

SEP 28 2015

STATE OF NEVADA  
E.M.R.B.

## STATE OF NEVADA

## LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

## RELATIONS BOARD

1	DEBORAH BOLAND, M.D., a Local	)	
2	Government Employee and member of the	)	Consolidated CASE NO. A1-045847;
3	UMC PHYSICIANS' BARGAINING UNIT	)	A1-045848; A1-045849; A1-045850;
4	of NEVADA SERVICE EMPLOYEES	)	A1-045851; A1-045852; A1-045853;
5	UNION, SEIU LOCAL 1107, AFL-CIO, CLC,	)	A1-045854; A1-045855; A1-045856;
6	et. al.,	)	A1-045857; A1-045858; A1-045859;
7		)	A1-045860; A1-045861; A1-045862;
8	Complainants,	)	A1-045863; and A1-045864
9	vs.	)	<b>ORDER (CORRECTED)</b>
10	NEVADA SERVICE EMPLOYEES UNION,	)	<b><u>ITEM NO. 802-A</u></b>
11	SEIU LOCAL 1107, AFL-CIO and SERVICE	)	
12	EMPLOYEES INTERNATIONAL UNION,	)	
13	AFL-CIO, CLC,	)	
14	Respondents.	)	

On the 15th day of September 2015, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board") for consideration and decision pursuant to the provisions of the Local Government Employee-Management Relations Act ("the Act") NRS Chapter 288. The Board held a second administrative hearing concerning the appropriate remedy in this matter on September 15, 2105.

Our previous order found that Respondent Service Employees International Union, Local 1107 ("Local 1107") breached its duty of fair representation when it abandoned outstanding grievances. We ordered Local 1107 to remedy this violation of the Act by pursuing the grievances that were outstanding as of Local 1107's withdrawal as bargaining agent. Because we had previously bifurcated this hearing, the Board permitted any party to request this second hearing to address the issue of remedies. Respondent Nevada Service Employees Union, SEIU Local 1107 requested such a hearing.

The issue before the Board at this second hearing was simply to ascertain which grievances remained outstanding and to clarify those which Local 1107 must address to remedy its breach of the duty of fair representation. At the second hearing Dr. Brad Walker appeared and

1 testified as to the status of outstanding grievances. Local 1107 did not present any witnesses at  
2 the second hearing.

3 Having considered the testimony of Dr. Walker, the Board finds that the following  
4 grievances, which are listed in Complainant's Exhibit 43, are outstanding and within the scope of  
5 our prior order:

6 Grievance # 1: the "charge physicians" grievance;

7 Grievance # 3-4: the "failure to hire physicians at FTE-status" grievance;

8 Grievance # 6: the "changing of posted schedules" grievance;

9 Grievance # 7: the "per diem used as full/part time" grievance;

10 Grievance # 9: the "working clocked out under threat of discipline" grievance;

11 Grievance # 13: the "missing steward pay" grievance;

12 Grievance # 18: the "CME" grievance;

13 Grievance # 20: the "Laughlin travel time" grievance;

14 Grievance # 22: the "McCarran shifts past 3 AM" grievance;

15 Grievance # 26: the "temporary reassignments" grievance,

16 Each of these grievances was identified based upon Exhibit 43, and was discussed at the  
17 second hearing by Dr. Walker. The Board finds insufficient evidence to show that any other  
18 grievance was outstanding as of Local 1107's withdrawal.

19 In accordance with our prior order, Local 1107 shall pursue the above-listed grievances.  
20 Local 1107 shall do so within the discretion typically allotted to bargaining agents to pursue  
21 grievances and in accordance with the duty of fair representation.

22 DATED the 28th day of September, 2015.

23 LOCAL GOVERNMENT EMPLOYEE-  
24 MANAGEMENT RELATIONS BOARD

25 BY: 

26 PHILIP E. LARSON, Chairman

27 BY: 

28 BRENT C. ECKERSLEY, ESQ.,  
Vice-Chairman

BY: 

SANDRA MASTERS, Board Member

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
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of NEVADA SERVICE EMPLOYEES ) A1-045848; A1-045849; A1-045850;  
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9 NEVADA SERVICE EMPLOYEES UNION, ) A1-045860; A1-045861; A1-045862;  
SEIU LOCAL 1107, AFL-CIO and SERVICE )  
10 EMPLOYEES INTERNATIONAL UNION, ) A1-045863; and A1-045864  
AFL-CIO, CLC, )  
11 Respondents. ) **NOTICE OF ENTRY OF ORDER**  
12 )

13 To Complainants: Deborah Boland, et. al., and their attorney Esther C. Rodriguez, Esq.

14 To Respondent: Nevada Service Employees Unions, SEIU Local 1107, and their attorney  
15 Michael A. Urban, Esq.

16 PLEASE TAKE NOTICE that the ORDER (SECOND CORRECTED) was entered in the  
17 above-entitled matter on September 28, 2015.

18 A copy of said order is attached hereto.

19 DATED this 28th day of September, 2015.

20 LOCAL GOVERNMENT EMPLOYEE-  
21 MANAGEMENT RELATIONS BOARD

22 By: 

23 MARISU ROMUALDEZ ABELLAR  
24 Executive Assistant  
25  
26  
27  
28

**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 28th day of September, 2015, I served a copy of the foregoing ORDER (SECOND CORRECTED) by mailing a copy thereof, postage prepaid to:

Esther C. Rodriguez, Esq.  
Rodriguez Law Offices  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145

Michael A. Urban, Esq.  
The Urban Law Firm  
4270 S. Decatur Blvd., Suite A-9  
Las Vegas, NV 89103



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MARISU ROMUALDEZ ABELLAR  
Executive Assistant