



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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Cam Walker, Board Member
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List of Panels

Panel A Eckersley, Masters, Harris
Panel B Masters, Walker, Harris
Panel C Walker, Cottino, Harris
Panel D Eckersley, Walker, Cottino
Panel E Eckersley, Masters, Cottino

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

Regulations Receive Final Approval

On December 30th the Legislative Commission approved the agency's revised regulations that were adopted by the Board on December 17th. Changes to the regulations were driven by three main events: (1) the passage of Senate Bill 135, authorizing collective bargaining at the state level; (2) revisions by the Nevada Supreme Court to the Nevada Rules of Civil Procedure, especially with respect to due dates for certain documents; and (3) the agency's experience in using panels these past two years. The proposed regulations also incorporated features allowing for increased use of technology.

On January 2, 2020, the EMRB sent a special e-mail to everyone on the agency's e-mail lists. Attached to that e-mail were both a copy of the adopted regulation as well as the agency's unofficial codification of NAC 288, which provides for all the agency's regulations in one document. This latter document may also be found on the agency's website.

Board Designates Labor Organizations for Five Units

On January 14, 2020, the Board designated a labor organization as the exclusive representative for five of the 11 state-level bargaining units. No petitions have yet been received for the other six bargaining units.

Pursuant to state law, if a labor organization provides proof of support exceeding 50%, then the Board is required to designate that labor organization as the exclusive representative without the call for an election. Staff audited the backup information to the petitions received and all those so designated exceeded the 50% threshold. The designations are:

AFSCME, Local 4041 for Unit E - Professional Health Care Employees

AFSCME, Local 4041 for Unit F – Non-professional Health Care and Personal Care Employees

Nevada Highway Patrol Association for Unit G – Category I Peace Officers

Nevada State Law Enforcement Officers Association for Unit H – Category II Peace Officers

AFSCME, Local 4041 for Unit I – Category III Peace Officers

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 843-A; Case 2018-006; Charles Ebarb v. Clark County and Clark County Water Reclamation District. The Board did not grant the petition for rehearing, noting that the Board has yet to issue a final order in the case, which is a prerequisite for the filing of a motion for rehearing.

Item 844-B; Case 2018-012; Nye County Management Employees Association v. Nye County. In a prior order, the Board held that the Criminal Deputy District Attorneys could not be part of the existing NCMEA bargaining unit as there was no community of interest between the attorneys and various management personnel. On a petition for rehearing, NCMEA argued that the Board's prior order was incomplete as the Board did not address the attorneys being in their own bargaining unit, represented by NCMEA. Nye County did not dispute that the prerequisites for forming a bargaining unit had not been met. Rather, the county argued that the attorneys could not be in any bargaining unit pursuant to NRS 252.070(6) and/or that the attorneys might sometimes also do civil work. The Board rejected the county's arguments, claiming that NRS 252.070(6) does not preclude collective bargaining and that the attorneys in question, although they might perform some civil work, were not assigned to a civil division. Thus, the Board granted the request for the attorneys to form their own bargaining unit and be represented by NCMEA.

Item 853; Case 2018-006; Jason Woodard v. Sparks Police Protective Association. The Board issued an order on the first part of a bifurcated hearing on the issue of equitable tolling, finding that the doctrine of equitable tolling applies in this case. Equitable tolling focuses on whether there was excusable delay in the filing of a complaint. In analyzing whether the doctrine applies, the Board is required to weigh the claimant's diligence, knowledge of the relevant facts, reliance on misleading authoritative statements or conduct, and any prejudice to the employer (or respondent). The Board also ruled on a motion for a protective order related to a subpoena *duces tecum*.

NRS 288 Codification Updated

The Legislative Counsel Bureau recently updated the codification of NRS 288, the agency's enabling statute, to reflect all the changes made in the 2019 session of the legislature, including the addition of many sections related to collective bargaining for state employees. This updated codification was recently distributed to everyone of the EMRB's e-mailing lists and a copy may be found on the agency's website. Please note that several existing sections have been renumbered and/or content moved to new or different sections.

On the Horizon

Panel E is scheduled to meet by videoconference January 28, 2020, in Las Vegas, Carson City and Elko. At that time the panel is scheduled to hear Case 2019-011, IAFF, Local 5046 v. Elko County Fire Protection District. The employee organization accuses the local government of bad faith bargaining for cancelling bargaining sessions as well as refusing to provide information needed for bargaining. The employer denies it has engaged in bad faith bargaining.

Panel C is scheduled to meet by videoconference January 29, 2020, in Las Vegas and Carson City. At that time the panel is scheduled to hear Case 2019-014, Nevada Classified School Employees Association, Chapter 5, AFL-CIO v. Churchill County School District. The employee organization accuses the school district of refusing to bargain over a reduction of hours of work per day/week for all student related positions. The school district claims that existing CBA language allows it to do so, along with the past practice of the parties.

The entire Board is scheduled to meet February 25-27, 2019, in Las Vegas and Carson City. At that time the Board is scheduled to conduct another hearing on Case 2018-031, Teamsters Local 14 v. Police Protective Association Civilian Employees, Inc. (PPACE). Teamsters has requested that an election be held. The standard as to whether to call for an election is a "good faith doubt." The hearing will be on whether there is a good faith doubt.

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 Board has scheduled cases through July 2020. There is one case in the queue waiting for a hearing date.

January 28, 2020, in Las Vegas video-conferenced to Carson City and Great Basin College, Elko (Panel E)
2019-011, IAFF, Local 5046 v. Elko County Fire Protection District

January 29, 2020, in Carson City video-conferenced to Las Vegas (Panel C)
2019-014, Nevada Classified Employees Association, Chapter 5 v. Churchill County School District

February 25-27, 2020, in Las Vegas video-conferenced to Carson City (Entire Board)
2018-031, Teamsters Local 14 v. Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE)

March 24-26, 2020, in Carson City video-conferenced to Las Vegas (Panel E)
2018-026, Jason Woodard v. Sparks Police Protective Association (second part of bifurcated hearing)

April 14-16, 2020, in Las Vegas (Panel C)
2019-003, Francis Davis v. Las Vegas Metropolitan Police Department & Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE)

April 28-30, 2020, in Carson City video-conferenced to Las Vegas (Panel D)
2018-018, Anthony Francone et al. v. Gerald Antinoro & Storey County

May 12-14, 2020, in Las Vegas (Panel A)
2019-007, Nye County Management Employees Association & Boskovich v. Nye County

May 27, 2020, in Las Vegas (Panel B)
2019-020, Eric Gil v. City of Las Vegas (first part of bifurcated hearing)

May 28, 2020, in Las Vegas (Panel D)
2019-022, Veronica Howard v. Teamsters Local 14

July 14-16 and July 28-30, 2020, in Las Vegas (Panel C)
2019-010, Leonard Cardinale v. City of North Las Vegas

Annual Report Information Now on Website

All the annual reports have now been filed by the local governments and employee organizations. Thank you! All the collective bargaining agreements have now been uploaded to our website for you to review. We have also uploaded spreadsheets containing contact and other basic information for each of the entities. Please feel free to both review and download this information.

"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.