



## 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

## CBA's Updated on Agency Website

The EMRB has finished uploading the remainder of the current collective bargaining agreements submitted to it as part of the annual filing process. Please check our website! While you are checking our website, we have also added a number of frequently asked questions related to the creation and use of panels to hear cases and resolve disputes, as well as a new message from the Commissioner and a whole host of other updated information!

## Representation Election Held in Pahrump

On May 16<sup>th</sup> the EMRB held an election to determine whether 10 blue collar employees who work for the Town of Pahrump wished to be represented by Teamsters Local 14. The results were as follows: Yes 6; No 4. The results are unofficial until so certified by the Board and the parties shall have through May 23<sup>rd</sup> to file any objections as to the conduct of the election.

### Inside This Issue

- 1 **CBA's Updated on Agency Website**
- 1 **Representation Election Held in Pahrump**
- 1 **Recent Decisions**
- 2 **EMRB's 50<sup>th</sup> Anniversary: Guest Columnist Michael Dyer**
- 2 **On the Horizon** – Learn about upcoming meetings
- 3 **In the Queue** – See the cases waiting to be heard
- 3 **EMRB to Offer Class on Prosecuting a Claim**

### 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

## 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 829; Case 2017-025; Yu & Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department.**

Sgt. Yu was administratively transferred by his Lieutenant from the canine unit to patrol. Thereupon Sgt. Yu and his union filed a grievance disputing his transfer as not meeting the requirements for an administrative transfer found in the CBA, as well as a department policy on transfers. LVMPD refused to process the grievance, claiming it did not meet the definition of a grievance. Later LVMPD also refused to a request for binding arbitration. Yu and PMSA then filed the instant prohibited practices complaint, alleging LVMPD of making a unilateral change to a mandatory subject of bargaining. The Board noted that grievance procedures are a mandatory subject of bargaining and that an employer who refuses to process a grievance under the negotiated process violates the Act. The Board also found that the plain wording of the grievance procedure in the CBA was clear that employees have the right to file a grievance if the employee has a dispute regarding the application or interpretation of the CBA. As LVMPD refused to accept the grievance, it therefore committed a unilateral change. As a remedy, the Board ordered LVMPD to accept the grievance and process it in compliance with the contractually agreed upon terms.

## EMRB's 50<sup>th</sup> Anniversary: Guest Columnist Michael Dyer

The EMRB officially came into existence on April 28, 1969. In the run-up to our 50<sup>th</sup> anniversary next April, each of our e-newsletters from now until then will have a guest columnist. This month's guest columnist is Michael Dyer, recently retired from the practice of law and who for several decades practiced before the EMRB. Each month's guest columnist will have the freedom to write what pleases him or her. We only asked that they not comment on pending cases. The opinions of our guest columnists may not necessarily reflect those of the Board or staff of the EMRB. Here is this month's message from Michael Dyer:

I appreciate the opportunity to express my view on the importance of the EMRB to local government labor relations. The specific point I'd like to focus on, is that prompt access to the EMRB has avoided the need for the EMRB to issue an Order in a significant number of cases, because the parties, independently, reached a compromise settlement.

When labor and management know that the EMRB will promptly hold a hearing, and issue an Order, it is more likely that the parties will attempt to resolve the underlying issues through a compromise. Thus, there is a benefit to both labor and management, from the EMRB having the ability to promptly hold hearings, and render decisions.

The importance of the EMRB in bringing about "resolutions", was impressed on me, approximately 38 years ago, in my first case before the EMRB. Contract negotiations had entirely broken down, and both sides were asserting "bad faith bargaining". The case did not involve the substance of the contract negotiations and was limited to the question of whether certain actions constituted "bad faith bargaining". When the case was filed, the relationship between the parties, and between the individuals serving as the negotiators for the parties, had reached the point where meaningful discussion on the contract was not possible, and was not occurring. However, the EMRB hearing process forced both sides to reexamine their bargaining positions. As a result, the parties were able to settle the contract issues, while waiting for the EMRB to render an Order on the "bad faith bargaining" allegations. This experience convinced me that the EMRB process could create a framework for meaningful "discussions", and lead to a settlement, even though the parties were at impasse in the formal negotiations.

