



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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April 2024

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On the Horizon

The next Board meeting will be May 21, 2024 at 8:15 a.m. This meeting will be held in the Carl Dodge Conference Room in Las Vegas. The meeting will also be held virtually using WebEx.

At the meeting the Board will be setting the annual assessment rates for the coming fiscal year. The Board will also consider petitions filed by two labor organizations, each seeking to represent Unit L, Category I Peace Officers Supervisors. There are articles on page three of this newsletter concerning these agenda items.

The Board will also deliberate on a motion to dismiss in case 2024-003, [John Leonard v. Washoe County](#) and [Washoe County Sheriff's Office](#) as well as a motion to dismiss in case 2024-006, [Lyon County Education Association v. Lyon County School District](#).

In other business, the Board will deliberate on a petition for declaratory order filed by the Nevada Service Employees Union (i.e., SEIU, Local 1107) against the Southern Nevada Health District. This petition was also filed alternately as a prohibited practices complaint. The Board could either decide the case on the documents presented, dismiss the action or order a hearing in the matter. The Board will also decide whether to grant a hearing in case 2024-008, [Carson Educational Support Association v. Carson City School District](#), and if so, then assign the case to a hearing panel. Finally, the Board will also deliberate on a Joint Status Report in case 2023-020, [Clark County School District v. Clark County Education Association](#) and decide whether to grant a stipulation to dismiss in case 2023-026, [AFSCME, Local 4041 v. State of Nevada, Executive Department, Joe Lombardo in his official capacity as the Governor of the State of Nevada](#).

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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.

Board to Participate in Petition for Judicial Review

On April 18th the Board voted to authorize its Deputy Attorney General to file a notice of intent to participate in Case No. A-24-888242-J in the Eighth Judicial District Court. The PJR was filed by the International Union of Elevator Constructors, Local 18 against both the EMRB and Clark County. In the underlying case before the EMRB, the Board granted Clark County's petition to decertify the employee organization on the basis that it was no longer supported by a majority of the employees in the bargaining unit. In that case the Board interviewed all the employees in the bargaining unit and found overwhelming evidence that almost all the employees did not want to be represented and that the dissatisfaction predated the facts giving rise to the case.

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 #894; Case 2024-004; In Re: Petition to be Designated as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 166 of the 82nd Session of the Nevada Legislature (Unit M). Pursuant to NRS 288.520, the Board designated the Nevada Peace Officer Association, which is affiliated with the Nevada Association of Public Safety Officers, as the exclusive representative for the employees in State bargaining unit M, which consists of Category II Peace Officer Supervisors, finding that the labor organization provided proof of support amounting to 90.3%, which exceeded the 50% plus one threshold for recognition without calling for an election.

Item #895; Consolidated Case 2023-024 (consolidated with 2023-031); Washoe County School District v. Washoe School Principals' Association and Washoe School Principals' Association v. Washoe County School District. Both parties had filed a complaint accusing the other of bad faith bargaining. In their prehearing statements each side listed more than 30 issues of law they requested be decided. In summary, the Board held that WSPA had engaged in bad faith bargaining by failing to bargain over mandatory subjects of bargaining and instead only wanted to bargain over its demands. The Board also held that WSPA had engaged in surface bargaining. The Board further held that WSPA had refused to provide information requested by WCSD.

The Board found that WCSD had not discriminated against WSPA for political or personal reasons but that it, too, had failed to provide some of the information requested by WSPA. The Board found that neither party was dilatory in scheduling bargaining sessions or for failure to agree to ground rules, which are permissive.

In addition, the Board held that the impasse procedures found in NRS 288.217, and not those in NRS 288.200, apply to the bargaining unit and thus the parties met the minimum number of times required by law. However, the Board also held that the parties were not truly at impasse given that WCSD was still trying to present a new proposal when WSPA declared impasse. Normally, the Board would send the parties back to the bargaining table under such a circumstance. However, the Board noted that the parties had since held a mediation session to no avail.

In its order, the Board ordered both parties to provide a copy of the decision and opinion to all of the members of each negotiating team; ordered WCSD to provide a copy to every member of the school board; and for both parties to also post a copy on bulletin boards. Note: Since the decision, WSPA has also forwarded a copy of the decision to its board members.

Item #896; Case 2023-013; Rosa Myers v. City of Reno and Reno Fire Department. Rosa 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 denied the allegations, noting that Ms. Myers was the driver of a fire truck that struck and killed a citizen and that any actions taken against her since that time were strictly business related and based on merit. After the hearing the Board held that the complaint was filed more than six months after the occurrence of the subject of the complaint, noting the age of the grievances filed and any words used by superiors. The Board also held that equitable tolling did not apply as the various prongs of that analysis were not met. With respect to the discrimination claim, the Board found that Complainant had failed to make a prima facie case and instead found that any actions taken by the employer were prudent, reasonable and appropriate given the underlying circumstances. Accordingly, the Board found in favor for the Respondents.

Item #897; Case 2024-007; Petition for Designation as the Exclusive Representative of a Bargaining Unit Pursuant to NRS 288.520 (Unit O). Pursuant to NRS 288.520, the Board designated the Battle Born Firefighters Association as the exclusive representative for the employees in State bargaining unit O, which consists of firefighter supervisors, finding that the labor organization provided proof of support amounting to 70.0%, which exceeded the 50% plus one threshold for recognition without calling for an election.

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:

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

Assessment Rates to Be Set

On May 21st the Board will be setting the rates for the annual assessment invoices, which will be mailed in late June and payable by July 31st. The current rate for local governments is \$3.00 per employee, which was reduced from \$6.00 per employee in 2020. That rate has been consistent since. Staff will be recommending that the rate stay at \$3.00 per employee.

The current rate for the State is \$6.00 per employee, which has been in effect since the inception of State collective bargaining back in 20109. Staff will be recommending to the Board that the State government rate be reduced to \$4.25 per employee. The Board will also be projecting tentative rates at both the State and local government levels for the upcoming five years. We encourage those interested to attend the Board meeting. As always, we welcome public comment on this and other issues.

Two Labor Organizations Seek to Represent State Bargaining Unit L

The EMRB recently received two petitions from labor organizations, who seek to represent State bargaining unit L, which consists of Category I Peace Officer Supervisors. These supervisors work for either the State proper or for the Nevada System of Higher Education.

The first petition was filed by the Nevada Police Union, which seeks to be the exclusive representative based on NRS 288.520, which allows for a labor organization to become recognized by showing proof of support from more than 50% of the employees in the bargaining unit. The second petition was filed by the Nevada Peace Officer Association, which is affiliated with the Nevada Association of Public Safety Officers. NPOA seeks to be the exclusive representative based on NRS 288.525, which allows for an election to be called if the labor organization provides proof of support from at least 30%, but not more than 50%, of the employees in the bargaining unit.

Both petitions have been placed on the upcoming agenda for the Board to deliberate upon, including resolving the interplay between NRS 288.520 and NRS 288.525.

"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.