



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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November 2022

Members of the Board

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

Staff

Bruce K. Snyder, Commissioner
Marisu Romualdez Abellar,
Board Secretary
Isabel Franco, Administrative Assistant II

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 21st. 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 66% of the local governments, but only 28% 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 also need to file with the EMRB a copy of any new or updated collective bargaining agreement as well as any changes to their constitution or by-laws.

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Election Now Underway

Last month we reported that on October 4, 2022, the Fraternal Order of Police Nevada C.O. Lodge 21 ("FOP") filed a Request for Election pursuant to NRS 288.525(2)(a)(1). The purpose of the Request for Election was to seek to be recognized as the exclusive representative of State bargaining unit I. The employees in this bargaining unit are category III peace officers under NRS Chapter 289 who work in a State correctional institution. Unit I is currently represented by the American Federation of State, County and Municipal Employees, Local 4041 ("AFSCME"), which was recognized by the Board, without an election, as the exclusive representative of Unit I on January 22, 2020. On October 13th the Board ordered that an election be held and directed the Commissioner to draft the election plan for potential approval by the Board.

On November 3rd the Board approved the election plan. To this end, ballots were sent by mail on November 15th to 1250 eligible voters. Ballots are to be returned by mail. Ballots will then be counted on December 13th in the Tahoe Room of the Nevada State Business Center. Once the ballots are tallied that day, this will then begin a 10-day period for any party to the election to file written objections to the conduct of the election. The Board will then hold a special meeting on December 29th to resolve any objections and then to deliberate on whether to certify the results of the election.

List of Panels

Panel A Eckersley, Masters, Vacant
Panel B Masters, Smith, Vacant
Panel C Smith, Vacant, Vacant
Panel D Eckersley, Smith, Vacant
Panel E Eckersley, Masters, Vacant

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

We're Mooving!!



Last month we reported we would be moving sometime near the end of the year from the second floor of the Nevada State Business Center to the fourth floor of the same building, which would allow the Nevada Division of Insurance to expand its office by taking over our current area. It now looks like we will be moving the first week in January 2023.

Our new office complex will have a large open area, two offices and a conference room. The conference room will be larger than our current one and will allow the Board to conduct meetings and hold some smaller hearings in that room. The large open area will provide a reception area staffed by our Administrative Assistant as well as the ability to better centralize all our records.

In addition, our office will be closer to the three centralized meeting rooms which are also on the fourth floor: Nevada Room, Tahoe Room, and Red Rock Room. Having the EMRB's office near the meeting rooms will allow the EMRB to better provide support services during Board meetings held in those rooms.

We look forward to the move and will continue to provide you with updates until we actually moove!!

Status Report on Open Cases

The agency currently has 22 open cases, which is up one from the prior month. So far in 2022, 16 new cases have been filed which would put the agency on pace to have 18 cases for the current calendar year. If so, this would be a new low. Of the 22 open cases, 13 are active while the other 9 are stayed under the limited deferral doctrine, which stays cases pending resolution of related cases in other forums.

Deputy Attorney General Changes

The EMRB was recently informed that our primary Deputy Attorney General, Alma Orozco, is leaving the Office of the Attorney General for a position with a private law firm. She served our agency well and we wish her all the best in the future. Our backup, Louis Csoka, will now be our primary Deputy Attorney General for the foreseeable future. Additionally, the search is now underway for a new backup to Mr. Csoka.

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 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.

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:

December 12 & 15, 2022, In-Person in Las Vegas and on WebEx

2022-009, Nye County v. Nye County Association of Sheriff's Supervisors

There is one case waiting in the queue for a hearing date:

2022-011, Las Vegas Metropolitan Police Department v. Las Vegas Police Protective Association

There is also one case ready for a hearing which cannot be held until such time as another Board member is appointed:

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

On the Horizon

The next Board meeting will be December 12 and 15, 2022 in Las Vegas and also via WebEx. At that time Panel C will conduct a hearing in Case 2022-009, Nye County v. Nye County Association of Sheriff's Supervisors & Nye County Association of Sheriff's Supervisors and David Boruchowitz v. Nye County. Nye County seeks a determination that the Administrative Captain position cannot be in the NCASS bargaining unit because it supervises the Lieutenants in the same bargaining unit. In its counterclaim, the employee organization and employee allege Nye County committed a prohibited practice when it refused to continue bargaining with NCASS so long as David Boruchowitz, who holds the rank of Administrative Captain, remained part of the bargaining unit.

In other business, the full Board is set to deliberate on two motions to dismiss as well as a petition by the Las Vegas Metro Police Managers and Supervisors Association to intervene in a case filed by the Las Vegas Police Protective Association against the Las Vegas Metropolitan Police Department.

Two Board Positions Remain Vacant

As reported previously, the Governor's Office has been notified of two resignations from the Board and is currently seeking qualified candidates to fill the vacancies. The office knows of at least three individuals who have applied for the vacant positions and there may be more in the pipeline that we do not know about.

If you know of someone (or yourself) who would like to serve on the Board please contact our office and we will give you instructions on how to apply. Based on current Board membership the candidate may be from any political party but must reside in Southern Nevada, as the Board already has the maximum of two members from Northern Nevada. The candidate must also not be closely aligned with any entity subject to the jurisdiction of the Board.

"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.