



# Government Employee-Management Relations Board

Nevada Department of Business and Industry

3300 W. Sahara Avenue Suite 260 • Las Vegas • NV • 89102  
emrb.nv.gov • emrb@business.nv.gov • (702) 486-4505

January 2023

## Members of the Board

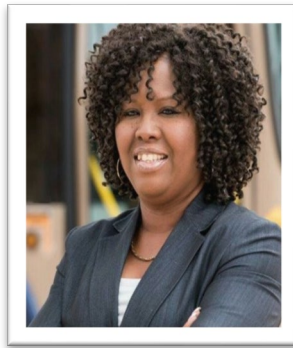
- Brent C. Eckersley, Esq., Chair
- Sandra Masters, Vice-Chair
- Michael J. Smith, Board Member
- Tammara Williams, Board Member
- Michael Urban, Esq., Board Member

## Staff

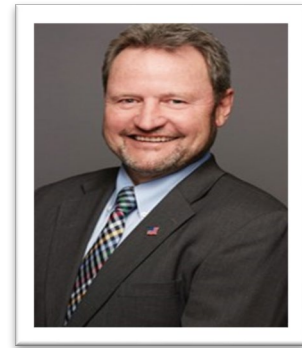
- Bruce K. Snyder, Commissioner
- Marisu Romualdez Abellar,  
Board Secretary
- Isabel Franco, Administrative Assistant II

## Two New Members Appointed to the Board

Governor Sisolak, shortly before he left office, filled the two vacancies on the EMRB, appointing Tammara Williams and Michael Urban, Esq. to the Board. Ms. Williams assumes the position previously held by Brett Harris, Esq., who now is the Commissioner for the Office of the Labor Commissioner. Her term will run through June 30, 2026. Michael Urban, Esq. fills the position held by Gary Cottino, who elected to retire from the Board. His term will run through June 30, 2025. These appointments now bring the Board to its full complement of five persons.



Tammara Williams



Michael Urban

Ms. Williams, who is now retired, previously served as the Human Resources and Safety/Security Director with the Regional Transportation Commission of Southern Nevada. She has more than 30 years of public sector experience in many areas of human resources, including labor relations, employee contract negotiations and compliance with federal and state laws and regulations.

Mr. Urban is the principal of the Urban Law Firm. A graduate of the Whittier College School of Law, his law firm practices in several areas, including real estate, ERISA and Taft-Hartley. He also represents individuals and private sector unions before the National Labor Relations Board.

Please join us in welcoming both our new members to the Board! The list of which Board members now serve on each panel appears to the left of this article.

## Inside This Issue

- 1 **Two New Members Appointed to the Board**
- 2 **Recent Decisions**
- 2 **We're Moving!!**
- 2 **Caseload Summary**
- 2 **Office Closing for Presidents' Day**
- 3 **In the Queue**
- 3 **On the Horizon**
- 3 **All Annual Reports Now Submitted**

## List of Panels

- Panel A Eckersley, Masters, Williams
- Panel B Masters, Smith, Williams
- Panel C Smith, Williams, Urban
- Panel D Eckersley, Smith, Urban
- Panel E Eckersley, Masters, Urban

Note: The first person listed for each panel is the Presiding Officer.

## 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 #882; Case 2022-013; Las Vegas Peace Officers Association v. City of Las Vegas.** The employee organization filed a Petition for Declaratory Order over how to effectuate the City's deduction of the contribution from the employees on a "pre-tax" basis under a Section 125 cafeteria plan. The employee organization sought a declaration that individual employees do not need to complete and return the form but, instead, asserted that it may authorize such withholdings on behalf of all its covered employees without each employee completing the IRS form. The City responded that it had no choice as it is required to follow the IRS Code and regulations regarding deductions under cafeteria plans. The Board held that the IRS Code and regulations control the situation and thus any employee that wanted the deductions withheld on a pre-tax basis had to individually complete and submit the form. The Board, with Board Member Smith dissenting, then denied the petition.

