



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

50th Anniversary Open House

The EMRB will be holding an open house on April 29, 2019 from 11:00 a.m. to 4:00 p.m. in celebration of its 50th anniversary. Refreshments, including cake, will be served. Representatives of local governments and employee organizations have been invited, along with the attorneys who practice before the agency, those who work in the Nevada State Business Center and others interested in the agency. The EMRB is expecting a proclamation from the Governor's Office, celebrating the agency's 50 years of service. The official anniversary of the agency is Sunday, April 28th.

In the spring of 1969 teachers working for the Clark County School District made a concerted effort to picket the Las Vegas Strip for better wages and working conditions. Some of the businesses on the Strip believed this was not good for the image of Las Vegas. This in turn led to Senator Dodge from Fallon proposing a solution, which was to allow local government employees to collectively bargain with their local government employers. The bill passed the legislature that year and the agency was born on April 28, 1969.

Inside This Issue

- 1 **50th Anniversary Open House**
- 1 **On the Horizon** – Learn about upcoming meetings
- 2 **List of Bills Affecting Collective Bargaining**
- 3 **In the Queue** – See the cases waiting to be heard
- 3 **In Other News...**

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.



On the Horizon

The full Board will meet in Las Vegas on April 29, 2019. At that time the Board will deliberate on Case 2018-006, Charles Ebarb v. Clark County and Clark County Water Reclamation District.

Panel B will meet in Carson City on May 14-16, 2019, with the meeting video-conferenced to Las Vegas. At that time the Board will hear Case 2018-020, Christopher Bordes v. Reno Airport Firefighters Association, IAFF Local 2955. Mr. Bordes alleges that his employee organization breached its duty of fair representation and discriminated against him for personal reasons when it refused to advance his grievance over his termination. The employee organization denies the allegations, stating it had valid reasons for doing so.

List of Bills Affecting Collective Bargaining

The following bills have been introduced that would either impact the language of NRS 288 or directly affect collective bargaining. Unless granted an exemption or waiver, the bills listed below must be passed out of committee in the second house by May 17th or else they are dead.

BILLS IN SENATE

Bills Declared Exempt and Re-Referred to Senate Finance Committee

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: Re-Referred to Senate Finance Committee.

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

Status: Re-Referred to Senate Finance Committee.

SB 153 – sponsored by the Senate Committee on Government Affairs. This bill would completely reverse the provisions of SB 241 from the 2015 legislative session.

Status: Re-Referred to Senate Finance Committee.

SB 459 – sponsored by the Senate Committee on Government Affairs. This bill would provide for collective bargaining for NSHE faculty and professional staff.

Status: Re-Referred to Senate Finance Committee

BILLS IN ASSEMBLY

Bills In Committee

AB 277 – sponsored by Assemblyman Fumo et al. This bill would require school districts to establish, through negotiations with an employee organization, a program to increase salaries and thus encourage the recruitment and retention of licensed teachers and classified employees.

Status: Referred to Assembly Committee on Education. **Exempted under JSR 14.6.** No hearing yet scheduled.

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 Assembly Committee on Government Affairs

DEAD BILLS

Bills Not Passed Out of Committee in the First House by the April 12th Deadline and Thus Are Dead

AB 103 – This bill would have presumed 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.

SB 26 – This bill would have established that 8.3% of a school district's fund balance is not subject to collective bargaining.

SB 58 – This bill would have made collective bargaining voluntary on the part of local governments.

SB 337 – This bill would have adopted a majority-of-the-votes-cast standard for representation elections, thus negating the Nevada Supreme Court's decision that the standard is the majority of the votes that could have been cast.

SB 391 – This bill would have designated deputy marshals who work for a court to be county employees and thus allow them to be considered a local government employee working for a local government employer, and thus be allowed to collectively bargain.

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 mid-October 2019:

May 14-16, 2019, in Carson City (Panel B) Video-Conferenced to Las Vegas

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

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)

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

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

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

August 27-29, 2019, in Las Vegas (Panel A)

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

2019-004; International Union of Operating Engineers, Local 501 v. University Medical Center

(The above two cases are to be consolidated in the future)

September 17-19, 2019, in Las Vegas (Panel B)

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

October 15-17, 2019, in Las Vegas (Panel B)

2018-031, Jason Woodard v. Sparks Police Protective Association (first part of bifurcated hearing)

There are no other cases in the queue.

In Other News...

We want to thank those entities that took the time and resources to submit *amicus* briefs over the issue of which party has the burden of proof in limited deferral doctrine cases. These briefs will assist the Board in arriving at a decision in the Ebarb v. Clark County case.

The Board will be setting the annual assessment rate on May 29th. We usually set the rate in April. However, we postponed the decision due to pending legislation that might affect the scope of the EMRB in the coming fiscal year (see page 2). The rate last year was \$6.00 per employee. Invoices are scheduled to be issued on June 21st, payable by July 31st.

The agency has booked rooms in Las Vegas and Carson City for July 10th for the first of two workshops that might be necessary due to pending legislation, changes in the Nevada Rules of Civil Procedure, and our experience with panels for the last year. Please mark your calendars! Further details will be provided in future e-newsletters.

"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.