

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

WATER EMPLOYEES ASSOCIATION OF
NEVADA,

Complainant,

v.

LAS VEGAS VALLEY WATER DISTRICT,

Respondent.

Case No. 2019-002

NOTICE OF ENTRY OF ORDER

PANEL A

ITEM NO. 841-B

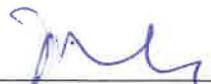
TO: Complainant and their attorneys of record Evan L. James, Esq. and Christensen James & Martin;

TO: Respondent and their attorneys of record Mark Ricciardi, Esq. and Allison Kheel, Esq. and Fisher & Phillips LLP.

PLEASE TAKE NOTICE that the **ORDER ON RESPONDENT'S PETITION FOR RECONSIDERATION OR REHEARING OF THE BOARD'S JANUARY 1, 2021, ORDER ITEM NO. 841-A** was entered on the 28th day of January 2021, a copy of which is attached hereto.

DATED this 28th of January 2021.

GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: 
MARISU ROMUALDEZ ABELLAR
Executive Assistant

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Government Employee-Management Relations
3 Board, and that on the 28th day of January 2021, I served a copy of the foregoing NOTICE OF ENTRY
4 OF ORDER by mailing a copy thereof, postage prepaid to:

5 Evan L. James, Esq.
6 Christensen James & Martin
7 7440 W. Sahara Avenue
8 Las Vegas, NV 89117

9 Mark Ricciardi, Esq.
10 Allison Kheel, Esq.
11 Fisher & Phillips LLP
12 300 S. Fourth Street, Suite 1500
13 Las Vegas, NV 89101

14 

15 _____
16 MARISU ROMUALDEZ ABELLAR
17 Executive Assistant
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FILED

JAN 28 2021

STATE OF NEVADA
E.M.R.B.

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

WATER EMPLOYEES ASSOCIATION OF
NEVADA,

Complainant,

v.

LAS VEGAS VALLEY WATER DISTRICT,

Respondent.

Case No. 2019-002

**ORDER ON RESPONDENT'S
PETITION FOR RECONSIDERATION
OR REHEARING OF THE BOARD'S
JANUARY 1, 2021, ORDER ITEM NO.
841-A**

PANEL A

ITEM NO. 841-B

On January 28, 2021, this matter came before the State of Nevada, Government Employee-Management Relations Board (Board) for consideration and decision pursuant to the provisions of the Government Employee-Management Relations Act (NRS Chapter 288, EMRA) and NAC 288. At issue was Respondent's Petition for Reconsideration or Rehearing of the Board's prior order (Petition).

Preliminarily, the Petition is improper. Pursuant to NAC 288.360, rehearing may only be granted after "a final decision of the Board". The Board has not rendered a final decision in this case.¹ *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729 (1994) (quoting *Alper v. Posin*, 77 Nev. 328, 330, 363 P.2d 502, 503 (1961); *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *Wells Fargo Bank, N.A. v. O'Brien*, 129 Nev. 679, 680, 310 P.3d 581, 582 (2013); *Reno Hilton Resort Corp. v. Verderber*, 121 Nev. 1, 5, 106 P.3d 134, 136-37 (2005); *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 444, 874 P.2d 729, 733 (1994). See also, e.g., *Pub. Serv. Comm'n of Nev. v. Cmty. Cable TV*, 91 Nev. 32, 42-43, 530 P.2d 1392, 1398-99 (1975); *State Taxicab Auth. v. Greenspun*, 109

¹ Moreover, there has not yet been a hearing. As such, "rehearing" does not apply. In the same vein, the Board has yet to consider the argument raised in the Petition. As such, "reconsideration" does not apply.

1 Nev. 1022, 1025, 862 P.2d 423, 425 (1993); *Liberty Mutual Ins. Co. v. Wetzel*, 424 U.S. 737, 744
2 (1976); *Mid-Century Ins. Co. v. Pavlikowski*, 94 Nev. 162, 163, 576 P.2d 748, 749 (1978); *Saguaro*
3 *Power Co. v. Pub. Utilities Comm'n of Nevada*, 128 Nev. 931, 381 P.3d 658 (2012); *Reno Hilton Resort*
4 *Corp. v. Verderber*, 121 Nev. 1, 5-6, 106 P.3d 134, 137 (2005); *Unzueta-Corral v. Clark Cty. Sch.*
5 *Dist.*, 131 Nev. 1358 (2015); *Park W. Companies Inc. v. Amazon Constr. Corp.*, 132 Nev. 1015, 385
6 P.3d 44 (2016).

7 Further, reconsideration, pursuant to NAC 288.2718 (which has the force of law), only applies
8 to split decisions which did not occur in this case. Additionally, there has not been an opportunity for
9 hearing or final decision. *Private Investigator's Licensing Bd. v. Atherley*, 98 Nev. 514, 515, 654 P.2d
10 1019, 1019 (1982); *Citizens For Honest & Responsible Gov't v. Sec'y of State*, 116 Nev. 939, 951–52,
11 11 P.3d 121, 129 (2000); *Tom v. Innovative Home Sys., LLC*, 132 Nev. 161, 171, 368 P.3d 1219, 1226
12 (Nev. App. 2016); *State, Nevada State Purchasing Div. v. George's Equip. Co.*, 105 Nev. 798, 804, 783
13 P.2d 949, 952 (1989); *Bonner v. City of N. Las Vegas*, Docket No. 76408, 2020 WL 3571914, at 5, filed
14 June 30, 2020, unpublished deposition (Nev. 2020). See also *S. Nevada Health Dist. v. Local Gov't*
15 *Employee-Mgmt. Relations Bd.*, 432 P.3d 170, Docket No. 76625, filed December 12, 2018,
16 unpublished disposition (Nev. 2018).

17 Regardless, the Board will grant a hearing in this case including considering the argument raised
18 by Respondent in its Petition. The Board also notes, in addition to the remaining issues before the
19 Board including the substantive prohibited practices, we have not rendered a final decision even as to
20 the motion for deferral as it was without prejudice subject to a hearing. As such, the Board will not
21 foreclose this issue and will reconsider it to the extent raised in the parties' prehearing statements in
22 addition to substantive prohibited practices. The Board finds this is warranted given the age of this
23 matter, to lessen costs, expedite the matter, avoid prejudice, in the furtherance of convenience as well as
24 in the interest of administrative economy and finality.

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ORDER

Based on the foregoing, it is hereby ORDERED the Petition is GRANTED in part and DENIED in part, and the Commissioner set this matter for hearing once Complainant has complied with the Panel's most recent order.

DATED this 28th day of January 2021.

GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By: 
BRENT ECKERSLEY, ESQ., Chair