**Item #883; Case 2022-014; In Re: Category III Peace Officers Bargaining Unit "I"; Request for Election.** The Fraternal Order of Police Nevada C.O., Lodge 21 had filed a request for election during the window period specified by law. After approving the request, along with the election plan for conducting the election, staff conducted the election via mail. Ballots were counted on December 13, 2022. The standard to prevail was a majority of the votes cast. The tally showed FOP received 366 votes, the incumbent AFSCME, Local 4041 received 96 votes and the no union option received 7 votes. No objections to the conduct of the election were filed. Accordingly, the Board declared and ordered FOP to be the exclusive representative for the bargaining unit effective immediately.

## We're Moving!!



As they say, "We're all dressed up and have nowhere to go." We are all packed and are now waiting for a move-in date to our new offices on the fourth floor of the Nevada State Business Center. Our move-in date has been pushed back a few more weeks but we are hoping to move in by the time the next newsletter is issued. This move will allow the Nevada Division of Insurance to expand its office by taking over our current area. For those of you wondering, our telephone number will remain the same. Our address will also remain the same except for the suite number, which we will announce once we officially move. Also, the EMRB is waiting for final approval of a work program (i.e., budget amendment) to cover the costs associated with the move.

The new office will include two conference rooms, one of which will have video-conferencing capabilities. The second conference room will have the flexibility of being arranged either with people sitting around a table or else being set up classroom style.

## Caseload Summary

The agency currently has 22 open cases, which is the same number as from the prior month. We ended 2022 with 19 new cases having been filed which is a new low for a calendar year. No new cases have been filed so far in 2023. Of the 22 open cases, 13 are active while the other 9 are stayed under the limited deferral doctrine, which stays cases pending resolution of related cases in other forums. 20 of the 22 open cases are at the local government level.

## Office Closing for Presidents' Day

The office will be closed on Monday, February 20<sup>th</sup> in observance of Presidents' Day. Upon our return to the office, any filings made on that day will be date-stamped as of the date the filing was made.

## 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 following cases are scheduled for a hearing:

**February 14-16, 2023, In-Person in Las Vegas and also via WebEx**

2022-009, Nye County v. Nye County Association of Sheriff's Supervisors

**March 21-23, 2023, In-Person in Las Vegas and also via WebEx**

2022-011, Las Vegas Metropolitan Police Department v. Las Vegas Police Protective Association

There is one case still waiting for a hearing date to be decided upon:

2022-002, Association of Professional-Technical Administrators v. Washoe County School District

There are no other cases in the queue waiting for a hearing date.

## On the Horizon

There will be no meeting in January. The next Board meeting will be February 14-16, 2023, to be held in-person in Las Vegas. At that time Panel C will hear Case 2022-009, Nye County v. Nye County Association of Sheriff's Supervisors and Counterclaim of Nye County Sheriff's Supervisors and David Boruchowitz v. Nye County. Nye County seeks a determination that the Administrative Captain position cannot be in the NCASS bargaining unit because it supervises the Lieutenants in the same bargaining unit. In its counterclaim, the employee organization and employee allege Nye County committed a prohibited practice when it refused to continue bargaining with NCASS so long as David Boruchowitz, who holds the rank of Administrative Captain, remained part of the bargaining unit.

In addition to the hearing the Board will deliberate on several joint status reports and also deliberate on whether to grant a hearing in a case. The Board will further deliberate on three motions. The first is a motion to defer and/or dismiss in four consolidated cases involving the City of Las Vegas and two of its employee organizations. The second is a motion for leave to amend a complaint a second time filed by the Henderson Police Supervisors Association against the City of Henderson. The third is a motion to dismiss filed by IAFF, Local 1285 against the City of Sparks.

## All Annual Reports Now Submitted

All of the more than 360 governments and unions have now filed their annual reports. We thank everyone for submitting them. The current collective bargaining agreements have already been to our website. We will also be uploading the updated spreadsheets listing information for each government and union in the next day or so.

### "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.