



## Government Employee- Management Relations Board

Nevada Department of Business and Industry

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August 2023

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Sandra Masters, Board Member

Tammara M. Williams, Board Member

Michael A. Urban, Esq., Board Member

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Board Secretary

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## Court Denies Injunction Sought by CCSD

Please note that the following summary of the court hearing is provided by the Commissioner, who attended the hearing referenced below. As such, it is provided for informational purposes only and is not intended to substitute for the opinion of the court.

On August 22<sup>nd</sup> Judge Jessica Peterson of the Eighth Judicial District Court denied an injunction sought by the Clark County School District against the Clark County Education Association. The suit and request for an injunction was brought by the school district for alleged threats to strike made by the leadership and members of the employee organization since mid-June.

Judge Peterson called the statements made by CCEA's Executive Director, John Vellardita, both concerning and troubling but felt at this time such statements fell short of the legal standard amounting to a threat to strike. Employing what seemed to be a two-part test, it appears that even if the statements could have been construed as a threat to strike, per NRS 288.705 a finding would also need to be made that a strike **will** occur, unless so enjoined (emphasis added). Judge Peterson stated she could not make such a finding at this time as it is uncertain whether a strike will occur.

However, supposedly referring to the planned general membership meeting set to occur this Saturday, she did state that if something were to happen then the court would reconvene the parties on one day's notice.

During the hearing Judge Peterson also tried to elicit from the parties what was meant by the third part of the definition of a strike regarding "interruption of the operations." This led the parties to disagree on whether a so-called "work to rule" would be an interruption of the operations of the school district with CCEA claiming it would not be while CCSD asserting otherwise.

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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.

## Notes on EMRB Caseload

The EMRB has 23 open cases. In addition to the court case referenced above, the EMRB has five cases filed by CCEA against CCSD and one case filed by CCSD against CCEA. Four of these cases are set for hearing in October and November while the case filed by CCSD, seeking to decertify CCEA, has been stayed by the Board pending the final outcome of the court case.

The EMRB also has four cases involving the Washoe County School District. Three of these involve the Association of Professional-Technical Employees while one is with the school principals' union.

24 cases have been filed so far this calendar year. 19 cases were filed all of 2022.

## Annual Assessment Payments Now Past Due

The EMRB is a self-funded agency, receiving all its operating funds through local governments paying \$3.00 for each of their employees and the State government paying \$6.00 per employee. The EMRB does not receive any general fund revenues. Payment on the annual assessments was due by July 31<sup>st</sup>. Since then, the agency has contacted those entities that did not pay on time and most of those who did not pay on time have since paid. The following is a list of those governments who have yet to pay. If your government is on the list, please take appropriate steps to make payment as soon as possible. Those who do not soon pay may be subject to a civil penalty imposed by the Board.

### Charter Schools

100 Academy of Excellence  
 Democracy Prep  
 Explore Academy Las Vegas  
 Las Vegas Preparatory-Nevada Prep Charter  
 Nevada Connections Academy  
 TEACH Las Vegas

### Other Governments

Incline Village General Improvement District  
 Topaz Ranch Estates General Improvement District  
 William Bee Ririe Hospital  
 State of Nevada (partial amount still owed)

## Regulations Workshop Held August 10<sup>th</sup>

The EMRB conducted an initial workshop to revise its regulations on August 10<sup>th</sup>, which was attended by eight members of the public. We thank everyone who attended and contributed to the meeting. Pursuant to Executive Order 2023-003 the plan was originally to recommend the removal of ten regulations and to streamline, clarify or otherwise improve four other regulations. Also, pursuant to Executive Order 2023-008 the plan was to amend one of the agency's regulations to add the four new bargaining units at the State level due to the passage of Senate Bill 166. Based on the comments received at the initial workshop the Board reduced the number of regulations to remove from ten to five and to keep all other recommendations the same.

The agency has since sent over a packet of documents to the Legislative Counsel Bureau, which will now draft the formal document. Once the formal draft is received it will be passed by the Governor's Office and then a second workshop will be held. The final step within the EMRB would be the holding of a public hearing by the Board and then adoption of the regulation amendments, with or without changes by the Board. Once adopted by the Board the packet will then be sent to the Legislative Commission for its approval, and if approved, the regulation would then become effective. We hope this will occur by the end of the year.

## Job Classifications for New State Bargaining Units

Senate Bill 166 created four new bargaining units at the State level for Category I Peace Officer Supervisors, Category II Peace Officer Supervisors, Category III Peace Officer Supervisors and Firefighter Supervisors. On August 15<sup>th</sup> the Board approved a process for determining which job classifications will be in each of these four new supervisory bargaining units. The process it approved was like that used in 2019 when job classifications were assigned to the original 11 State bargaining units.

On August 16<sup>th</sup> EMRB staff published the recommendations from the State Division of Human Resource Management (DHRM) as to which job classifications it believes are to be included in each new bargaining unit. Pursuant to the Board-approved process any labor organization will then have until September 5<sup>th</sup> to object in writing to any of the recommendations.

On September 20<sup>th</sup> those entities filing an objection, as well as DHRM, will then have an opportunity to address the Board as to whether the original recommendations should be sustained or else overturned. The Board will then deliberate on each of the objections. The Board may also on that date determine it would need to conduct an evidentiary hearing for one or more of the objections before arriving at a decision.

If you would like a copy of the relevant documents already issued please contact our office. The documents are also available on our website at this [link](#).

## 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:

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

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

**October 17, 2023, In-Person in Las Vegas and via WebEx**

2023-009, Clark County Education Association v. Clark County School District with Intervenor Education Support Employees Association

**October 18-19, 2023, In-Person in Las Vegas and via WebEx**

Consolidated Case 2023-007, North Lyon Firefighters Association v. North Lyon County Fire Protection District et al. & North Lyon County Fire Protection District v. North Lyon Firefighters Association

**November 7-9, 2023, In-Person in Las Vegas and via WebEx**

Consolidated Case 2023-010, Clark County Education Association v. Clark County School District (Consolidated with 2023-014 and 2023—18 between the same parties)

**December 12-14, 2023, In-Person in Las Vegas and via WebEx**

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

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

## On the Horizon

The next Board meeting will be held September 18-20, 2023, to be held in-person in Las Vegas, Carson City and via WebEx. At that time the Board will hear case 2022-002, Association of Professional-Technical Administrators v. Washoe County School District. The employee organization alleges bad faith bargaining on the part of the school district.

The Board will also deliberate on motions to dismiss in case 2023-013, Rosa Myers v. City of Reno and Reno Fire Department as well as case 2023-015, Association of Professional-Technical Administrators v. Washoe County School District. Additionally, the Board will deliberate on two joint status reports as well as determine whether to grant hearings in two other cases.

Finally, the Board will review any objections filed over the recommendations made by DHRM as to which job classifications are to be placed within the four new supervisory bargaining units at the State level.



## Bee Open

One of the values in our strategic plan is to Bee Open. We believe it is important for our documents to be open to the public. When we receive public records requests we try to fulfill those requests as soon as possible – often in a matter of minutes. If we can fulfill the request by responding in an e-mail then we will do so at no cost to the person requesting the documents.

### “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.