

# Local Government Employee-Management Relations Board E-Newsletter

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## Proposed Regulations Now In Effect

The Legislative Commission recently gave final approval to the EMRB's amendments to its regulations. They took effect on September 9th.

The regulations do four things. Foremost, they allow documents electronically filed with the EMRB to now be electronically served to opposing parties. The EMRB has allowed documents to be electronically filed with the agency since February 2015. Since that time we have had a number of inquiries as to whether those same documents could also be electronically served to the other parties in the case. Virtually all the documents filed with the EMRB are today electronically filed and we fully expect that virtually all the documents will now be electronically served, thus further simplifying the process of working your cases with the EMRB.

There is a provision in the regulations that allows a party to a case to opt out of being served electronically. Anyone wishing to opt out would need to send a written request to the EMRB, who would then notify all the parties to the case that a given party does not want to be electronically served. The EMRB encourages parties serving documents electronically to get a receipt through their e-mail system to show that the document was indeed sent. You will also need to have your Certificate of Service re-worded to show that the document was electronically served.

The second change replaces the timing rules for the filing of documents subsequent to a complaint, making them conform to sections 6(a) and 6(e) of the Nevada Rules of Civil Procedure. This idea came from our user community at the most recent open forum.

The third change eliminates the requirement to include the addresses of the complainant and respondent in the body of the complaint. This was done for security reasons, recognizing that the EMRB can obtain such addresses elsewhere. This idea also came from our user community.

The final change prohibits the attaching of exhibits to complaints, answers, prehearing statements and petitions. Exhibits can be attached to motions, oppositions and replies as well as during hearings, if so admitted.

A copy of the [regulations](#) have been posted on our website. They have also been sent as a separate attachment with the electronic version of this newsletter. Please call our office if you have any questions or if you would like a copy directly e-mailed to you.

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## On the Horizon

The next meeting of the Board, which will be held in Las Vegas, will be Monday, October 3<sup>rd</sup> through Wednesday, October 5<sup>th</sup>. The agenda for the meeting will be issued on September 26<sup>th</sup>. At that time the Board is scheduled to hear one three-day case, which is 2015-027, Tammy Bonner & Bachera Washington v. City of North Las Vegas. Bonner & Washington, who worked in the Human Resources Department, claim that their jobs were outsourced in retaliation for having filed a prior EMRB complaint, which ultimately settled and for which they received back pay. They also claim they were discriminated against for various reasons. The City denies all the allegations.

The Board is also scheduled to decide a petition for declaratory order in October. The case is 2016-011, Lyon County Education Association v. Lyon County School District, which involves what duties, if any, an employer might have to discern any affiliations of someone representing a non-member at a meeting or hearing with the employer.

## Update on the SEIU v. Clark County SB 241 Case

One of the cases the EMRB was to have heard in September was Case No. 2015-011, SEIU, Local 1107 v. Clark County. The hearing was to have been pursuant to a remand by Judge Bell in which she reversed the EMRB on an issue arising from the passage of SB 241 and which concerned the issue of paid union leave. Judge Bell's Decision and Order specifically stated that the "Court reverses the EMRB's decision on this issue and remands this portion of the case to the EMRB for further fact-finding and a determination of what amount of the union leave was bargained for under the 2012 agreement. This amount shall determine to what extent, if any, the County was able to preserve the status quo while also complying with SB 241."

After the case was scheduled for a hearing the two parties then settled all outstanding issues related to the case, including completion of a new collective bargaining agreement, which was since ratified by the members of the bargaining unit as well as the Clark County Commission. The stipulation to dismiss the case is to be presented to the Board at its October meeting.

## Electronic Digest of Decisions – Updated

A few months ago we announced that we released an electronic version of an old product that was last updated in 2008 which provides summaries of all the cases decided by the agency since its inception in 1969. We also promised at that time to continue to improve that product. To this end we have now placed on our website the most recent version of the product.

As of the release of this e-newsletter our online version of the product now has hyperlinks on over 90% of the order summaries, which will automatically take you to the text of the corresponding order. We also have added order summaries on recent decisions as well as summaries for eight orders we learned did not have summaries.

## EMRB Strategic Plan

Last month we reported that all state agencies are to have a strategic plan in place by June 30, 2017. The EMRB has begun the process of drafting its plan, which will contain a mission statement, vision statement, list of values, a philosophy statement, an assessment of the current condition of the agency, and a list of objectives with performance measures.

Although you will have an opportunity to provide written or oral comments at our annual open forum in January we welcome any suggestions you might have as we draft the tentative plan. Just call our office or e-mail us with your suggestions as we take seriously your ideas.

## 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 February 2017:

### October 2016

2015-017, Bonner & Washington v. City of North Las Vegas

### November 2016

2015-034, Las Vegas Peace Officers Association v. City of Las Vegas

2016-012, Nevada State Education Association v. Silver State Charter Schools (oral argument)

### December 2016

2016-010, Krumme & PMSA v. Las Vegas Metropolitan Police Department

There is currently one day open for an additional hearing to be added.

### January 2017

2015-026, Cesar Sedano & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

2016-004, Richard Marshall v. Nye County

### February 2017

2015-028, Bonvicin & Moore v. City of North Las Vegas

In addition to the above cases which have hearing dates there are two additional cases yet waiting for a hearing date to be assigned:

2016-014, Daniel Burgess v. Clark County School District

2016-016, Brown et al. & Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

## White Paper on the Duty of Fair Representation

This past summer the EMRB was fortunate to have Yuen Ting Cammy Ha, a UNLV School of Law student, volunteer at the agency. Her primary project, which she selected, was to develop a white paper on a union's duty of fair representation. From time-to-time the EMRB receives telephone calls from local government employees who believe that their employee organization is not representing them. This paper will serve to help educate those callers about this doctrine. Cammy's white paper has been posted on our website under the Practice Guides category found on the bottom of the home page. Please feel free to use this paper if it also meets your needs.

## Thank You to Our Local Governments

All the local governments have now paid their annual assessments and we thus say, "Thank you very much."

### **"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.