



# Government Employee-Management Relations Board

Nevada Department of Business and Industry

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March 2024

## Members of the Board

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

## Staff

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

## On the Horizon

The next Board meeting will be March 19-21, 2024. This meeting will be held in the Carl Dodge Conference Room in Las Vegas. The first two days of the meeting will also be held in the Reno City Hall's Council Chambers. The meeting will also be held virtually using WebEx. The meeting each day will begin at 9:00 a.m.

The first two days of the meeting will center around a hearing in Case 2023-013, Rosa Myers v. City of Reno and Reno Fire Department. Ms. Myers alleges that she was denied a promotion to Fire Equipment Operator due to personal or political reasons and/or because the Respondents discriminated against her for filing complaints and grievances against her employer. The Respondents deny the allegations, noting that Ms. Myers was the driver of a fire truck that struck and killed a citizen.

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Other business over the course of the meeting will include deliberation on a stipulation to dismiss in Case 2023-030, Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department, as well as deliberation on three joint status reports filed by parties to cases which are on hold pursuant to the limited deferral doctrine: Case 2020-020, AFSCME, Local 4041 & Shari Kassebaum v. State of Nevada ex rel/ its Department of Corrections; Case 2023-027, Joseph Mendoza & North Lyon Firefighters Association v. North Lyon County Fire Protection District et al.; and Case 2021-005, Las Vegas Police Protective Association v. City of Las Vegas.

The Board will also decide to what extent, if any, it would want to participate in a petition for judicial review filed by the Clark County Education Association. Last month we reported that the Board held in Item #892; Consolidated Case 2023-010 (Consolidated with 2023-014, 2023-018, and 2021-021; Clark County Education Association v. Clark County School District that incentive payments using weighted funding under NRS 387.1214 and NRS 387.12445 are not subject to mandatory collective bargaining under NRS 288.150, despite the incentives constituting direct monetary compensation, which is a subject of mandatory bargaining. Instead, the Board found that it was the intent of the legislature that these incentive payments be a carve-out to that requirement.

## 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.

Finally, the Board will deliberate on a petition for recognition filed by the Nevada Peace Officer Association and the Nevada Association of Public Safety Officers to be the exclusive representative of State bargaining Unit M, Category II Peace Officer Supervisors. This is one of the four new supervisory bargaining units created by the legislature in its 2023 session.

## 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 #893; Case 2023-022; In Re: The Assignment of Executive Department Job Classifications to Bargaining Units Pursuant to Senate Bill 166 of the 82<sup>nd</sup> Session of the Nevada Legislature.** Senate Bill 166 created four new supervisory bargaining units for peace officer and firefighter supervisors, splitting them from the general supervisory bargaining unit (Unit J). However, the new law did not specify the exact job titles to include in each of the four new bargaining units. Pursuant to a process used in 2019, the Board requested recommendations from the Division of Human Resource Management and then allowed labor organizations 30 days to object to any of the recommendations. The Nevada Association of Public Safety Officers (NAPSO) and the Nevada Peace Officer Association objected to three recommendations for Unit L, Category I Peace Officer Supervisors. NAPSO also objected to two recommendations for Unit M, Category II Peace Officer Supervisors. The Battle Born Firefighters Association objected to two recommendations for Unit O, Firefighter Supervisors. All the recommendations involved the belief that these seven classifications, classified as managerial, were indeed supervisory and thus should be included in the new bargaining units. The State contended the seven classifications objected to were managerial and should remain as such.

The Board found that the State's reliance on NAC 283.398(5) and the State's 2003 Classification Procedural Manual were not the correct standards as they predated passage of Senate Bill 135 in 2019, which gave collective bargaining rights to certain State employees. Included in that new law was a definition of manager found in NRS 288.425(2)(a), which differed from the definition(s) used by the State and that the State should have incorporated this new definition and updated its internal procedures for classifying employees. The State also argued that including the job classifications would have allowed for jobs in the bargaining unit that would have supervised other supervisors. However, the statute relied upon, NRS 288.170(3), does not apply to State employees. Moreover, evidence at the hearing showed that this practice was already accepted by the State, including recommending for Unit N that a classification previously delineated as managerial be instead supervisory and placed within the same bargaining unit as other lower-level supervisors. Accordingly, the Board agreed with the labor organizations and ordered the State to include the job classifications in the new bargaining units.

## NPOA/NAPSO Seek to Represent State Bargaining Unit M

Anticipating the release of the above-described order, the Nevada Peace Officer Association and the Nevada Association of Public Safety Officers filed a petition seeking to become the exclusive representative for Unit M, Category II Peace Officer Supervisors. Staff has since conducted an audit and found that the petitioners have support from 90.3% (28 of 31) of the employees in the new bargaining unit, thus surpassing the threshold for recognition, which is 50% plus one. This item has been placed on the upcoming agenda for the Board to deliberate upon and decide whether to grant the petition.

## Business and Industry Job Fair Set for April 4<sup>th</sup>

The Department of Business and Industry will hold a job fair for numerous open jobs within the department. The job fair will be on April 4, 2024 from 10:00 a.m. to 2:00 p.m. and will be held both in Las Vegas (on the fourth floor at 3300 W. Sahara Avenue) and in Carson City (on the first floor at 1818 E. College Parkway). These are full-time jobs that start at \$22 per hour and higher with many benefits, including health insurance, a defined benefit pension plan and paid holidays. Please pass this opportunity on to colleagues, friends and family members who might be interested in a career in government. We have also taken the liberty to attach as a separate document to this newsletter the flyer for this event, which has further information on how to find the jobs available.

## 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:

**March 19-20, 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 18, 22-24, 2024, In-Person in Las Vegas and via WebEx**

Case 2024-001, Association of Professional-Technical Administrators v. Washoe County School District

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

**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

**June 10-11, 2024, In-Person in Las Vegas and via WebEx**

Case 2023-033; Nye County v. Nye County Management Employees Association

**July 8-10, 2024, In-Person in Las Vegas and via WebEx**

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

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

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

## Isabel Franco Resigns

During the past 1 ½ years, those calling our office have likely heard Isabel Franco answer the phone or you may have received a call from her following up on a late payment or annual report. These were just a few of her duties as our Administrative Assistant II. Well, Isabel has now accepted a job with UNLV which will provide her with more opportunities to hone her skills and to advance in the future. We will miss her and wish her the very best in her new endeavor. Her last day will be March 15<sup>th</sup>.

## Strategic Plan Updates

At its last meeting the Board approved changes to the agency's strategic plan to the new format required of all divisions within the Department of Business and Industry. The five main goals for the remainder of this biennium and into the next biennium are: (1) Resolve contested cases correctly; (2) Resolve contested cases in a timely manner; (3) Prevent contested cases from being filed; (4) Provide excellent support to both the Board and those we serve; and (5) Ensure operational stability through succession planning. In the coming months we will further describe these goals and how we hope to achieve them. You may request a copy of the strategic plan just by contacting our office.

### "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.