



# Government Employee- Management Relations Board

Nevada Department of Business and Industry



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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

## Public Workshop on July 10th

The EMRB will be conducting a public workshop on July 10<sup>th</sup> at 2:00 p.m. This will be the first of two workshops to change the agency's administrative rules, necessitated by the passage of SB 135, as well as changes in the Nevada Rules of Civil Procedure and our experience using panels over the last year. A separate notice was recently sent to everyone on our agency mailing lists, notifying everyone of the meeting to be held in Las Vegas and video-conferenced to Carson City. Please call our office if you need more information. Please mark your calendars!

## 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.

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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.

**Item 840; Case 2018-031; Teamsters Local 14 v. Las Vegas Police Protective Association Civilian Employees, Inc.** Respondent LVMPD filed a motion to dismiss, claiming that the complaint was not timely filed. The employee organization contends that the statute of limitations does not begin to run until it has clear and unequivocal notice of a violation. The Board denied the motion to dismiss, stating that a hearing is necessary to determine disputed facts related to which point in time the complainant had clear and unequivocal notice.

**Item 841; Case 2019-002; Water Employees Association of Nevada v. Las Vegas Valley Water District.** At issue were three separate motions: (1) Respondent's Motion to Dismiss and for Deferral; (2) Complainant's Motion to Dismiss Respondent's Counterclaim; and (3) Complainant's Special Motion to Dismiss Respondent's Counterclaim. Upon review and noting that there is a pending underlying grievance, the Board denied all three motions and stayed the matter pending the resolution of the parties' bargained for processes.

**Item 842; Case 2019-004; International Union of Operating Engineers Local 501 v. University Medical Center et al.** Respondent UMC filed a motion to dismiss, or in the alternative, a motion for a more definite statement. UMC argued that the complaint is inadequate such that it cannot properly defend or respond to the vague allegations asserted in the complaint. The Board found that the complaint does not meet the requirements of NAC 288.200, which require "a clear and concise statement of the facts constituting the alleged practice sufficient to raise a justiciable controversy . . . including the time and place of the occurrence..." The Board thus directed the complainant to amend the complaint within 20 days of the order.

## List of New Laws Affecting Collective Bargaining

The following bills have been enacted into law. The EMRB recently sent e-mails to everyone on our mailing lists regarding the enactment of these bills. As always, please consult with your legal counsel as to the interpretation of the bills.

**SB 111** – sponsored by the Senate Committee on Government Affairs. This bill reduces from 25% to 16.67% the amount of a local government's fund balance not subject to collective bargaining. The bill also contains provisions unique to school districts.

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

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

**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.

## On the Horizon

The Board and various panels will hold a consolidated meeting on July 1-3, 2019 in Las Vegas. Major items on the agenda include:

- Acknowledgement of a possible appointment to the Board, replacing Philip E. Larson, who recently resigned.
- Election of Chair and Vice Chair pursuant to NRS 288.090.
- Case 2018-031; Teamsters Local 14 v. Police Protective Association Civilian Employees, Inc. (PPACE) – This is the first part of a bifurcated hearing in which Teamsters Local 14 seeks to supplant PPACE as the exclusive bargaining agent of non-supervisory employees. This part of the hearing is to determine whether the supervisory employees within PPACE should be in a separate bargaining unit.
- EMRB Case 2017-012; City of Las Vegas v. Las Vegas Peace Officers Association – This is a show cause hearing as to why the City of Las Vegas has not sought to exhaust its contractual remedies as directed by the Board.
- EMRB Case 2019-012; Water Employees Association of Nevada v. Las Vegas Valley Water District – Deliberation on a motion to dismiss count VI of the complaint and a motion to amend an answer.
- EMRB Case 2019-008; Teamsters Local 14 v. Town of Pahrump & Nye County – Deliberation on a petition for declaratory order.
- Whether to grant hearings in three cases and then to randomly assign them to hearing panels.

## Note Our Change of Name

Please note that SB 135 changed the name of our agency from the Local Government Employee-Management Relations Board to the Government Employee-Management Relations Board.

## Annual Assessment Invoices Mailed

The EMRB mailed the annual invoices on June 21<sup>st</sup>. The invoices were mailed to the official contact person at each local government. The invoice is payable by July 31<sup>st</sup>. If you have not yet received the invoice, please call our office immediately. When you receive the invoice, please forward it to the appropriate person or section that approves invoices for payment. 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.

## 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 scheduled cases through December 2019, although it does have openings for additional hearings during the remainder of the year:

### **July 1-3, 2019, in Las Vegas (En Banc)**

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 D)**

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

### **October 15-17, 2019, in Las Vegas (Panel E)**

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

### **December 3-5, 2019 in Las Vegas (Panel A)**

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

## From Our Strategic Plan - Our Core Values – We Bee-lieve:



**BEE FAIR** We promise to be fair in the decisions we make. This not only includes final orders in contested cases but also in objections raised during a hearing, requests for subpoenas, requests for extensions of time and other requests made prior to a hearing.



**BEE CORRECT** We strive to be correct in the decisions we make. We will do our best to always make the right decision, based upon the facts of the case and the law as handed down to us. Nothing is worse than making a wrong decision and we promise to avoid this at all cost.



**BEE COURTEOUS** We believe that being polite builds better relationships. We will strive to treat you the way we would like to be treated.



**BEE A GOOD STEWARD** Taxpayers, through their governments, have given to us the resources we need to administer the EMRA and our agency. We should be good stewards of those resources, using them wisely and to the best advantage possible.



**BEE OPEN** Our documents are public documents and you have the right to view them. We also promise to make available the many resources we possess to help promote healthy and fair collective bargaining.

### “About the EMRB”

The Government Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between governments and their labor and employee organizations (i.e., unions), provides support in the process, and resolves disputes between governments, labor and employee organizations, and individual employees as they arise.