



Government Employee- Management Relations Board

Nevada Department of Business and Industry



3300 W. Sahara Avenue Suite 260 • Las Vegas • NV • 89102
www.emrb.nv.gov • emrb@business.nv.gov • (702) 486-4504

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Members of the Board

Brent C. Eckersley, Esq., Chair
Sandra Masters, Vice-Chair
Cam Walker, Board Member
Gary Cottino, Board Member
Brett Harris, Esq., Board Member

Staff

Bruce K. Snyder, Commissioner
Marisu Romualdez Abellar,
Board Secretary
Chris Roske, Administrative Assistant II

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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.

Brett Harris Takes Oath of Office

Brett Harris, Esq., recently appointed by Governor Sisolak, was sworn in as the newest member of the Government Employee-Management Relations Board at the beginning of the Board's most recent meeting on September 17-18, 2019. She was afforded the opportunity to make a few remarks, at which time she thanked those in attendance, including the law school students, mentioning she was happy to be here and be a new face on the Board. Ms. Harris also let the students know she is a Boyd School of Law graduate and now has her own practice.



Chair Brent Eckersley administering the oath to Board Member Brett Harris.

Labor Law Students Attend Board Meeting

On September 17th, a number of students from Professor Ruben Garcia's labor law course at the UNLV Boyd School of Law attended the Board meeting, getting an opportunity to both see the Board in action and to also learn the differences in the purpose and the operation between the National Labor Relations Board and the EMRB. We at the EMRB wish to thank Prof. Garcia for having his students come over to our facilities and we wish all his students the best as they continue their studies!

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 845; Case 2019-003; Francis Davis v. Las Vegas Metropolitan Police Department & Las Vegas Police Protective Association Civilian Employees, Inc. The Board denied PPACE's motion to dismiss, noting there are facts in dispute, as well as credibility determinations, that warrant a hearing on the matter.

Item 846; Case 2019-006; Jennifer Schwartz & Karlana Kulseth v. Clark County School District. This was a petition to intervene filed by the Clark County Education Association, claiming the organization had an interest in the outcome of the dispute between the two parties. The Board determined that the requirements for intervention had been satisfied and thus granted the petition.

Item 847; Case 2019-011; International Association of Fire Fighters, Local 5046 v. Elko County Fire Protection District. The Board denied Respondent's motion to dismiss, noting there are facts in dispute, as well as credibility determinations, that warrant a hearing on the matter.

Item 848; Case 2019-013; Las Vegas Peace Officers Supervisors Association v. City of Las Vegas. Respondent filed a motion to dismiss, arguing that the issue was over contract language and thus covered by the grievance procedure and that a grievance had been filed. Complainant countered that a matter may both be a grievance issue and an unfair labor practice and thus the complaint should not be dismissed. The Board denied the motion and stayed the case until such time as contractual remedies have been exhausted, noting that the Board has repeatedly emphasized that the preferred method for resolving disputes is through the bargained for process.

Status of Implementation of State Collective Bargaining

Below is the status of the major components of implementing the new state collective bargaining law:

Regulations

The agency is expecting this coming week the formal draft of the proposed regulations from the LCB. If received then, the second workshop will be scheduled for early October. This will be followed by the required public hearing. It is still hoped to have the proposed regulation adopted by the Legislative Commission before the end of 2019.

Assignment of Job Classifications to Bargaining Units

The agency received 64 objections from three labor organizations. Settlement conferences were held on September 5th and 9th. At that time all but one of the objections were resolved. These were drafted into the form of four stipulations, which were approved by the Board on September 17th. The final objection, along with issues raised in an *amicus* brief, will be resolved by the Board on October 3rd.

Hiring of an Administrative Assistant II

The EMRB operated for 50 years with only two employees. Due to an increase in workload, the IFC approved a work program for an additional position for the EMRB. After a several interviews, the Board recently appointed Christopher Roske to the position. Mr. Roske recently worked as an attaché and a committee manager in the recently-concluded session of the State Assembly. Mr. Roske will begin work on October 7th. Furniture and a computer to accommodate the additional position are in the order process.

Work Program for Elections

The agency submitted a work program to fund up to 11 elections for the state bargaining units. This item is scheduled for IFC consideration on October 24th.

State Annual Assessment and Creation of a Separate Reserve for State Funds

The IFC and the Governor's Finance Office have required the EMRB to separately account for any funds received from the state as compared to those received from the various local governments. This has had the effect of the EMRB creating two reserves: one for revenues and expenses for local government collective bargaining and a similar reserve for state revenues and expenses. The State has now paid its annual assessment for the fiscal year.

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.

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 with Video-Conference to Carson City (Panel B)

No case currently assigned

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

The following cases are waiting in the queue for a hearing:

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

2019-011, IAFF, Local 5046 v. Elko County Fire Protection District

2019-014, Nevada Classified School Employees, Chapter 5 v. Churchill County School District

On the Horizon

The Board is scheduled to meet October 3, 2019, in Las Vegas. This week was originally reserved for the Board to begin conducting hearings for the assignment of job classifications to the 11 state bargaining units. However, since all but one of these objections have been resolved, this meeting will address the one remaining objection involving Gaming Control Agents. It will also address issues raised in an *amicus* brief filed by the Nevada Highway Patrol Association.

The meeting will also have a presentation by the Commissioner to the Board on his analysis of the authorization cards submitted in case 2018-031, Teamsters Local 14 v. Police Protective Association Civilian Employees, Inc. (PPACE). After the presentation, the Board will then deliberate on what steps next to take in that case.

The Board is also scheduled to meet October 15-17, 2019, in Las Vegas with a video-conference to Carson City. At that time, it will hear the two cases listed above. It will also deliberate on the merits of a granted petition for rehearing in Case 2018-012, Nye County Management Employees Association v. Nye County.

"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.