

FILED

JUN 04 2020

STATE OF NEVADA STATE OF NEVADA
E.M.R.B.
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

CHARLES EBARB,
Complainant,
vs.
CLARK COUNTY,
Respondent.

CASE NO. 2018-006

NOTICE OF ENTRY OF ORDER

ITEM NO. 843-B

TO: Charles Ebarb and his attorneys, Daniel Marks, Esq. and Adam Levine, Esq., of the Law
Office Daniel Marks;

TO: Clark County and its attorney, Scott Davis, Esq., Deputy District Attorney, Civil
Division;

PLEASE TAKE NOTICE that the **ORDER (Item No. 843-B)** was entered in the above-
entitled matter on June 4, 2020.

A copy of said order is attached hereto.

DATED this 4th day of June 2020.

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
3 Relations Board, and that on the 4th day of June 2020, I served a copy of the foregoing **NOTICE**
4 **OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

5 Law Office of Daniel Marks
6 Daniel Marks, Esq.
7 Adam Levine, Esq.
8 610 South Ninth Street
9 Las Vegas, NV 89101

10 Scott Davis, Esq.
11 Deputy District Attorney
12 Civil Division
13 500 South Grand Central Parkway
14 Las Vegas, NV 89155

15 
16 _____
17 MARISU ROMUALDEZ ABELLAR
18 Executive Assistant
19
20
21
22
23
24
25
26
27
28

FILED

JUN 04 2020

STATE OF NEVADA
E.M.R.B.

STATE OF NEVADA

GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

CHARLES EBARB,

Complainant,

v.

CLARK COUNTY and CLARK COUNTY
WATER RECLAMATION DISTRICT,

Respondents.

Case No. 2018-006

ORDER

EN BANC

ITEM NO. 843-B

On June 2, 2020, this matter came before the State of Nevada, Government Employee-Management Relations Board ("Board") for consideration and decision pursuant to the provisions of NRS Chapter 288, the Government Employee-Management Relations Act (EMRA); NAC Chapter 288 and NRS Chapter 233B.

This matter has been pending since February 2018. After an initial motion to dismiss and bifurcated hearing, among other matters, the Board issued an order in June 2019 finding that the deferral principals were not met while leaving issues unresolved such as the remaining hearing on the alleged violations under the EMRA and the remedy to be imposed. In July 2019, Respondents filed a Petition for Judicial Review with the District Court. In November 2019, the District Court entered an order granting the Board's Motion to Dismiss the Petition for Judicial Review. Thereafter, Respondents filed a Motion for Rehearing with the Board which was denied in December 2019. The parties filed their briefs pursuant to the Board's prior order thereafter in December 2019. Respondents filed a new motion to dismiss in December 2019. In January 2020, the Board lifted the suspension on the filing of pre-hearing statements.

///

///

1 The Board orders the hearing to occur in conjunction with the previous orders issued in this
2 case.¹ The Board further orders the hearing to occur on whether there had been unequivocal notice and
3 the applicability of equitable tolling in conjunction with Respondents' Motion to Dismiss filed in
4 December 2019. The Board also orders the parties to prepare for any questions the Board may have as
5 related to Respondents' Motion to Dismiss filed in December 2019. Finally, the Board orders the
6 Commissioner to consult with the parties to determine where an additional prehearing conference
7 should be held. If either party so requests such a conference, the Commissioner shall hold one and
8 issue a notice of hearing consistent therewith. The Board finds that having these hearings occur
9 together, along with argument on Respondents' new motion to dismiss, is warranted given the age of
10 this matter, to lessen costs, expedite the matter, avoid prejudice, in the furtherance of convenience as
11 well as in the interest of administrative economy and finality.

12 IT IS, THEREFORE, ORDERED the hearing to occur pursuant to the Board's prior orders.

13 IT IS FURTHER ORDERED the hearing to occur on whether there had been unequivocal
14 notice and the applicability of equitable tolling in conjunction with Respondents' Motion to Dismiss
15 filed in December 2019.

16 IT IS FURTHER ORDERED the parties be prepared for any questions the Board may have as
17 related to Respondents' Motion to Dismiss filed in December 2019.

18 IT IS FURTHER ORDERED for the Commissioner to consult with the parties to determine
19 when an additional prehearing conference should be held and, if either party so requests, the
20 Commissioner shall hold said conference and issue a notice of hearing consistent therewith.

21 Dated this 4 day of June 2020.

22 GOVERNMENT EMPLOYEE-
23 MANAGEMENT RELATIONS BOARD

24 BY: 
25 BRENT C. ECKERSLEY, Chair

26
27
28 ¹ Respondents, in their December 2019 brief, confirmed they wish to have an additional opportunity for
the presentation of evidence and/or argument consistent with the Board's June 2019 order.