



# Government Employee-Management Relations Board

Nevada Department of Business and Industry

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**EMRB PROVISIONAL GUIDANCE**

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December 2020

## 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

## 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 864-A; Case 2020-023; Operating Engineers Local Union No. 3 v. Incline Village General Improvement District.** The Board had issued a stay on proceedings in this case until such time as Complainant showed that it was unable to file a grievance or any such grievance had been rejected. The parties recently submitted status reports in which Complainant requested that the stay be lifted. The Board declined to lift the stay as no offer of proof had yet been provided to indicate that either of the foregoing conditions had been satisfied.

**Item 869; Case 2020-008; Clark County Education Association & DaVita Carpenter v. Clark County School District with Intervenors Education Support Employees Association & Clark County Association of School Administrators and Professional-Technical Employees.** At the prehearing conference, the parties agreed that the Board should first address the Counterpetition for Declaratory Order filed the by Respondent. In its petition, CCSD asked the Board for an order regarding the applicability of NRS 388G.610, which gives hiring authority to local school precincts, versus how such relates to mandatory subjects of bargaining under NRS 288.150 and specifically to subsection (2)(u), which addresses the transfer of employees. Having the Board first address the counterpetition was important to the parties as a similar case had also been filed in District Court. That Court had placed a stay on its proceedings pending action first by the EMRB.

The Board first noted that it only has jurisdiction over NRS Chapter 288. The Board also noted that there was nothing in NRS 388G, which gave more autonomy to local school precincts in exchange for more accountability, which would have carved out an exception to the requirement for mandatory bargaining. Accordingly, when NRS 388G.610(2)(a) indicates that the school superintendent shall transfer to each local school precinct the authority for employee selection, that this is to be reasonably understood as transferring that authority in all respects, including the requirement that this is still subject to bargaining obligations. Thus, the Board found that the sections in dispute in NRS 388G do not conflict with NRS 288.150(2). As stated by the Board in its concluding paragraph:

“The EMRA provides for mandatory subjects of bargaining, and NRS 388G.610(2)(a) provides for the transfer of selection authority as it previously existed without modification in the statute. NRS 388.610 and 288.150 are not in conflict. The statutes can be interpreted to render a harmonious result without NRS 388G.610 infringing on mandatory subjects of bargaining.”

## Inside This Issue

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### 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.

## Annual Report Forms Past Due

If you are one of the 45 labor or employee organizations or 15 local governments listed below which have yet to file your annual reports, and which were due November 30<sup>th</sup>, please either file your annual report form or else call our office as soon as possible. We recently sent out several blast e-mails in this regard. Finally, we wish to thank the more than 300 entities who have already filed!

### Counties

Esmeralda County

### Cities

City of Caliente

City of Fallon

### School Districts

White Pine County School District

### Special Districts

Gardnerville Ranchos General Improvement District  
Mineral County Housing Authority  
Moapa Valley Water District

North Lake Tahoe Fire Protection District  
Southern Nevada Health District  
Truckee Meadows Fire Protection District

### Charter Schools

American Preparatory Academy  
Elko Institute for Academic Achievement  
Nevada Preparatory Academy

Nevada Virtual Academy  
Silver Sands Montessori Charter School

### Labor Organizations

AFSCME Local 4041  
Battle Born Fire Fighters Association (BFFA)

Nevada State Law Enforcement Officers Ass'n (NSLEOA)