All experienced labor lawyers recognize that labor negotiations, and issues, are part of an ongoing process. In the long term, that process works best if the parties, themselves, are able to fashion a result which both sides can "live with", rather than having the EMRB enter an Order. When negotiations "break down", quick access to, and decisions by, the EMRB are important. In the normal situation, if both labor and management know that the EMRB will promptly hear the legal issues, and render a decision, then, while the EMRB hearing is pending, or while waiting for the Order, both management and labor will be inclined to continue to attempt to find a compromise resolution, which both sides "can live with". Nevada is fortunate to have a meaningful EMRB process. Anything the EMRB can do to even further streamline, and expedite, that process, will be of benefit to both management and labor.

### On the Horizon

The next meeting of the Board, which will be held in Las Vegas, will be Tuesday, May 22<sup>nd</sup> through Thursday, May 24<sup>th</sup>. At that time Panel A is scheduled to hear consolidated case 2017-020, Juvenile Justice Supervisors Association & Juvenile Justice Probation Officers Association v. Clark County. The Complainants allege bad faith bargaining on the part of Clark County, which is denied by the county. The dispute centers around the issue of union leave and the extent to which concessions made in prior contracts may carry over to future contracts.

The Board will also be ruling on a motion to dismiss in 2018-001, Ruben Murillo v. Clark County Education Association. Mr. Murillo alleges that the Nevada State Education Association, which at the time was a parent organization of CCEA and which he runs, and CCEA have been at odds over a number of issues and that CCEA has retaliated against him by terminating his health insurance. CCEA claims this is not so and that actually the Complainant has filed his complaint against the wrong entity, CCEA, and not the trust itself.

## 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 2018.

### **May 22-24, 2018 in Las Vegas (Panel A)**

2017-020, Juvenile Justice Supervisors Assoc. and Juvenile Justice Probation Officers Assoc. v. Clark County

### **June 12-14, 2018 in Las Vegas (Panel D)**

2017-027, O'Neil et al. and Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

### **July 10-12, 2018 in Elko (Panel E)**

2017-026, City of Elko v. Elko Police Officers Association

2017-038, SEIU, Local 1107 v. Las Vegas Convention & Visitors Authority (backup case)

### **July 31-August 2, 2018 in Las Vegas (Panel B)**

2017-034, Cook, Burt & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

The following cases are in the queue, waiting for potential a hearing date:

2017-028, Elizabeth Bantz v. Washoe County School District

2018-003, UMC v. SEIU, Local 1107

2018-006, Charles Ebarb v. Clark County & Clark County Water Reclamation District

2018-007, Jarod Jackson v. Clark County

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

## EMRB to Offer Class on Prosecuting a Claim

Mark your calendars! The EMRB will be offering a class entitled "The ABC's of Prosecuting a Claim Before the EMRB." However, the class will be as equally valuable to those defending a claim filed by others. Topics will include:

Types of Claims That Can / Cannot Be Filed  
Filing Procedures and Extensions of Time  
Drafting a Complaint  
Motion Practice  
Drafting a Prehearing Statement

The Prehearing Conference  
Mandatory Settlement Conferences  
The Hearing and Post-Hearing Briefs  
EMRB's Decision and Order and What To Do  
If You Lose

Although attorneys are more than welcome, the class will also be informative for HR professionals, union officials, and the paralegals and legal secretaries who assist attorneys. Also consider your junior attorneys who might not have yet practiced before the agency. The class will take place on Thursday, June 7<sup>th</sup> from 1:00 to 3:00 p.m. at the address below and will be video-conferenced to the Department of Business and Industry's Director's Office Conference Room, 1830 E. College Parkway, Suite 100, Carson City, Nevada 89706. Please call to reserve your seat!

### **"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.