



# Government Employee-Management Relations Board

Nevada Department of Business and Industry

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May 2023

## Members of the Board

Brent C. Eckersley, Esq., Chair  
Sandra Masters, Vice-Chair  
Michael J. Smith, 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

## Board Keeps Annual Assessment Rates Steady

At its May meeting, the Board voted to keep the local government rate at its current level of \$3.00 per local government employee. This will be the fourth straight year that the rate has been at this level. The Board also voted to keep the State government rate at its current level of \$6.00 per local government employee which has been the rate since collective bargaining was first authorized at the State level.

Keeping both rates at the current levels will gradually reduce the amount of each reserve until each reserve hits its goal of having three months of funds. Projections show that the rates will eventually need to be raised in a few years once the reserve levels are drawn down.

## On the Horizon

The next Board meeting will be June 13-15, 2023, to be held in-person in Las Vegas and via WebEx. At that time the full Board will hear Case 2022-018, International Union of Elevator Constructors, Local 18 v. Clark County. The employee organization alleges that the County committed bad faith bargaining after implementing the terms of a newly negotiated collective bargaining agreement after the employee organization's members refused to ratify the contract. The County claims denies the allegations, claiming that ratification was not necessary in finalizing the contract. The County further alleges that the employee organization does not represent a majority of the bargaining unit and thus seeks the Board's permission to withdraw recognition or in lieu thereof to hold an election. The employee organization states that any lack of a majority of membership is due to the County's bad faith bargaining.

In general business the Board or its panels will deliberate on a motion to disqualify Complainant's counsel in Case 2022-002, APTA v. Washoe County School District; a motion to reconsider a prior order in Case 2022-012, Jeremy Bunker v. Clark County; a motion to dismiss in Case 2023-006, North Lyon Firefighters Association, Local 4547 v. North Lyon County Fire Protection District; and a motion to dismiss in Case 2023-009, Clark County Education Association v. Clark County School District. With respect to this latter case, the Board will also deliberate on two pending petitions to intervene by Education Support Employees Association and Teamsters Local 14.

The Board will also deliberate on a hearing previously held in Case 2022-009, Nye County v. Nye County Association of Sheriff's Supervisors, besides deliberating on three joint status reports and a request for holding a hearing in another case. Finally, the Board will also be electing officers for the coming fiscal year.

## Inside This Issue

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**The office will be closed on May 29<sup>th</sup> for Memorial Day.**

## List of Panels

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

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

## Legislative Update

Below are the bills still alive affecting public sector collective bargaining. The information below is as of May 23<sup>rd</sup>. The next deadline is May 26<sup>th</sup>, at which time all non-exempt bills must be passed out of the second house. Exempt bills must be passed out of committee by May 31<sup>st</sup>. The session is scheduled to end on June 5<sup>th</sup>. The EMRB is neutral on all bills. Please contact the EMRB office if you would like to receive a copy of a bill.

### BILLS IN THE SECOND HOUSE

**Assembly Bill 172 Sponsors: Assemblywoman Anderson, Assemblywoman Duran, Assemblyman Carter, Senator Daly. Passed the Assembly 28-14. On third reading calendar in Senate.** This bill would require each local government employer to semiannually provide each recognized employee organization the address, telephone number, work contact information and work location for each employee in the bargaining unit.

**Assembly Bill 378 (Declared Exempt) Sponsor: Assembly Committee on Government Affairs. Passed the Assembly 28-14. Re-referred to Senate Committee on Finance.** This bill would move up the deadlines for the start of collective bargaining, mediation and arbitration at the State level to allow for an added month in the process of bargaining.

**Senate Bill 38 Sponsor: Senate Committee on Judiciary. Passed the Senate 21-0. Assigned to the Assembly Committee on Judiciary. Amend, and Do Pass as Amended 05/18. Waiting to be reported out of committee.** This bill makes a technical change to NRS 288.150 for a bill whose primary purpose is unrelated to collective bargaining but rather is related to sexual offenses.

**Senate Bill 251 Sponsor: Senator Flores. Passed the Senate 13-8. On third reading calendar in Assembly.** Existing law makes it a mandatory subject of bargaining for school districts to negotiate provisions for the transfer and reassignment of teachers, including special provisions for school districts with local school precincts (i.e., CCSD). This bill would make those bargaining provisions applicable to school support employees.

**Senate Bill 264 Sponsor: Senator Donate. Passed the Senate 20-1. Passed the Assembly 42-0. To enrollment.** Existing law requires that peace officers working for a local government be in a separate bargaining unit. This bill would require that civilian employees providing support services to a law enforcement agency be in a bargaining unit separate from other white and blue-collar employees.

