

# Local Government Employee-Management Relations Board E-Newsletter

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May 2017

## 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

## CBA's Updated to Website

Our Board Secretary, Marisu Romualdez Abellar, has finished uploading current copies of all the collective bargaining agreements to our website. Please check them out. They can be a useful resource to see what other entities have agreed to. In addition, there are always disputes over what a given section of a CBA might mean and looking at other CBA's, and how they have handled the issue, might give you an opportunity to re-write your CBA with more clarity.

Analytics provided by Google show that the CBA's are one of the most popular features on our website. Finally, please let us know if you find any errors in the posting of your CBA.

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## On the Horizon

The next meeting of the Board, will be held in Las Vegas on Tuesday, June 13, 2017 through Thursday, June 15, 2017. The agenda for the meeting will be issued on June 5, 2017. At that time the Board is scheduled to hear 2016-022, Clark County Association of School Administrators and Professional-Technical Employees v. Clark County School District. CCASAPE alleges that CCSD engaged in bad faith bargaining when the School Board twice refused to ratify a tentative agreement reached by the bargaining teams. Specifically, CCASAPE accuses the Board of not ratifying the tentative agreement in retaliation for CCASAPE having been supportive of the school reorganization effort and in which it believes the School Board has attempted to thwart. CCSD denies the allegations and argues that there were legitimate reasons for the Board not to agree to the proposal.

The Board is also scheduled to deliberate on three motions to dismiss and a motion for default judgment in a case filed by Frank Regich, who is representing himself in a case filed against SEIU, Local 1107, Clark County Human Resources and Real Property Management and the Marshals Division.

## Annual Assessment Rate Set

The Board, at its May meeting, kept the annual assessment rate at \$6.75 per employee. This has been the same rate as has been in effect now for several years. The Board also set the civil penalty for late payment at \$1.00 per employee, which is also the same rate as before. The EMRB will be issuing invoices on Monday, June 19th, with payment due by July 31<sup>st</sup>. More information on this will be in our next e-newsletter.

## Status of Bills in the 2017 Session of the Legislature

14 bills have been introduced that would affect NRS 288, the agency's enabling statute. As of Friday, May 19<sup>th</sup>, nine of these bills are still alive. May 19<sup>th</sup> was the deadline for these bills to be passed out of committee in the second house, unless otherwise exempted. May 26<sup>th</sup> is the deadline for these same bills to pass completely out of the second house. Please note that the EMRB is neutral on all these bills.

### BILLS PASSED BY BOTH HOUSES

**AB 271** – sponsored by Assemblyman Carrillo. This bill would make fact-finding binding for white and blue collar employees and thus eliminate the need for fact-finding panels. The bill would also make union leave a mandatory subject of bargaining and would further provide for a rebuttable presumption that sufficient consideration had been given for such leave.

Status: In Assembly – To Enrollment Before Being Sent to the Governor

**SB 188** – sponsored by Senators Parks, Cannizzaro and Ford. This bill would, in part, revise the EMRB's discrimination unfair labor practice provisions by also including sexual orientation and gender identity or expression.

Status: In Senate – To Enrollment Before Being Sent to the Governor

### BILLS IN SECOND HOUSE

**AB 113** – sponsored by Assemblywoman Spiegel. This bill would place location and time requirements on employers for nursing mothers. The bill would, in part, allow a local government employee to file an unfair labor practice complaint against a local government employer. The bill, as amended, requires the EMRB to develop rules for the expedited handling of such cases, including having the Commissioner hear the cases in lieu of the Board.

Status: In Senate – On Senate Floor; Placed on Secretary's Desk

**SB 356** – sponsored by Senator Atkinson. This bill would reverse all of the provisions of SB 241 passed in the prior session of the legislature.

Status: In Assembly – On Assembly Floor; Placed on Second Reading

**SB 460** – sponsored by the Senate Committee on Government Affairs. This bill would expand the size of the Board from three to five members.

Status: In Assembly – Government Affairs Committee; Do Pass As Amended; Waiting for Committee Report to the Floor

**SB 469** – submitted by the Senate Government Affairs Committee. This bill, as amended, would reduce from 25% to 16.67% the amount of a local government's fund balance not subject to collective bargaining.

Status: In Assembly – On Assembly Floor; Placed on General File (Final Reading)

**SB 493** – submitted by Senator Parks, et al. This bill would reverse that part of SB 241, which excluded certain highly paid school administrators from bargaining units and instead uses job titles to include/exclude certain school administrator positions from bargaining units.

Status: In Assembly – On Assembly Floor; Placed on General File (Final Reading)

### BILLS IN FIRST HOUSE

The following bills have been granted an exemption or waiver from prior deadlines. The deadline to pass these bills out of committee in the house of origin is May 31<sup>st</sup>.

**AB 290** – sponsored by Assemblyman Wheeler. This bill would require that a fact-finder determine that a proposal is financially sustainable; would require that the chief executive officer of a local government determine that a proposed CBA, to be ratified by the local government, is financially sustainable, increases the posting period from 3 to 21 days; and also would impose the 25% fund balance requirement that currently applies to most local governments, also to school districts.

Status: In Assembly – In Government Affairs Committee (waiver); No Hearing Yet Held

**SB 486** – sponsored by the Senate Government Affairs Committee. This bill would extend collective bargaining to state employees and make the EMRB the agency for regulating such conduct.

Status: In Senate – In Government Affairs Committee (waiver); Hearing Held

## 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. The Board has now scheduled cases through April 2017.

### **June 13-15, 2017 in Las Vegas**

2016-022, Clark County Association of School Administrators & Professional-Technical Employees v. Clark County School District

### **July 11-13, 2017 in Las Vegas**

2017-008, Clark County Education Association v. Clark County School District (unofficially reserved for these dates)

### **August 14-15, 2017 in Carson City (video-conferenced to Las Vegas)**

2017-002, IBEW, Local 1245 v. Truckee Meadows Water Authority

### **September 12-14, 2017 in Las Vegas**

2016-021, Charles Moser v. Las Vegas Metropolitan Police Department

There are currently no other cases in the queue, waiting for a hearing date to be assigned.

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## Fact Finding Panel Formed

Recently the EMRB received a request from the Reno Administrative/Professional Group, Professional Unit (RAPG) for the EMRB to form a fact finding panel. The purpose of a fact finding panel is to determine whether an upcoming fact finding is to be binding or non-binding. In this case, after the parties had reached impasse, the City of Reno has held the position that the upcoming fact finding is to be non-binding (i.e., advisory only). In contrast, the RAPG wants the results of the fact finding to be binding.

The law requires that the State Bar of Nevada and the Nevada Board of Accountancy submit names. Through a process of striking names the parties selected Christian Gabroy, Esq., as the attorney member and Michael Dobrowski, CPA as the accountant member. Those two individuals then selected Lance Hendron, Esq., as the third member. Per law, the Commissioner acts as the Chairman and a non-voting member of the panel.

A date of June 30<sup>th</sup> has been chosen as the date for the panel to meet and hear evidence on this issue. The panel will complete its work by deciding whether to make the fact finding binding or non-binding.

### **"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.