



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 Held

The EMRB held an open house on Monday, April 29, 2019, in celebration of its 50th anniversary. Refreshments, including cake, were served. The EMRB wants to thank the 80 or so people that attended the open house. This number included former Board member Carole Vilardo and former Board Secretary Joyce Holtz. A good time was had by all. In addition, the agency received a certificate of recognition from Governor Sisolak (see picture below), commemorating the agency's 50 years of service to Nevada.



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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.

Board Member Larson Tenders Resignation

On May 22nd Board Member Philip E. Larson officially tendered his resignation, to be effective June 30, 2019. Mr. Larson was originally appointed by Governor Gibbons in 2010 and then was subsequently reappointed by Governor Sandoval, both in 2014 and 2018. While on the Board Larson also served as the Chair of the agency from 2013 to 2016. He stated that he has "enjoyed my time with the EMRB immensely" and that he has had the good fortune of meeting "a number of local government employers, employee organizations and wonderful local government employees" while hearing cases this past decade.

We at the EMRB wish Phil well in the years to come, in which he has stated he would like to spend more time with his family and in other new pursuits! It is anticipated that Governor Sisolak will have an appointment in place by July.

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. Bills marked as exempt must be passed out of committee by May 29th or else they are dead. The 2019 legislative session is scheduled to end on June 3rd.

BILLS SIGNED INTO LAW BY THE GOVERNOR

SB 158 – sponsored by Senator Harris. This bill revises 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: Signed by the Governor on May 21st. Effective July 1st. The agency recently issued a separate e-mail on this bill.

BILLS IN SENATE

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: Declared Exempt and Re-Refered 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: Declared Exempt and Re-Refered 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: Declared Exempt and Re-Refered 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: Declared Exempt and Re-Refered to Senate Finance Committee.

BILLS IN ASSEMBLY

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: Declared exempt and Re-Refered to Committee on Ways and Means.

On the Horizon

The Board sitting *en banc*, as well as Panel A, Panel C and Panel E will hold a consolidated meeting on May 29, 2019 in Las Vegas, with the meeting being video-conferenced to Carson City. At that time the entire Board will set the assessment rate for the coming year and deliberate on Case 2018-006, Ebarb v. Clark County et al. The primary issue is whether the Board should defer to the arbitrator's decision. An underlying issue, which was the subject of two *amicus* briefs, relates to which party should have the burden of proof in deferral cases.

Panel A will deliberate on a motion for fees and costs in Case 2018-014, International Union of Operating Engineers, Local 501 v. Esmeralda County et al. In that case the Board held that the county had engaged in bad faith bargaining and had awarded fees and costs to the employee organization. The panel will also deliberate on a motion to dismiss and/or for a more definite statement in Case 2019-004, International Union of Operating Engineers, Local 501 v. UMC. Finally, the panel will also deliberate on three motions to dismiss in Case 2019-002, Water Employees Association of Nevada v. Las Vegas Valley Water District. One such motion was filed by LVVWD while the employee organization filed two such motions against LVVWD's counterclaim.

Panel C will deliberate on a motion to dismiss filed in Case 2019-001, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department. The complaint alleges LVMPD committed a prohibited practice when two positions were removed from the bargaining unit.

Panel E will deliberate on a hearing previously held in Case 2018-012, Nye County Management Employees Association v. Nye County. In this case Deputy District Attorneys seek to be represented by the association.

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:

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

2018-03, 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 13-15, 2019, in Las Vegas (Panel D)

2018-032, Dawn Sanchez v. Clark County

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)

Hearing Postponed and New Dates Not Yet Assigned, 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 may be consolidated on May 29th)

There are no cases in the queue waiting for a hearing date.

In Other News...

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 and staff is recommending that the current rate be kept in effect. 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 over the last year. Please mark your calendars! Further details will be provided by a special e-mail to be issued on June 20th and also in the June e-newsletter.

Back in 2014 the EMRB quit assigning item numbers to Board orders related to stipulations and motions and only assigned item numbers for major orders. Since then staff has felt that some institutional knowledge had been lost as only orders receiving item numbers are placed on the website and on the Nevada Law Library on CD. So in late April the Board agreed with staff and has reinstated assigning item numbers to orders related to motions. The first of these will appear in next month's e-newsletter.

"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.