### Employee Organizations

AFSCME Local 4041 – Toana Chapter/West Wendover Empl. Assoc.  
Association of Professional & Technical Administrators  
Carson City Administrators Association  
Carson City Deputy Sheriff's Association  
Churchill County Sheriff's Deputies Association  
Clark County Deputy Sheriff's Association  
Clark County Park Police Association  
Elko County Deputy Sheriff's Association  
Esmeralda County Sheriff Deputies Association  
Fallon Peace Officers Association  
Fraternal order of Police, Las Vegas Lodge #1  
Henderson Police Supervisors Association  
Humboldt County Law Enforcement Association  
I.A.F.F. Local #1265, Sparks Firefighters  
I.A.F.F. Local #2441, Tahoe Douglas Firefighters Association  
I.A.F.F. Local #3726, East Fork Professional Firefighters Association  
I.A.F.F. Local #3726, East Fork Professional Firefighters Battalion Chiefs  
I.A.F.F. Local #4227, Storey County Firefighter's Association  
I.A.F.F. Local #4547, North Lyon County Firefighters Association  
I.A.F.F. Local #4728, Central Lyon County Firefighters Association  
International Union of Operating Engineers Local 12  
International Union of Operating Engineers Local 501

Juvenile Justice Supervisors Association  
Lander County Sheriff's Association  
Las Vegas Peace Officers Association  
Las Vegas Peace Officers Supervisors Association  
Las Vegas Valley Public Employees Association  
Lincoln County Administrators Association  
Lincoln County Law Enforcement Association I.U.P.A. #50  
Mesquite Police Officers Association  
Mineral County Deputy Sheriff's Association  
Mineral County Public Safety Dispatchers Association  
Mineral County School Administrators  
NCSEAPWA, #6181, Elko County Empl. Assoc.  
NCSEAPWA, #6181, Lander County Class. Sch. Empl. Ass'n  
NCSEAPWA, #6181, Storey County Sch. District Class. Empl.  
Sparks Police Protective Association  
Storey County Sheriff's Office Employees Association  
Washoe County Sheriff's Supervisory Deputies Association  
Washoe County Principals Association  
White Pine County Support Staff Organization  
Winnemucca City Employees Association

## Office Closures

Please note that our office will be closed on January 1<sup>st</sup> for New Year's Day and January 18<sup>th</sup> for Martin Luther King Jr. Day. Even though our office will be closed you may still electronically file documents, which will be date-stamped as of the date received.

## 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 February 2021. There are no cases waiting in the queue for a hearing date.

### January 11-12, 2021, via WebEx (Panel B)

2019-020, Eric Gil v. City of Las Vegas (second part of bifurcated hearing)

### January 26-28, 2021, via WebEx (Panel E)

2020-002, AFSCME, Local 4041 v. State of Nevada et al.

### February 16-17, 2021, via WebEx (Panel C)

2020-017, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

### February 17-18, 2021, via WebEx (Panel D)

2020-021, Robert Ortiz v. SEIU, Local 1107

## On the Horizon

The Board is scheduled to meet on January 11-12, 2021 via WebEx. At that time Panel B will conduct the second part of a bifurcated hearing in Case 2019-020, Eric Gil v. City of Las Vegas. Mr. Gil alleges he was discriminated against for personal or political reasons when he was not rehired as a firefighter. Other items of business for that meeting will include a Show Cause hearing in Case 2019-007, Nye County Management Employees Association et al. v. Nye County, in which the attorneys of record will be required to attend and explain why a stipulation to dismiss has yet to be filed in a case that tentatively settled back in September. The Board may also be ready to deliberate on a Motion for Clarification filed by CCASAPE in Case 2020-008 (see page 1 of this e-newsletter for details on the case).

## Population and Caseload Data

We hope you find the information below informative, which was recently prepared for our budget overview.

### POPULATION DATA

CATEGORY	LOCAL	STATE
<b>Governments</b>	<b>190</b>	<b>1</b>
<b>Bargaining Units</b>	<b>247</b>	<b>11</b>
<b>Unions</b>	<b>155</b>	<b>3</b>
<b>Employees</b>	<b>87,800</b>	<b>18,500</b>

### CASELOAD (LAST 2 FISCAL YEARS)

CATEGORY	LOCAL	STATE
<b>Cases Filed</b>	<b>43</b>	<b>13</b>
<b>Reported Decisions</b>	<b>39</b>	<b>9</b>
<b>Hearings Held</b>	<b>13</b>	<b>0</b>
<b>Cases Now Open</b>	<b>19</b>	<b>4</b>

#### "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.