



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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February 2020

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

EMRB Caseload Continues to Decline

In 2016 the EMRB underwent a review by the Sunset Subcommittee of the Legislative Commission. That review sought input on how best to improve the agency. At that time the EMRB had a caseload of about 40 cases and wait times for a hearing were averaging 8-9 months once prehearing statements had been filed. Side note: back in 2013 wait times were 14 months.

The result of the review was passage of a bill in 2017, increasing the size of the Board from 3 to 5 members and allowing groups of 3 members to serve on panels to hear cases, thus allowing for 67% more Board meetings each year while allowing each Board member to continue to attend the same number of meetings per year. The panels began operation in March 2018 once regulations had become final.

The result today is that the agency's caseload is now down to 24 cases, with no cases waiting for a hearing date. 9 cases have been assigned a hearing date between now and July, 3 cases are waiting for final deliberations after hearings already held, 4 cases have been stayed pending arbitrations or court hearings, and 8 cases are in the initial pleading and motion stages.

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Board Receives Recognition Petition for State Blue Collar Workers

On February 10, 2020, the Board received a representation petition from the American Federation of State, County and Municipal Employees (AFSCME), Local 4041. In the petition AFSCME seeks to represent blue collar employees who work for the State of Nevada, including those blue-collar workers employed by the Nevada System of Higher Education.

Recently the Board designated various labor organizations as the exclusive representative for five of the 11 State bargaining units. This petition now raises to six the number of bargaining units seeking to be represented.

No petitions have yet been filed for the remaining five bargaining units:

- Unit B Administrative Employees
- Unit C Technical Employees
- Unit D Professional Employees other than Health Care
- Unit J Supervisory Employees
- Unit K Firefighters

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.

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 854; Case 2019-026; In Re: Petition Filed by AFSCME, Local 4041 for Unit E. Pursuant to NRS 288.520, the Board designated AFSCME, Local 4041 as the exclusive representative for the employees in State bargaining unit E, which consists of Professional Health Care Employees, finding that the labor organization provided proof of support amounting to 52.2%, which exceeded the 50% plus one threshold for recognition without calling for an election.

Item 855; Case 2019-021; In Re: Petition Filed by AFSCME, Local 4041 for Unit F. Pursuant to NRS 288.520, the Board designated AFSCME, Local 4041 as the exclusive representative for the employees in State bargaining unit F, which consists of Non-Professional Health Care Employees, finding that the labor organization provided proof of support amounting to 50.4%, which exceeded the 50% plus one threshold for recognition without calling for an election.

Item 856; Consolidated Case 2019-023/024; In Re: Petitions Filed by NHPA and NSLEOA for Unit G. Pursuant to NRS 288.520, the Board designated the Nevada Highway Patrol Association as the exclusive representative for the employees in State bargaining unit G, which consists of Category I Peace Officers, finding that the labor organization provided proof of support amounting to 50.3%, which exceeded the 50% plus one threshold for recognition without calling for an election. The Board also rejected the petition filed by the Nevada State Law Enforcement Officers Association under NRS 288.525, which requested an election be held, noting that NHPA's level of support of more than 50% made moot any petition filed under NRS 288.525.

Item 857; Case 2019-025; In Re: Petition Filed by NSLEOA for Unit H. Pursuant to NRS 288.520, the Board designated the Nevada State Law Enforcement Officers Association as the exclusive representative for the employees in State bargaining unit H, which consists of Category II Peace Officers, finding that the labor organization provided proof of support amounting to 53.6%, which exceeded the 50% plus one threshold for recognition without calling for an election.

Item 858; Case 2019-019; In Re: Petition Filed by AFSCME, Local 4041 for Unit I. Pursuant to NRS 288.520, the Board designated AFSCME, Local 4041 as the exclusive representative for the employees in State bargaining unit I, which consists of Category III Peace Officers, finding that the labor organization provided proof of support amounting to 52.8%, which exceeded the 50% plus one threshold for recognition without calling for an election.

On the Horizon

The entire Board is scheduled to meet February 25-26, 2020, in Las Vegas and Carson City. At that time the Board is scheduled to conduct another hearing on Case 2018-031, Teamsters Local 14 v. Police Protective Association Civilian Employees, Inc. (PPACE). Teamsters has requested that an election be held. The standard as to whether to call for an election is a "good faith doubt." The hearing will be on whether there is a good faith doubt. The entire Board is also scheduled to hear a presentation on the audit report for the Unit A petition filed (see page 1) and may deliberate on that petition at that time. Panel A will deliberate on a motion to dismiss filed in Case 2019-018, Annette Shaw v. Nye County Employees Association. Panel D will also deliberate on a motion to dismiss filed in Case 2019-012, Luquisha McCray v. Clark County.

The Board is scheduled to meet March 24-25, 2020. At that time, Panel E will hear the second half of the bifurcated hearing in Case 2018-026, Jason Woodard v. Sparks Police Protective Association. Panel E will also deliberate on Case 2019-011, IAFF, Local 5046 v. Elko County Fire Protection District. The employee organization accused the local government of bad faith bargaining for cancelling bargaining sessions as well as refusing to provide information needed for bargaining. Panel C will deliberate on Case 2019-014, Nevada Classified School Employees Association, Chapter 5, AFL-CIO v. Churchill County School District. NCSEA accused the school district of refusing to bargain over a reduction of hours of work per day/week for all student related positions. Finally, Panel D will deliberate on Case 2019-001, Las Vegas Police Managers & Supervisors Association v. Las Vegas Metropolitan Police Department. The employee organization alleged 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.

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 July 2020. There is no cases in the queue waiting for a hearing date.

February 25-26, 2020, in Las Vegas video-conferenced to Carson City (Entire Board)

2018-031, Teamsters Local 14 v. Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE)

March 24-25, 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

June 23-25, 2020, in Las Vegas (Panel D)

2019-016, City of Las Vegas v. Las Vegas Peace Officers Association

July 14-16 and July 28-30, 2020, in Las Vegas (Panel C)

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

CBA's and Annual Report Information Now on Website

All the collective bargaining agreements have now been uploaded to our website for you to review. We have also uploaded spreadsheets containing contact and other basic information for each of the entities. Please feel free to both review and download this information.

NRS 288 Codification Updated

The Legislative Counsel Bureau recently updated the codification of NRS 288, the agency's enabling statute, to reflect all the changes made in the 2019 session of the legislature, including the addition of many sections related to collective bargaining for state employees. A copy may be found on the EMRB website. Please note that several existing sections have been renumbered and/or content moved to new or different sections.

"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.