

Local Government Employee-Management Relations Board E-Newsletter

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Members of the Board

Philip E. Larson, Chairman

Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

Staff

Bruce K. Snyder, Commissioner

Yvonne V. Martinez, Board Secretary

On the Horizon

The next meeting of the Board will be held on Tuesday, December 9th through Thursday, December 11th in Las Vegas. The agenda for this meeting is being issued on November 26th. At that time the Board will continue the hearing, originally begun in August, in the case of Boland et al v. SEIU, Local 1107. This is actually 18 separate cases brought by 18 physicians who work(ed) at University Medical Center. They claim that their union, SEIU, Local 1107, breached its duty of fair representation. Originally the international organization for the Service Employees International Union was also named as a respondent in the case. However, at its most recent meeting the Board granted that organization's motion to dismiss them from the case. This is a bifurcated hearing. In December only the issue of liability will be addressed.

Recent Decisions

*Please note that these summaries 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. The Board issued two notable decisions in November:

A1-046105, Douglas County Support Staff Organization v. Douglas County School District (Item 797): The DCSSO claimed that the school district made a unilateral change to the collective bargaining agreement (CBA) when it altered the number of work days of the Union President from 260 days per year to 220 days per year. The Board first noted that the number of work days is a mandatory subject of bargaining. NRS 288.150(2)(h). The school district contended that it did not unilaterally change the number of her work days. Rather, it only acted pursuant to the negotiated terms of Article 7-11 of the CBA, which had long been in the CBA and which the Board noted had been historically applied in a similar manner for years. The Board thereupon ruled in favor of the school district.

A1-046109, Nicholas Eason v. Clark County (Item 798): Nicholas Eason was a rookie firefighter who did not receive a certain EMT certification by a prescribed date. Clark County thereupon gave him an extension of four more months in return for his waiving his right to file a grievance should he fail to obtain the certification. Mr. Eason did not obtain his certification at the end of the extension. He resigned in lieu of being terminated. He filed three allegations. The first claimed the County interfered, coerced or restrained him in violation of NRS 288 when he signed the extension agreement. (cont'd on next page)

Inside This Issue

- 1 On the Horizon** - Learn about our upcoming meetings
- 1-2 Recent Decisions** – Read about significant decisions just issued by the Board
- 2 Did You Know?**
- 2 Upcoming Workshops** -
Read about two additional regulations workshops
- 3 In the Queue** - See the cases that are waiting to be heard by the Board
- 3 Open Forum** – Learn how to give your input!

Recent Decisions (cont'd)

The Board held there was no violation. The County offered an extension when it did not have to do so. The Board also found no meaningful distinction between this and last-chance type agreements. The Board also found no restraint or coercion when he chose to resign in lieu of being terminated.

Eason also claimed that the County engaged in direct dealing or end run bargaining by meeting directly with him when it offered the time extension. However, the Board held there was no direct dealing because a representative of the union was present at that meeting.

Finally, Eason claimed that the County made a unilateral change to the collective bargaining agreement by not following the bargained-for process when it wanted to discharge him. While noting that discharge is a mandatory subject of bargaining, the Board found that the circumstances of this were unique and that the County had not effectively changed any term of the CBA affecting members other than Eason, thus making any actions limited and applicable only to Eason.

Did you know

that the current Board Secretary, Yvonne Martinez, is leaving us? Her husband, who is serving our country in the military, was transferred. During her time at the EMRB Yvonne was instrumental to making improvements to the office as well as loading everything into our new website, among other accomplishments. Our statute states that the Board appoints the Board Secretary. To this end on November 6th the Board appointed Marisu Romualdez Abellar to the position. We will officially welcome her on December 1st.

Upcoming Workshops

On December 3rd the agency will be holding two workshops. The first set of proposed regulations would make the following changes:

- When filing any document with the agency we would only need the original. We would no longer require that four additional copies be filed.
- In lieu of mailing or personally dropping off a document for filing, persons would now be allowed to electronically file the document by submitting a pdf attachment to an e-mail. The document would be file-stamped and the file-stamped copy would be e-mailed back to the person.
- The Commissioner would be allowed to grant extensions of time to file certain documents in lieu of waiting for Board approval. It is expected that the extensions could be granted the same day as the stipulation is filed.
- Clarifications in annual reporting requirements would be made so that the regulations better conform to our state law.

The second workshop that day would be on the subject of elections. Here the Board has no preconceived notion of what changes, if any, should be made with respect to the subject of representation elections. Rather, the Board would like input on a number of subjects. Included among these are: (1) the role of interest cards; (2) the providing of employee lists; (3) the determination of what constitutes majority support; (4) the procedure for elections and runoff elections; (5) challenges to recognition; (6) the paying of costs related to an election; (7) the means of showing majority support; and (8) any other subject related to elections.

It is hoped that after the workshop for the non-election issues that the Board would soon thereafter schedule a public hearing and adopt the regulations (as is or with changes) so that they could take effect in early 2015. With respect to the election issues, the Board will consider all comments received and then have further discussions on the topic, which may then culminate in a draft of regulations in the future, which would then result in additional regulation workshops. The notices for the two workshops and related materials may be viewed on our website.

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. Below is a description of the current queue:

On December 9-11 the Board will meet in Las Vegas and continue the hearing in the 18 consolidated cases involving various physicians at University Medical Center in their dispute with SEIU, Local 1107 and SEIU International.

On January 13-15 the Board will meet in Las Vegas and hear two cases: A1-046106, Michael Turner v. Clark County School District and A1-046108, Las Vegas City Employees Assoc. and Val Sharp v. City of Las Vegas.

On February 10-12 the Board will meet in Las Vegas and hear two consolidated cases, A1-046054 and A1-046080, involving the North Las Vegas Police Supervisors Association and the City of North Las Vegas.

Finally, on March 10-12 the Board will hear two more cases: A1-046111, Justin Simo v. Henderson Police Officers Association, and A1-046123, Nye County Law Enforcement Association v. Nye County.

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard:

In Las Vegas:

A1-046102, North Las Vegas Police Supv. v. City of North Las Vegas

A1-046113, ESEA & POA of CCSD v. Clark County School District

A1-046119, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department

A1-046130, SEIU, Local 1107 v. Clark County

In Northern Nevada:

A1-046068, Elko County Employees Association v. Elko County

Open Forum

In addition to the two regulations workshops to be held on December 3rd, that same afternoon the agency will be holding its second annual open forum. This is your opportunity to give input to us on how we can continue to improve the agency in the upcoming year. We are here to serve you and thus we want to hear from you. Any and all ideas are welcome. Today we are mailing you the notice of the meeting. Suggested topics include ideas to improve the handling of our caseload, suggested additions to the website, ways to make our information more accessible, and the improving of our mediator and fact-finder lists. By the end of this year we will make available on our website all the collective bargaining agreements (CBA's). Accordingly, we would also like your input as to whether the EMRB should be analyzing the CBA's and issuing reports on them for the use by our user community.

"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.