**Senate Bill 388 (Declared Exempt) Sponsor: Senator Scheible. Passed the Senate 13-8. Re-referred to Assembly Committee on Ways and Means.** This bill would allow for a provision of a collective bargaining agreement at the State level to establish a negotiated rate for employee contributions, rather than a matching rate, and require the employer to pay the remainder of contributions required on behalf of the employee and would further make this a mandatory subject of bargaining.

### BILLS IN THE ORIGINAL HOUSE

**Senate Bill 166 (Declared Exempt) Sponsors: Senator Pazina, Assemblyman Hibbetts, Assemblyman Yurek. Re-referred to Senate Committee on Finance. Hearing held 05/16.** NRS 288.138 currently excludes certain peace and fire officers from being deemed supervisory employees. This bill would also exempt certain employees who provide civilian support services under a paramilitary command structure to a law enforcement agency. The bill as amended would add four new bargaining units for peace officer and firefighter supervisors, splitting them off from the one current supervisory bargaining unit.

**Senate Bill 282 (Declared Exempt) Sponsor: Senator Nguyen. Re-referred to Senate Committee on Finance. Passed the Senate 17-3. Referred to Assembly Committee on Education.** This bill does not directly change NRS 288 but does affect collective bargaining. The bill would clarify that the hiring of staff by a principal of a local school precinct must conform to applicable collective bargaining agreements, among other items.

#### **Senate Bill 319 (Declared Exempt)**

**Sponsors: Senators Harris and Spearman. Re-referred to the Senate Committee on Finance. Hearing held May 20th.** Existing law for collective bargaining at the State level only includes certain classified employees. This bill would add category I, II or III peace officers in the unclassified service of the State.

#### **Assembly Bill 153 (Declared Exempt)**

**Sponsor: Assemblywoman Marzola. Re-referred to the Assembly Committee on Ways and Means. Hearing held May 19th.** This bill would license and regulate the practice of naprapathy. This bill makes a technical change to NRS 288.140 to include naprapaths in the definition of physicians. Physicians may not collectively bargain with local governments.

**Assembly Bill 224 (Declared Exempt) Sponsors: Assemblywoman Peters, Assemblyman Watts, Assemblywoman Bilbray-Axelrod, Assemblywoman Anderson, Assemblywoman La Rue Hatch, Senator Nguyen. Re-referred to the Assembly Committee on Ways and Means. Hearing held 05/23. Do Pass. Waiting to be reported out of committee.** This bill would authorize collective bargaining for certain state employees, most notably professors and other professional employees of NSHE, with said activities being under the jurisdiction of the EMRB.

## 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 13-15, 2023, In-Person in Las Vegas and also via WebEx**

2022-018, International Union of Elevator Constructors, Local 18 v. Clark County

**July 17-19, 2023, In-Person in Las Vegas and also via WebEx**

2023-004, Education Support Employees Association v. Clark County School District

**August 14-15, 2023, In-Person in Las Vegas and also via WebEx**

2022-019, International Union of Electrical Operators, Local 501 v. University Medical Center of Southern Nevada

**September 18-20, 2023, In-Person in Carson City and also via WebEx**

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

## 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 #884; Consolidated Cases 2021-008, Las Vegas City Employees Association & Julie Terry v. City of Las Vegas; 2021-012, Las Vegas City Employees Association & Jody Glead v. City of Las Vegas; 2021-013, Las Vegas City Employees Association & Mark Brooks v. City of Las Vegas; and International Association of Firefighters, Local 1285 v. City of Las Vegas.**

The issue in the first case (Terry) was whether the Board should defer to the decision of the arbitrator, who ruled in favor of the City of Las Vegas. The Board held that all five parts of the test in City of Reno v. Reno Police Department, 118 Nev. 889 (2003) were met. The proceedings (1) were fair and regular; (2) the parties agreed to be bound; (3) the decision of the arbiter was not repugnant to the purposes and policies of the EMRA; (4) the contractual and prohibited practice issues were factually parallel; and (5) the arbitrator was presented generally with the facts relevant to resolving the prohibited practice. With respect to the third element, the Board found the arbitrator's findings and conclusions were consistent with Nevada law and nothing in the record cited was contrary to the law. The other three cases involved the issue of failure to exhaust contractual remedies. Here, the Board found there were no special circumstances or extreme prejudice and additionally found that the primary reason for not having gone to arbitration was the excessive costs of doing so.

**Item #885; Case 2021-002; Nevada Association of Public Safety Officers v. Las Vegas Metropolitan Police Department & Las Vegas Police Protective Association.**

The Board granted LVPPA's motion to dismiss with prejudice, agreeing that the EMRB case was now moot. This case had been stayed for a lengthy time under the limited deferral doctrine, pending resolution of a court case which eventually went up to the Nevada Supreme Court. NRS 289.080 provides a peace officer with additional procedural protections during an internal investigation. In the case in court, it was held that peace officers have the right to choose their own representatives under Chapter 289 regardless of the representative's affiliations, including affiliation with an unrepresented employee organization.

### "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.