



## Local Government Employee- Management Relations Board

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



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### Members of the Board

Brent C. Eckersley, Esq., Chair  
Sandra Masters, Vice-Chair  
Philip E. Larson, Board Member  
Cam Walker, Board Member  
Gary Cottino, Board Member

### Staff

Bruce K. Snyder, Commissioner  
Marisu Romualdez Abellar,  
Board Secretary

### 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.

#### **Case 2018-015; Teamsters Local 14 v. Las Vegas-Clark County Library District.**

The EMRB had conducted a representation election of part-time employees who work at the Las Vegas-Clark County Library District. 83 votes were in favor of Teamsters Local 14 being the representative while 12 votes were received for the non-union option. The Board noted that there were 186 eligible voters. The Board also noted that the Nevada Supreme Court in Case #70586 recently held that the proper standard to use in representation elections is a majority of the bargaining unit and not a majority of the votes cast. Teamsters Local 14 did not receive a majority of the bargaining unit, which would have been 94 votes, and thus the status quo would remain, which is to keep the employees as non-represented.

#### **Item 520U; Case A1-045735; Teamsters Local 14 v. Clark County School District and Education Support Employees Association.**

This case began in 2002 and had been before the Nevada Supreme Court on three prior occasions. In November 2018 the Nevada Supreme Court issued a fourth decision in the case, namely that the proper standard in representation elections is a majority of the bargaining unit and not a majority of the votes cast. Subsequently, Teamsters Local 14 filed a motion for an open-ended election (i.e., an election which would stay open until one party received a majority of the bargaining unit). ESEA argued in part that the prior three elections had been conclusive in that Teamsters had never received a majority of the bargaining unit. The Board ultimately denied the motion for another election and for an open-ended election in particular. However, the Board did note that this does not prevent Teamsters Local 14 from filing a new petition during an upcoming window period.

### Inside This Issue

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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.

### Call for Amicus Briefs

The EMRB recently issued a call for the submission of *amicus* briefs on the issue of which party has the burden of proof on a motion or hearing in which one party is requesting that the Board to defer to an arbitrator's decision. Board precedence has been to place the burden on the party wishing to avoid deferral. The NLRB recently ruled that the burden should instead be placed on the party seeking deferral. Briefs are due April 1<sup>st</sup> and will be considered by the Board in deciding an outstanding case involving this issue. If you would like further information please contact our office.

## On the Horizon

Panel A is scheduled to meet March 12, 2019, in Las Vegas. At that time the Panel is scheduled to deliberate on a hearing previously held in Case 2018-015, International Union of Operating Engineers, Local 501 v. Esmeralda County.

Panel D is scheduled to meet March 12-14, 2019, in Las Vegas. At that time the Panel is scheduled to hear case 2018-008, Travis Crumrine v. Las Vegas Metropolitan Police Department. Crumrine, who was in probationary status following a promotion to Sergeant, was adjudicated as failing to properly intervene when a subordinate put a chokehold on an arrestee who subsequently died from that chokehold. He filed a complaint alleging that substituting non-confirmation from probation for discipline was a unilateral change to the collective bargaining agreement. Crumrine also alleges that he was discriminated against for personal and/or political reasons due to the negative publicity of the event. LVMPD denies all charges.

## List of Bills Affecting the EMRB

The 2019 session of the Nevada Legislature began on February 4<sup>th</sup>. Below are the bills introduced to-date. The EMRB is neutral on all bills. Please call our office if you would like a copy of the bills or other information related to them.

### SENATE BILLS

**SB 58** – sponsored by the Senate Committee on Government Affairs and proposed by the outgoing Controller. This bill would make collective bargaining voluntary on the part of local governments.

Status: Referred to Senate Committee on Government Affairs

**SB 111** – sponsored by the Senate Committee on Government Affairs. This bill would reduce from 25% to 16.67% the amount of a local government's fund balance not subject to collective bargaining.

Status: Referred to Senate Committee on Government Affairs

**SB 135** – sponsored by the Senate Committee on Government Affairs. This bill would provide for collective bargaining for state employees.

Status: Referred to Senate Committee on Government Affairs

**SB 153** – sponsored by Senator Atkinson. This bill would completely reverse the provisions of SB 241 from the 2015 legislative session.

Status: Referred to Senate Committee on Government Affairs

**SB 158** – sponsored by Senator Harris. This bill would revise the definition of a supervisor, to exclude any police officers or firefighters under a paramilitary command, unless they meet every condition for being a supervisor.

Status: Referred to Senate Committee on Government Affairs

### ASSEMBLY BILLS

**AB 103** – sponsored by Assemblyman Wheeler. This bill would presume that sufficient consideration had been given for any union leave in existence prior to June 1, 2015 while requiring full reimbursement for any additions to that leave agreed to on or after June 1, 2015.

Status: Referred to Assembly Committee on Government Affairs; Hearing held on February 18<sup>th</sup>.

### BILL DRAFT REQUESTS

In addition to the above bills, there is one bill draft request submitted by Senator Cannizzaro. It is believed that this bill draft request would extend collective bargaining rights to deputy marshals who work for the courts.

## 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 July 2019:

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

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

**April 9-11, 2019, in Las Vegas (Panel E)**

2018-012; Nye County Management Employees Association v. Nye County  
2018-030, Robert Schmidt v. Clark County

**April 22-23, 2019, in Las Vegas (Full Board) Video-Conferenced to Carson City**

2018-006; Charles Ebarb v. Clark County & WRD

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

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

**May 14-16, 2019, in Las Vegas (Panel C)**

2018-022, Kreidel, Murillo & Andrews v. Clark County Education Association & Clark County School District

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

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

**June 17-19, 2019, in Las Vegas (Panel D)**

2018-032, Dawn Sanchez v. Clark County

**July 1-3, 2019, in Las Vegas (Panel E)**

No case yet assigned.

**July 23-25, 2019, in Las Vegas (Panel B)**

2017-034, Ryan Cook v. Las Vegas Metropolitan Police Department

There are no other cases waiting in the queue.

## Updated CBA's Are Now on Agency Website

The EMRB is now 100% done uploading the current collective bargaining agreements (CBA's) submitted to it as part of the annual filing process. Please check them out. They are full of information you may find useful in any upcoming negotiations your local government or employee organization may be holding. For instance, you might find that another CBA may have better language for a given subject area, which could result in fewer disputes in the years to come.

### "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.