



## Government Employee- Management Relations Board

Nevada Department of Business and Industry

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December 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

## Board Designates Fraternal of Police as Exclusive Representative for Unit I

On December 29<sup>th</sup>, at its last meeting of the year, the Board certified the results of the election held recently between the Fraternal Order of Police Nevada C.O. Lodge 21, the challenger, and the American Federation of State, County and Municipal Employees, Local 4041, the incumbent. The vote tally was 366 votes for FOP, 96 votes for AFSCME and 7 votes for the no union option.

Unit I, which is one of the 13 bargaining units at the State level, consists of Category III Peace Officers. These are corrections officers who staff the State's various prisons. After the votes were counted by volunteers on December 13<sup>th</sup>, and supervised by EMRB staff, there was a period in which any party to the election could file an objection over the conduct of the election. No objections were filed. Accordingly, the Board declared that FOP was to be the exclusive representative for the bargaining unit and that any prior exclusive representative designation was to be null and void upon issuance of the order, which was issued that same day.

The EMRB wishes to thank the many volunteers who counted the votes, as well as the attorneys and other representatives present on the vote counting day.

For a little history, the Board originally designated AFSCME as the exclusive representative of Unit I on January 22, 2020. On October 4<sup>th</sup> of this year FOP filed a Request for Election to seek to be recognized as the exclusive representative of State bargaining unit I. On October 13<sup>th</sup> 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 3<sup>rd</sup> the Board approved the election plan. To this end, ballots were sent by mail on November 15<sup>th</sup> to 1250 eligible voters. The deadline for ballots to have been returned by mail was December 12<sup>th</sup> 2022, and the vote count took place the next morning on December 13<sup>th</sup> 2022.

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### 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.

## Office Closings for Upcoming Holidays

The office will be closed on Monday, January 2<sup>nd</sup> in observance of the New Year's Day holiday. The office will also be closed on Monday, January 16<sup>th</sup> in observance of the Martin Luther King, Jr. Holiday. Upon our return to the office, any filings made on those days will be date-stamped as of the date the filing was made.

We at the EMRB wish everyone a Happy and Healthy New Year!!

## Annual Reports Past Due

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. So far over 90% of the governments, labor organizations and employee organizations have filed their annual reports. To these we say thank you! We are currently contacting via e-mail and phone all entities who have yet to file. So, if you are the official contact person for an entity listed below which has yet to file, please do so as soon as possible. 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. Again, to those entities having already filed, we thank you very much! Once all the information has been received, we will then upload the new information and copies of the collective bargaining agreements to our website.

### Outstanding Governments

Battle Born Academy  
Churchill County School District  
City of North Las Vegas  
Democracy Prep  
Explore Knowledge Academy Charter School  
Las Vegas Preparatory (Nevada Prep Charter School)  
Legacy Traditional Schools, Nevada  
Lincoln County Hospital District

Lincoln County Hospital District  
Moapa Valley Fire District  
Northern Nye County Hospital District  
Pershing General Hospital  
PilotEd-Cactus Park Elementary  
Sierra Nevada Academy Charter School

### Outstanding Employee Organizations

Airport Authority Police Supervisors Protective Association  
Elko County Deputy Sheriff's Association  
Elko Police Officer Protective Association  
Esmeralda County Sheriff Deputies Association  
Eureka County Schools Classified Association  
I.A.F.F. Local #3726, East Fork Professional Firefighters Ass'n  
I.A.F.F. Local #3726, East Fork Professional FF Battalion Chiefs  
International Union of Operating Engineers, Local 501  
Lander County Classified School Employees Association  
Mineral County Deputy Sheriff's Association  
Mineral County School Administrators

NCSEAPWA, AFT/PSRP Local 6181, Elko County  
Employees Association  
NCSEAPWA, Mineral County Classified  
School Employees Association  
Nye County Law Enforcement Association  
Pershing County Law Enforcement Association  
Reno Administrative/Professional Group  
Washoe Co. Alternative Sentencing Deputies Ass'n  
Washoe Co. Sheriff's Supervisory Deputies Ass'n  
Water Supervisors Association of Nevada  
Winnemucca Police Officers Association

## We're Mooving!!



We are already packing things up. We are set to move the second week in January to our new home on the fourth floor of the Nevada State Business Center. which will allow the Nevada Division of Insurance to expand its office by taking over our current area. By the time you get the next newsletter we should be all moved in and will include pictures of our new office in that newsletter.

By the way, our telephone number will remain the same. Our address will also remain the same except for the suite number, which we will announce in the newsletter.

## Caseload in Review

As calendar year 2022 ends, a total of only 19 cases were filed this year, which is the lowest total in at least a decade, if not much longer than that. The highest total in the past decade was 43 cases. There are currently 22 current cases of which nine have been placed on hold due to the limited deferral doctrine.

## 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:

**February 14-16, 2023, In-Person in Las Vegas and also via WebEx**

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

**March 21-23, 2023, In-Person in Las Vegas and also via WebEx**

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

There will be no meeting in January. The next Board meeting will be February 14-16, 2023, which will be held 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.

The Board is also currently scheduled to hear oral argument and deliberate on a motion to defer and a motion to dismiss in four consolidated cases involving the City of Las Vegas, two of its employee organizations (i.e., the Las Vegas City Employees Association and IAFF), as well as various employees. Additionally, a motion to dismiss involving IAFF, Local 1265 and the City of Sparks will be deliberated upon. Finally, the Board will consider six joint status reports on cases currently stayed under the limited deferral doctrine.

## Status of Board Vacancies

The Board received unofficial notice via a press release that appointments were made to fill the two vacancies on the Board occasioned by the resignations of Gary Cottino and Brett Harris. Staff has not received official word from the Governor's Office as to the appointments and thus is not at liberty to announce them at this time. A special e-mail will be sent when official word is received. We look forward to having a full complement of board members very soon!

### "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.