



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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Members of the Board

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Board Secretary

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On the Horizon

The next Board meeting will be held January 30-31, 2024. The meeting will be held in the Carl Dodge Conference Room in Las Vegas and virtually using WebEx. At that time the Board will hold a hearing in Consolidated Case 2023-015, Association of Professional-Technical Administrators v. Washoe County School District and Washoe County School District v. Association of Professional-Technical Administrators. Both parties allege that the other party has engaged in bad faith bargaining over a successor agreement. Additionally, the parties want a ruling from the Board as to whether NRS 288.200 or NRS 288.217 applies to impasse proceedings between the parties.

The following Board meeting will be held February 22, 2024. This meeting will be held in the Carl Dodge Conference Room in Las Vegas and virtually using WebEx. There is no hearing for this Board meeting. However, the Board will have substantial business as it will be deliberating on Consolidated Case 2023-024, Washoe County School District v. Washoe School Principals' Association and Washoe School Principals' Association v. Washoe County School District. Both parties allege that the other party has engaged in bad faith bargaining over a successor agreement. In a companion case, the Board will also be deliberating on the case heard at the end of January (see above).

The Board will also deliberate on a petition in Case 2023-033 filed by Nye County, seeking clarification of the bargaining unit for the Nye County Management Employees Association. If the Board believes there may be material facts in dispute then it may instead call for a hearing at a future date.

Other business will include deliberation on a motion to dismiss in Case 2023-033, John Leonard v. Washoe County and Washoe County Sheriff's Office as well as whether to grant a hearing in Case 2023-016, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department.

Finally, the Board will review various administrative documents as a prelude to the upcoming biannual budget cycle. These will include updates of the agency's strategic plan to a new format as well as an action plan for achieving the goals mentioned in the strategic plan. Moreover, staff will also be presenting to the Board a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis. We welcome input from the public and our stakeholders on these documents as well as on any other issue.

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List of Panels

Panel A Eckersley, Masters, Williams
Panel B Smith, Masters, Williams
Panel C Smith, Masters, Urban
Panel D Eckersley, Smith, Urban
Panel E Eckersley, Williams, 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 #889; Consolidated Case 2023-006 and 2023-007; North Lyon Firefighters Association, IAFF Local 4547 v. North Lyon Fire Protection District and Jason Nicholl, in his official capacity and North Lyon Fire Protection District v. North Lyon Firefighters Association. On January 31, 2023, the employee organization submitted a letter to the fire protection district indicating a desire to negotiate a successor CBA, which resulted in the Fire Chief reacting angrily to the employee organization's President. A week later the parties held their first and only bargaining session as a subsequent bargaining session was cancelled when the employee organization objected to a Fernley City Council member being on the employer's negotiating team as it believed he was hostile to the union. No further sessions were held due to this dispute as well as how the new CBA should be negotiated and whether the meetings could be recorded. Both parties instead filed bad faith bargaining complaints with the EMRB.

The Board found that the reaction of the Fire Chief to receipt of the letter was not due to animus towards the union but instead was based on his personal relationship with Local 4547's President. Also, in a previous motion to dismiss the council member from the case, the Board had held that the fire protection district had the right to choose its representatives under NRS 288.150. Finally, the Board determined that neither party presented sufficient evidence of conduct amounting to bad faith bargaining and denied both complaints.

Limited Deferral Doctrine Explained

Currently the EMRB has seven cases on hold (i.e., stayed) under the limited deferral doctrine. What is this doctrine and how do such cases proceed at the EMRB? In 1991, the EMRB adopted the limited deferral doctrine in a case involving IAFF, Local 731 v. the City of Reno. The EMRB's version of the limited deferral doctrine has been modeled after the same doctrine used by the National Labor Relations Board in cases that are filed with that Board between private sector employers and unions representing their employees.

At the EMRB, parties to a case are required by NAC 288.250 to provide, among other things,

A statement of whether there are any pending or anticipated administrative, judicial or other proceedings related to the subject of the hearing and, if so, a description of the manner in which those proceedings may affect the hearing and an opinion concerning whether the hearing should be stayed pending the outcome of any such proceedings.

In addition to providing this information in a prehearing statement, some parties file a motion to stay the pending case. Cases eventually come before the Board to decide whether to grant a hearing. At that time, it would be noted as to whether a given case has underlying pending proceedings. The Board then, under the limited deferral doctrine, would stay the case until those underlying proceedings have concluded. The Board usually requires the parties to submit joint status reports every three months or so, to enable the Board to effectively oversee a case while it is stayed.

Upon conclusion of the underlying proceedings, the party who prevails at that level normally files a motion to defer, which requests that the Board not schedule its own hearing on the matter but instead defer to the decision rendered in the other proceeding. As to the dispute itself, the EMRB defers to a decision if: (1) the proceedings were fair and regular; (2) the parties agreed to be bound; (3) the decision was not clearly repugnant to the purposes and policies of the EMRA; (4) the contractual issue was factually similar to the unfair labor practice issue(s); and (5) the decision maker was presented generally with the facts relevant to resolving the unfair labor practice(s). If any of the five points are not met, then the EMRB would schedule a hearing on the matter.

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:

January 30-31, 2024, In-Person in Las Vegas and via WebEx

Consolidated Case 2023-015, Association of Professional-Technical Administrators v. Washoe County School District

March 19-21, 2024, In-Person at the Reno City Hall, in Las Vegas and via WebEx

Case 2023-013, Rosa Myers v. City of Reno et al.

April 16-17, 2024, In-Person in Las Vegas and via WebEx

Case 2023-030, Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department

May 20-21, 2024, In-Person in Las Vegas and via WebEx

Case 2023-026; AFSCME, Local 4041 v. State of Nevada, Executive Department and Governor Lombardo

There are three cases waiting in the queue for a hearing date. However, for the last two cases listed the parties have elected to go to mediation in the interim:

Case 2023-016; Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

Case 2023-019; AFSCME, Local 4041 v. State of Nevada, Department of Veterans Services, Nevada State Veterans Home

Case 2023-029; AFSCME, Local 4041 v. State of Nevada, Department of Veterans Services, Nevada State Veterans Home

All Annual Reports Now Submitted

Every one of the more than 360 governments and unions (i.e., labor organizations and employee organizations) have now filed their annual reports. We thank everyone for submitting them. The current collective bargaining agreements have already been to our website We have also uploaded the updated spreadsheets listing information for each government and union.

Reminder About Useful Resources

The EMRB maintains on its website a list of individuals who are willing to serve as an arbitrator, mediator or fact-finder. Also, the EMRB keeps current copies of all collective bargaining agreements on our website. Check out all these resources next time you visit emrb.nv.gov. Additionally, the EMRB has all its decisions from its inception in 1969 on the Nevada Library on CD, published by the Legislative Counsel Bureau. This product, used by many law firms and governments, is searchable in many ways and is relatively inexpensive to purchase.

Office Closure

The office will be closed on Monday, February 19th for Presidents' Day. Even though we will be closed, any filings submitted on that day will be date-stamped the day any pleading hits our inbox.

"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.