



Government Employee- Management Relations Board

Nevada Department of Business and Industry

3300 W. Sahara Avenue Suite 260 • Las Vegas • NV • 89102
emrb.nv.gov • emrb@business.nv.gov • (702) 486-4505

November 2021

Members of the Board

Brent C. Eckersley, Esq., Chair
Sandra Masters, Vice-Chair
Gary Cottino, Board Member
Brett K. Harris, Esq., Board Member
Michael J. Smith, Board Member

Staff

Bruce K. Snyder, Commissioner
Marisu Romualdez Abellar,
Board Secretary

Annual Reports Due November 30th

Every local government and employee organization, as well as the State and each labor organization, must annually file a report with the EMRB each November. The forms were mailed to the official contact person at each local government and employee organization on October 22nd. If you are the official contact person, please complete the form and associated documents, if any, and return them to us by the November 30th deadline. If you are no longer the official contact person, please forward the form to the person who should now be the official contact person. So far about 55% of the local governments, but only 21% of the labor and employee organizations, have responded. So, if you have not yet responded, please do so as soon as possible as we will be contacting non-filing entities in early December.

As always, each labor organization and employee organization will need to file with the EMRB a copy of any new or updated collective bargaining agreement. Also, in the past the EMRB has required the sending of any updates to any constitution or by-laws for such entities. This year, to ensure we have full copies, we are requesting all labor organizations and employee organizations to send us a full and complete copy of their constitution and/or by-laws.

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Reminder About Useful Resources

The EMRB maintains on its website a list of individuals who are willing to serve as an arbitrator, mediator or fact-finder. Although many governments use the services of the Federal Mediation and Conciliation Service (FMCS) or the American Arbitration Association (AAA), there are certain instances in which a local government must apply for and receive a list specifically from the EMRB. Also, the EMRB keeps current copies of all collective bargaining agreements on our website. Check out all these resources next time you visit emrb.nv.gov.

Additionally, the EMRB has all its decisions from its inception in 1969 through September 2019 on the Nevada Library on CD, published by the Legislative Counsel Bureau. This product, used by many law firms and governments, is searchable in many ways and is relatively inexpensive to purchase.

List of Panels

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

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

Office Closures

The office will be closed on Thursday, November 25th in observance of Thanksgiving and on Friday, November 26th for Family Day. We wish you and your loved ones the very best over the upcoming holiday!

Board Members Continuing in Office

The Board consists of five members appointed by the Governor for four-year terms. Due to the increase in the size of the Board from three members to five members back in 2017, along with two resignations since then, it just happens that four of the five Board members had terms ending June 30th of this year. These include Chair Brent C. Eckersley, Vice-Chair Sandra Masters, Board Member Gary Cottino and Board Member Michael J. Smith. Board Member Brett K. Harris' terms ends next year.

State law, though, provides that members may continue to serve on a board until such time as a successor has been appointed to fill the expired term. We hope to hear soon as to whether the existing Board members have been reappointed or whether there will be one or more successors appointed.

Practice Pointer on Stipulations

Each month the EMRB receives proposed stipulations and orders ("Stips"). These Stips often request that a case be dismissed or stayed pending resolution of underlying grievances. These Stips need to be approved by our Board. If approved, if the Stip has the language as presented below, we can then immediately issue it. However, when the Stip is either in letter form or does not contain the language below, the process of issuing the Stip can be set back for the staff to draft a separate order. To expedite the issuance of your Stips, please ensure that they have the following at the bottom of the document:

IT IS SO ORDERED...

EMRB Chair

Date

Stipulations to dismiss should also include the following language in the body of the Stip: "pursuant to NRS 233B.121(5), the parties waive the requirement for findings of fact and conclusions of law."

From Our Strategic Plan - Our Core Values – We Bee-lieve:



BEE FAIR We promise to be fair in the decisions we make. This not only includes final orders in contested cases but also in objections raised during a hearing, requests for subpoenas, requests for extensions of time and other requests made prior to a hearing.



BEE CORRECT We strive to be correct in the decisions we make. We will do our best to always make the right decision, based upon the facts of the case and the law as handed down to us. Nothing is worse than making a wrong decision and we promise to avoid this at all cost.



BEE COURTEOUS We believe that being polite builds better relationships. We will strive to treat you the way we would like to be treated.



BEE A GOOD STEWARD Taxpayers, through their governments, have given to us the resources we need to administer the EMRA and our agency. We should be good stewards of those resources, using them wisely and to the best advantage possible.



BEE OPEN Our documents are public documents and you have the right to view them. We also promise to make available the many resources we possess to help promote healthy and fair collective bargaining.

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. There is one case scheduled for a hearing:

January 11-13, 2022, via WebEx (Panel E)

2021-009, AFSCME, Local 4041 v. State of Nevada et al.

February 8-10, 2022, In-Person in Las Vegas with videoconferencing to Carson City

None yet assigned.

March 8-10, 2022, In-Person in Las Vegas with videoconferencing to Carson City

None yet assigned.

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

On the Horizon

The next Board meeting will be December 9, 2021. This meeting will be held virtually using WebEx. At that time the full Board will deliberate on whether to order an election in Case 2020-022; International Union of Operating Engineers Local 501 v. Esmeralda County et al. The purpose of the election is to determine whether the employee organization still has a majority of the bargaining unit wishing to be represented by Local 501.

The Board will also decide as to four nearly identical cases whether to grant a hearing for each case or defer the cases pending resolution of any underlying grievances. The Board will also determine whether the four cases should be consolidated. There is a fifth unrelated case in which the Board will have to make the same decisions.

Finally, the Board is scheduled to deliberate on a petition involving mandatory vaccinations for employees in a bargaining unit represented by the Clark County District Attorney Investigators Association. The Respondent is Clark County.

New Deputy Attorney General Assigned to EMRB

Last month we reported that the Deputy Attorney General assigned to the EMRB for the past several years, Donald Bordelove, had recently resigned from the Office of the Attorney General to take a position with another employer. With his leaving, Susan Valladolid had been appointed to replace him. A couple of weeks ago we learned that Ms. Valladolid had accepted a position as an Administrative Law Judge for the Nevada DMV.

Accordingly, a new Deputy Attorney General has again been appointed – Henry Kim, who graduated from Boyd Law School in Las Vegas in 2017. Prior to coming onboard with the Office of the Attorney General in 2018, Mr. Kim clerked for a judge and worked in private practice. He also holds an M.B.A. from UNLV's Lee Business School. His first official meeting advising the Board will be on December 9, 2021.

"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.