

# Local Government Employee-Management Relations Board E-Newsletter

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## EMRB Issues Two 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 No. 814; Case No. 2015-001; *Bramby Tollen v. Clark County Assoc. of School Administrators and Professional-Technical Employees***

Bramby Tollen was the Director of Purchasing for CCSD and a union member. In March 2014 CCSD transferred her to Human Resources. Her union would not file a grievance, claiming that there was no contract violation since she was the same grade. Shortly thereafter she went on an extended medical leave. She then contacted her union, claiming bullying and harassment by CCSD. The union told her it did not handle such claims and to contact the unit in CCSD that investigated such claims. While on leave she applied for, and was accepted for, the position of Director of Purchasing for a county in Washington. She signed a lease and began work there while still on paid leave at CCSD. On August 29<sup>th</sup> Tollen received a letter from CCSD, asking her to attend an investigative meeting on her "double-dipping." She contacted her union again and was assigned a representative. Her discussions with her rep led Tollen to submit a retirement letter, which then cancelled the need for the meeting. Shortly thereafter CCSD issued her final paycheck, which withheld sums for sick leave. Then after her retirement a reporter contacted her union. She claimed the union made disparaging comments about her to the press.

The Board dismissed the first two denials of service as being filed beyond the six-month statute of limitations. The Board also found no breach of the duty of fair representation with respect to her claim that the union did not represent her at the investigative hearing in that the union had done what she requested; namely send in her retirement letter. Finally, the Board found no breach with respect to the press as she was no longer a member of the union at that time because of her retirement and thus no longer owed her a duty.

### **Item No. 815; Case No. 2016-005; *Nye County v. Nye County Law Enforcement Management Association***

The Board granted Nye County's petition to withdraw recognition of the union as there were no employees left in the bargaining unit. Since Respondent had no members, this was not a voluntary withdrawal. Moreover, the Board noted that the principle of collective bargaining presupposed that there is more than one eligible person who desired to bargain.

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## On the Horizon

The next meeting of the Board will be a telephonic meeting originating from Las Vegas on May 27<sup>th</sup>. At that time the Board will decide a motion for rehearing filed by the Clark County Association of School Administrators and Professional-Technical Employees. This employee organization won its case against Bramby Tollen but seeks reconsideration of a denial of attorney's fees. The next full Board meeting will be held Tuesday, June 14<sup>th</sup> through Thursday, June 16<sup>th</sup>. The agenda for the meeting will be issued on Monday, June 7<sup>th</sup>. One case is scheduled for June. It is 2015-017, North Las Vegas Police Supervisors Association v. City of North Las Vegas. Although the case has a number of allegations, the heart of the case concerns the allegations that the city gave work normally done by sergeants at the detention center to other police officers.

## Fact Finding Panel Decides Issue

Last month we reported that the EMRB convened a fact finding panel in a dispute between the International Union of Elevator Constructors, Local 18 and Clark County, who have been negotiating a new collective bargaining agreement for some time. Impasse had been declared, but the parties could not agree on whether to make the interest arbitration binding or non-binding. A provision in our law states that when the two parties cannot agree, then either party can request the formation of a fact finding panel, whose purpose is to determine whether the arbitration is to be binding. The fact finding panel met for two days in May and unanimously voted to make the upcoming fact finding non-binding.

## Sunset Subcommittee to Meet June 16th

As you may recall, several months ago the EMRB and thirty other boards and commissions were selected for review by the Sunset Subcommittee of the Legislative Commission. The Sunset Subcommittee is tasked with determining whether various boards and commissions are to be terminated, combined, remain as is or otherwise be modified. We had our hearing in April and now on June 16<sup>th</sup> the subcommittee will make its recommendations as to the fate of the EMRB. These recommendations will be forwarded to the next state legislature, which at that time may introduce legislation to enact those recommendations. If you have any questions please contact us. Please note that you are also able to voice your opinion at the beginning of that meeting during public comment.

## Annual Invoices to be Mailed June 20th

The EMRB will be mailing invoices to all the local governments on June 20<sup>th</sup>. The invoices will be mailed to the official contact person at each government. Please watch for the invoice, which is due July 31<sup>st</sup>. At its May meeting the Board kept the rate at \$6.75 per employee, which is the same rate now for several years. The EMRB receives the number of employees for each local government from PERS, except for those couple of local governments which do not belong to PERS. If, because of your local government's bill approval and paying process you need a little extra time to remit the payment, please call our office and we will work with you.

## Public Hearing on Proposed Regulations

The EMRB has scheduled a public hearing for its proposed regulatory amendments for Wednesday, June 15, 2016 at 8:00 a.m. The public hearing will be held at the EMRB's office at the address above. Written comments are also welcome prior to the meeting and they will be read into the record at the meeting. The EMRB held a workshop on the proposals on May 17<sup>th</sup>, at which time three persons attended and we received one written comment. The proposals 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 attachment of exhibits to complaints, answers and pre-hearing statements. A copy of the proposed regulation may be found on our website.

## 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:

One case is currently scheduled for June: 2015-017, North Las Vegas Police Supervisors Association v. City of North Las Vegas.

Two cases are set for July: 2015-029, Melissa Reed v. Storey County & Antinoro, and 2016-008, IAFF, Local 2251 v. Carson City. It is expected that in June the Board will also add 2016-011, Lyon Co. Education Assoc. v. Lyon County School District.

The Board will hear A1-046127, Mike Quick v. Las Vegas Metropolitan Police Department in August. It is also expected that 2015-013, Eric Brown v. Las Vegas Metropolitan Police Department will also be added to August.

In September the Board is scheduled to hear 2015-019, Pamela Dittmar v. Teamsters Local 14 and City of North Las Vegas. The following month the Board has scheduled to hear 2015-017, Bonner & Washington v. City of North Las Vegas.

There are four additional cases waiting for a hearing date beyond those listed above:

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

2015-028, Bonvicin & Moore v. City of North Las Vegas

2016-007, Thomas O'Neil v. City of Las Vegas

2016-009, Burt & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

## Commissioner Speaks at IPMA-HR Conference

Commissioner Snyder had the good fortune to be invited back to the annual conference of the Southern Nevada chapter of the International Public Management Association-Human Resources. He spoke for about 90 minutes on happenings at the EMRB, SB 241 and other legislation passed by the last legislature, and possible legislation for the upcoming session next year. If you would like someone to speak at one of your meetings please call our office and we will attempt to fill your request.

## Law School Student Volunteers for the Summer

The EMRB is pleased to announce that Cammy Ha, a student from the UNLV School of Law, is volunteering for the next few months. She will be doing a variety of projects but her primary project will be drafting a brochure for the common local government employee on the Duty of Fair Representation. We get a number of telephone calls from employees who have complaints about their employee organizations. This, coupled with the fact she has an interest in the subject, has led us to make this the first brochure that we will be developing in a series of brochures for the public and unrepresented employees.

### "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.