

Local Government Employee-Management Relations Board E-Newsletter

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Philip E. Larson, Chairman

Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

Staff

Bruce K. Snyder, Commissioner

Marisu Romualdez Abellar,
Board Secretary

On the Horizon

The next meeting of the Board will be held in Las Vegas on Tuesday, July 11, 2017 through Thursday, July 13, 2017. The agenda for the meeting will be issued on July 3, 2017. At that time the Board is scheduled to hear 2016-022, Clark County Education Association v. Clark County School District. CCEA alleges that the school district unilaterally made changes to a negotiated agreement concerning teacher professional development and how that relates to increases in pay for teachers. CCSD denies the allegations. This case affects 18,000 school teachers who work for CCSD. The Board has expedited the hearing on this case in order that a decision may be issued prior to the beginning of the upcoming school year.

Annual Assessment Invoices Mailed

The EMRB mailed the annual invoices on June 19th. The invoices were mailed to the official contact person at each local government. The invoice is payable by July 31st. If a week goes by and 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.

Regulations Compiled Into One Document

The agency's set of regulations as codified by the LCB has not been updated by the amendments made in 2015 and 2016. Anyone reading our regulations must first read the codified version and then check to see if there have been any amendments to a particular section. This has led to some confusion, particularly among the attorneys practicing before the agency.

Good news! We have compiled all of the amendments into an "unofficial" version that eliminates this problem. Now someone can read our complete set of regulations in one document. All of the new language is in bold, italicized blue while all stricken language appears in red with a strikethrough. So far we have received a number of good comments on the document.

Please check our website for the compiled version. A copy has also been sent to all the attorneys on the agency's mailing list.

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Final Report on 2017 Legislation Affecting the EMRB

The 2017 legislative session is now completed. 15 bills were introduced that would have potentially amended NRS 288, the agency's enabling statute. In the end four bills were signed into law while four others were vetoed by the Governor. The remaining seven bills never made it all the way through the legislative process.

BILLS ENACTED INTO LAW

AB 113 – sponsored by Assemblywoman Spiegel. This law places location and time requirements on employers for nursing mothers. It allows allow a local government employee to file an unfair labor practice complaint against a local government employer. It also 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.

Assembly Vote: 33-9

Senate Vote: 21-0

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

Senate Vote: 21-0

Assembly Vote: 37-5

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

Senate Vote 21-0

Assembly Vote 41-0 (1 excused)

SB 493 – submitted by Senator Parks, et al. This law reverses that part of SB 241, which excluded certain highly paid school administrators from bargaining units based upon salary, and instead excludes school administrators by job title above the rank of principal.

Senate Vote: 21-0

Assembly Vote: 39-0 (3 excused)

BILLS VETOED BY THE GOVERNOR

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

Assembly Vote: 26-12 (4 excused)

Senate Vote: 12-9

AB 290 – This original bill was gutted and the current version would have presumed that sufficient consideration had been given for any union leave in existence prior to June 1, 2015 while requiring full reimbursement for any additions to that leave agreed to on or after that June 1, 2015.

Assembly Vote: 41-0 (1 excused)

Senate Vote: 12-9

SB 356 – This bill would have reversed all of the provisions of SB 241 passed in the prior session of the legislature.

Senate Vote: 12-9

Assembly Vote: 25-14 (3 excused)

SB 469 – This bill, as amended, would have reduced from 25% to 16.67% the amount of a local government's fund balance not subject to collective bargaining.

Senate Vote: 12-9

Assembly Vote: 26-13 (3 excused)

OTHER DEAD BILLS

The following bills did not make it out of committee in the first house by the April 10th deadline:

AB 103

AB 121

SB 48

SB 220

The following bill was amended so as to no longer affect the EMRB:

SB 350

The following bills died as still being in the legislative process when the session ended:

SB 486 (would have extended collective bargaining rights to state employees)

SB 547 (would have made incentive programs for teachers a mandatory subject of bargaining)

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 September 2017.

July 11-13, 2017 in Las Vegas

2017-008, Clark County Education Association v. Clark County School District

August 14-15, 2017 in Carson City (video-conference to Las Vegas)

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

September 12-14, 2017 in Las Vegas

2017-006, Jake Grunwald & Las Vegas Police Protective Association 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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EMRB Beginning Rulemaking Process

Two bills recently enacted into law (AB 113 and SB 460) will require the EMRB to add to and/or amend its regulations. AB 113 makes it a prohibited practice for a local government to not accommodate a nursing mother with respect to reasonable time off and a clean, private place. AB 113 further requires that the EMRB adopt an expedited review process, including simplified complaint filing and an expedited review by the Commissioner in lieu of the Board. SB 460 increases the size of the Board from three to five members and allows the agency to hear cases in panels of three Board members.

After discussing the issues related to both bills, the Board agreed that the Commissioner should hold an initial public workshop to solicit ideas and recommendations on how best to implement the requirements of both bills. The Board believes that the numerous issues associated with the bills, and especially that of SB 460, first requires listening to our user community. After this initial public workshop the agency will then draft language, which will then be formalized by the LCB. Once the formal document is then returned by the LCB to the EMRB, the EMRB will then conduct a second public workshop. Pursuant to law, after the second public workshop is conducted the agency may then proceed to the required public hearing.

The initial public workshop is scheduled for July 26th at 1:30 p.m. The public workshop will be held in the Nevada Room, located on the 4th floor of the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102, and will be video-conferenced to the Department of Business & Industry Director's Office Conference Room, 1830 College Parkway, Suite 100, Carson City, Nevada 89706. Official notices will be e-mailed later this week to everyone on our mailing lists.

"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.