



Local Government Employee- Management Relations Board

Nevada Department of Business and Industry
"Growing business in Nevada"



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Philip E. Larson, Board Member
Cam Walker, Board Member
Gary Cottino, Board Member

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Bruce K. Snyder, Commissioner
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Board Secretary

On the Horizon

There are four upcoming Board meetings between now and the release of the next e-newsletter:

Panel A will meet August 28-30, 2018, in Las Vegas. At that time the panel is scheduled to hear case 2018-005, Police Administrators Association of the Clark County School District v. Clark County School District. The PAA alleges that CCSD engaged in bad faith bargaining and failed to maintain the status quo in the bargaining of an initial collective bargaining agreement. In other business the panel will deliberate on a motion to defer to the arbitrator's decision. The motion was filed by the Town of Pahrump in a case filed by IAFF, Local 4608 and Van Leuven. Additionally, the panel will also deliberate on a hearing previously held, consolidated case 2017-020, Juvenile Justice Supervisors Association & Juvenile Justice Probation Officers Association v. Clark County. This consolidated case involves a dispute over union leave time.

Panel E is scheduled to meet on August 29, 2018, in Las Vegas. At that time the panel will deliberate on a hearing previously held, case 2017-026, City of Elko v. Elko Police Officers Association. The city contends that the Sergeants should be in their own bargaining unit as they are supervisory employees. The union disagrees. Two motions are also on the docket.

Panel D is scheduled to meet on September 12-14, 2018, in Las Vegas. At that time the panel is scheduled to hear case 2018-007, Jarod Jackson v. Clark County. Mr. Jackson was terminated by Clark County. He contends that this was done in violation of the procedures in the collective bargaining agreement. The county claims Mr. Jackson was still on probation and thus the procedures in the CBA did not apply. Additionally, Mr. Jackson claims that his termination was also due to personal or political reasons, which the county denies. The panel will also randomly assign cases to hearing panels for the months of November 2018 through January 2019.

Finally, Panel C is scheduled to meet on September 13, 2018, in Las Vegas. The panel will be deliberating on two motions to dismiss as well as deciding whether to grant hearings in three cases.

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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.

A Big Thank You to Our Local Governments

We at the EMRB wish to thank the 182 local governments who have all paid their annual assessments. This is the earliest date we know of when all the assessments have been paid. So thank you very much!

EMRB's 50th Anniversary: Guest Columnist Seaton Curran

The EMRB officially came into existence on April 28, 1969. In the run-up to our 50th anniversary next April, each of our e-newsletters will have a guest columnist. This month's guest columnist is Seaton Curran, who served on the Board earlier in this century. 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 Seaton Curran:

Congratulations to the EMRB on serving the State of Nevada for the past 50 years!

I was appointed to the EMRB by Governor Jim Gibbons in July 2009, and was fortunate to serve as Chairman each year of my four-year term of my service. At that time, the EMRB consisted of three board members, and I began my term with newly appointed board member Sandy Masters, and then board member Jim Wilkerson. Being new to the EMRB, I was greatly appreciative of the experience and insight offered by Jim Wilkerson during the first year of my term. Jim was later replaced by Phil Larson, and I am very impressed to see Phil and Sandy continue on the EMRB board today.

During my time on the Board, I believe Phil, Sandy, and I worked diligently to schedule and conduct hearings in a fair and efficient manner, to issue timely decisions to the parties and reduce the backlog of cases before the EMRB. We relied on the sound advice provided by our Deputy Attorney General, Scott Davis, and the diligent work of Commissioner Andy Anderson, and later Commissioner Brian Scroggins, as well as our Board Secretary, Joyce Holtz.

I feel very proud and fortunate to have worked with these wonderful and dedicated people, and I hope the work we performed during my time with the EMRB was beneficial to the local government employees and employers of Nevada.

I believe the EMRB serves a vital role in local government employee-employer relations, and I am hopeful to see the EMRB serve in that capacity for several years to come. Congratulations!

Status of Cases in the Courts

The EMRB currently has one case in District Court and four cases at the Nevada Supreme Court:

Las Vegas Peace Officers Association v. City of Las Vegas. This case was remanded back to the EMRB by the District Court, which then issued a new order, which attempted to correct any deficiencies raised by the Judge in the prior order. The LVPOA then filed an amended Petition for Judicial Review on June 4th. Briefing has just begun.

Southern Nevada Health District v. EMRB & SEIU, Local 1107 (Nevada Supreme Court). The District Court denied SNHD's motion for a preliminary injunction and it has since appealed that denial. This case involves the EMRB's determination that three positions should not be excluded from the bargaining unit.

Bonner & Washington v. City of North Las Vegas (Nevada Supreme Court). This case involves two women who were laid off by the City of North Las Vegas. The EMRB found in favor of the City and prevailed at the District Court level. This is an appeal of the District Court's decision.

Clark County Deputy Marshals Association v. EMRB & Clark County (Nevada Supreme Court). The issue in this case is whether Deputy Marshals are court employees and thus cannot be represented by an employee organization. The EMRB held that they are court employees and this was upheld at the District Court level. This is an appeal of the District Court's decision. This case was argued last November and we are waiting for the decision.

Education Support Employees Association v. EMRB (Nevada Supreme Court). The EMRB determined that a majority of the votes cast standard was appropriate to determine a winner in an election. The District Court disagreed, stating that it should be a majority of the eligible voters. This case was argued in June and we are waiting for the decision.

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 October 2018 plus two cases that have been carried over from the current quarter. On September 13th the Board will be scheduling cases for November 2018 through January 2019.

August 28-30, 2018 in Las Vegas (Panel A)

2018-005, Police Administrators Association of the CCSD v. Clark County School District

September 12-14, 2018 in Las Vegas (Panel D)

2018-007, Jarod Jackson v. Clark County

October 9-11, 2018 in Las Vegas (Panel E)

2018-001, Ruben Murillo v. Clark County Education Association

October 15-17, 2018 in Las Vegas (Panel B)

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

November 7-8, 2018 in Las Vegas (Panel C)

2018-003, UMC v. SEIU, Local 1107

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

2018-034, Ryan Cook v. Las Vegas Metropolitan Police Department

The following cases, ready to be granted a hearing, are expected to be assigned to a hearing panel on September 13th:

2018-002, Education Support Employees Association v. Clark County School District

2018-014, International Union of Operating Engineers, Local 501 v. Esmeralda County

2018-016, WEA, Aufdenkamp & Wojdyski v. I Can Do Anything Charter High School

The following two cases, currently backup cases for the current quarter, will also likely be assigned to a panel:

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

2018-012, Nye County Management Employees Association v. Nye County

Commissioner Snyder to Speak at Conference

Commissioner Snyder will be on two panels of the Annual Training Conference of the Nevada Public Employers Labor Relations Association, which will be meeting in Las Vegas on September 20th. The first panel is entitled "Winning at the EMRB" while the second panel is called "Nevada Legislative Preparation". If you would like Commissioner Snyder to speak at one of your events please contact the EMRB.

"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.