as the court rules on the underlying Petition for Judicial Review.

## Proposed Regulations in the Works

We have taken to heart your suggested changes to our regulations that were made at the recently-held Open Forum. To this end we have done a tentative draft, which will soon be forwarded to the Legislative Counsel Bureau for drafting the official copy. The proposals will do four things: (1) allow for the electronic service of documents as an enhancement to the electronic filing of those same documents; (2) eliminate the requirement, for security reasons, of including the home addresses of the parties within the body of a complaint; (3) clarify the timing rules for the filing of documents by adopting the same rules as are used by the courts; and (4) prohibit the attaching of exhibits to complaints, answers and pre-hearing statements. We will be scheduling the required workshop upon receipt of the official version from the LCB.

## Did you know

that the EMRB has an intern, Javier Pacheco, from the UNLV School of Law who is working at the agency for the Spring semester? The agency is updating a product it used to issue annually, which provides summaries of all the orders issued since the beginning of the agency in 1969. Javier is drafting summaries that are missing. He has also been drafting orders from Board meetings, drafting Notices of Hearing, and sitting in on pre-hearing conferences. Moreover, he helped draft a set of proposed regulations based on input received at the recently held Open Forum. Javier's interest is in employment law and we are excited to assist in his education!

## 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. Below is a description of the current queue:

The Board has scheduled the following cases for March: 2015-022, Teamsters, Local 14 v. City of Mesquite and 2015-031, Police Officers Association of the Clark County School District v. Clark County School District.

2015-013, Eric Brown v. Las Vegas Metropolitan Police Department is scheduled for April while A1-046127, Mike Quick v. Las Vegas Metropolitan Police Department is scheduled for May.

There are currently seven cases in the queue awaiting a hearing date:

A1-046092, Washoe County School Police Officers Association v. Washoe County School District

2015-017, North Las Vegas Police Supervisors Association v. City of North Las Vegas

2015-019, Pamela Dittmar v. Teamsters Local 14 & City of North Las Vegas

2015-020, International Union of Elevator Constructors v. Clark County

2015-025/032, IAFF, Local 1285 v. City of Las Vegas

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

2015-029, Melissa Reed v. Storey County

## 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 812; Case 2015-003; John Ducas v. Las Vegas Metropolitan Police Department.** John Ducas was a police officer who worked for LVMPD. In 2014 he suffered a work-related back injury, which ultimately placed him on light duty. This light duty assignment resulted at various times in the changing of his shift and his days off. His desk job also resulted in his having to keep a log of the work he was doing as there was no direct supervision available. He also lost his work-assigned vehicle due to his no longer being in the field. Later he attempted a transfer to another light duty position in a different unit but was instead transferred to a desk job at the Fusion Center, which is a counterterrorism facility. Ducas only worked there one day, claiming aggravated his back pain. He thereafter filed for and accepted a medical retirement. He thereupon filed a complaint against LVMPD, alleging he had been discriminated against on the basis of his race, white, as his new supervisor was Hispanic. He further claimed that LVMPD discriminated against him on the basis of his handicap, for political reasons (he was conservative and his supervisor and co-workers were liberal), and for personal reasons. The Board found that Ducas failed to make a *prima facie* case of discrimination on the basis of any of the alleged reasons and that LVMPD made reasonable employment decisions that were in accordance with its established policies and procedures.

### "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.