



Government Employee-Management Relations Board

Nevada Department of Business and Industry



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Gary Cottino, Board Member
Brett Harris, Esq., Board Member

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Implementation of Collective Bargaining for State Executive Branch Employees

The EMRB continues to move forward in the implementation of collective bargaining for state employees. Below is a recap of our activities and plans for going forward:

Amendment of Agency Administrative Rules

The agency needs to change its administrative rules to make current provisions apply to the state government and labor organizations, as well as to add additional rules for things unique to the collective bargaining process at the state level. To this end the first of two public workshops was held on July 10th. The draft of the regulations is now in the hands of the Legislative Counsel Bureau. A second workshop will be scheduled once that draft is received back from the LCB. After adoption by the EMRB, final approval will need to come from the Legislative Commission, which the EMRB hopes will happen this year.

Determination of Bargaining Units

SB 135 creates 11 unique bargaining units for state employees. On July 30th the Division of Human Resource Management submitted their recommendations as to which job classifications should be within each of the 11 bargaining units. The period to object expired on August 19th. The EMRB received three objections, which were submitted by the Nevada Association of Public Safety Officers (NAPSO), the American Federation of State, County and Municipal Employees (AFSCME) and the Communication Workers of America (CWA). These entities, along with the State of Nevada, have agreed to four days of settlement conferences over the next three weeks. Any classifications not settled will then have hearings to resolve the objections. The goal is to have the objections resolved by the end of October.

Work Programs

On August 15th the Interim Finance Committee (IFC) approved the funds for the EMRB to hire a third person for the office. Recruitment has now begun for an Administrative Assistant II position. The goal is for the agency to have the person on-board in October.

The EMRB will also submit a work program on August 28th to receive funding for up to 11 initial elections for the 11 bargaining units. This item is expected to be on the October 24th IFC meeting, so that the funds would be available in time for any elections that might be needed soon thereafter.

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List of Panels

Panel A Eckersley, Masters, Harris
Panel B Masters, Walker, Harris
Panel C Walker, Cottino, Harris
Panel D Eckersley, Walker, Cottino
Panel E Eckersley, Masters, Cottino

Note: The first person listed is the Presiding Officer of that panel.

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 844; Case 2018-012; Nye County Management Employees Association v. Nye County. The employee organization filed a petition, seeking to accrete the Deputy District Attorneys into the organization's current bargaining unit. The Board did not find a community of interest, noting that the similarity in duties, skills, working conditions, geographic proximity, common objectives, and the frequency of contact all cut against a finding of community of interest.

Item 844A; Case 2018-012; Nye County Management Employees Association v. Nye County. The Board granted a petition for rehearing. NCMEA accepted the Board's decision not to accrete the Deputy District Attorneys in the current NCMEA bargaining unit. However, the NCMEA since requested that the Board issue an order recognizing the NCMEA as the bargaining representative of the Deputy District Attorneys in a separate bargaining unit.

Brett Harris Appointed to the Board

We are pleased to announce that Governor Sisolak recently appointed Brett K. Harris to the Board, replacing Phillip E. Larson, who resigned effective June 30th. Ms. Harris, who has her own law firm, graduated from the UNLV William S. Boyd School of Law in 2011. Since becoming licensed, she has worked as an attorney with various law firms in the Las Vegas valley, before opening her own practice. Prior to attending law school, Ms. Harris received her Bachelor of Arts in English from New York University. Also, while attending law school she clerked or was an extern for the Juvenile Justice Legal Clinic, the Clark County Public Defender's Office and the American Civil Liberties Union of Nevada. Please welcome Ms. Harris!

On the Horizon

The Board is scheduled to meet September 4-5, 2019, in Las Vegas. Major items include the continuation of a hearing begun in July in case 2018-031, Teamsters Local 14 v. Las Vegas Police Protective Association, Inc., (PPACE). This first part of a bifurcated hearing is addressing the issue of whether the supervisory employees should be split into a separate bargaining unit.

The next Board meeting will be on September 17-19, 2019, in Carson City with video-conferencing to Las Vegas. At that time the Board will hold a hearing in case 2018-018, Anthony Francone & Storey County Deputy Sheriffs Association v. Gerald Antinoro & Storey County. The Complainants allege that Sheriff Antinoro and Storey County discriminated against Francone because of political or personal reasons or affiliations, which the Respondents deny.

Also on the agenda is a motion to dismiss in case 2019-004, International Union of Operating Engineers, Local 501 v. University Medical Center of Southern Nevada; and a motion to dismiss in case 2019-016, City of Las Vegas v. Las Vegas Peace Officers Association.

Additionally, case 2019-006, Teamsters Local 14 v. Town of Pahrump and Nye County has two motions to dismiss, one filed by each Respondent, as well as deliberation on the Petition for Declaratory Order.

Students from Professor Ruben Garcia's labor law class at the UNLV Boyd School of Law are scheduled to be present for the beginning of the hearing and will have an opportunity to hear from the attorneys on the case. Afterwards the students will move to a separate room where Commissioner Snyder will briefly talk with them, explaining what the EMRB does and how it differs from the National Labor Relations Board.

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 January 2020. There are no other cases in the queue waiting for a hearing date.

September 4-5, 2019, in Las Vegas (en Banc)

2018-031, Teamsters Local 14 v. Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE)

September 17-19, 2019, in Carson City with Video-Conference to Las Vegas (Panel D)

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

October 15-17, 2019, in Las Vegas with Video-Conference to Carson City (Panel E)

2018-026, Jason Woodard v. Sparks Police Protective Association (first part of bifurcated hearing)

2018-030, Dawn Sanchez v. Clark County

October 29-31, 2019, in Las Vegas (Panel B)

2019-006, Jennifer Schwartz & Karlana Kulseth v. Clark County School District and Intervenor Clark County Education Association

November 19-21, 2019, in Las Vegas (Panel C)

2019-010, Leonard Cardinale v. City of North Las Vegas

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

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

December 17-19, 2019 in Las Vegas (Panel B)

2017-034, Ryan Cook v. Las Vegas Metropolitan Police Department

January 14-16, 2020 in Las Vegas (Panel D)

2019-001, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

A Big Thank You to Our Local Governments

We at the EMRB wish to thank all the local governments who have paid their annual assessments. Also, the EMRB has now issued two invoices to the State of Nevada as required by SB 135. The first was to the state proper while the second invoice was sent to the Nevada System of Higher Education for its classified employees. The state has required that any funds received from the state for its annual assessment, and any expenses for administering SB 135, be kept separate from the funds related to the local governments.

Please Fix Your Pleadings

This is just a reminder to all the attorneys filing documents with our agency. Please remove the word "Local" from your documents when referencing the name of our agency, which has changed with the passage of SB 135.

"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.