



Government Employee-Management Relations Board

Nevada Department of Business and Industry

*****PLEASE NOTE THAT THE EMRB OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. SERVICES WILL CONTINUE TO BE PROVIDED ONLINE, VIA TELEPHONE AND BY EMAIL.*****

[EMRB PROVISIONAL GUIDANCE](#)

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

March 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

On the Horizon

The Board is scheduled to next meet on April 15, 2021 via WebEx. At that time, Panel E will deliberate on a hearing previously held in Case 2020-002, [AFSCME, Local 4041 v. State of Nevada et al.](#) AFSCME alleges that the High Desert State Prison changed the number of work hours per day for Corrections Officers without bargaining and that doing so interfered with the labor organization.

Panel D will also deliberate on a hearing previously held in Case 2020-001, [AFSCME, Local 4041 v. State of Nevada et al.](#), in which it is alleged that the Department of Health and Human Services changed the lunch period from unpaid to paid for certain employees at the Desert Regional Center, and that it did so without bargaining and that doing so interfered with the labor organization.

Panel C will also deliberate on a hearing previously held in Case 2019-010, [Leonard Cardinale v. City of North Las Vegas.](#) Cardinale claims that after he had been promoted to Lieutenant the City of North Las Vegas has discriminated against him for personal or political reasons by, among other things, denying him specialized training, denying him special assignments, and denying him the shift for which he bid. The City of North Las Vegas denies all the claims. The hearing is expected to last all three days.

The Board will also hear a motion in Case 2020-019, [Battle Born Firefighters Association v. State of Nevada,](#) filed by AFSCME, Local 4041, which requests that it be allowed to file an *amicus* brief. If denied, then the Board will deliberate on the merits of the petition itself. The petition seeks to expand the scope of the bargaining unit by including several other job classifications currently assigned to other unrepresented bargaining units.

Finally, the Panel A will hear a motion in Case 2020-022, [International Union of Operating Engineers, Local 501 v. Esmeralda County et al.](#), in which the Complainant seeks to dismiss Respondent's counterclaim.

Looking ahead, Panel C is scheduled to meet on April 29, 2021 via WebEx to deliberate on two motions filed in Case 2019-002; [Water Employees Association of Nevada v. Las Vegas Valley Water District.](#)

Inside This Issue

- 1 **On the Horizon**
- 1 **When Filing Documents...**
- 2 **Legislative Update**
- 3 **In the Queue**
- 3 **Recent Decisions**

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.

When Filing Documents...

When filing pleadings, please do not include the word "Local" in the name of our agency as our name changed back in June 2019 to Government Employee-Management Relations Board when collective bargaining was extended to State of Nevada employees.

Legislative Update

The next legislative deadline is April 9th, at which time a non-exempt bill must have been passed out of committee in the house of origin or else it dies. Below are the bills affecting public sector collective bargaining. The EMRB is neutral on all bills.

Senate Bill 13

Sponsor: Senate Committee on Government Affairs (on behalf of the City of Las Vegas). Assigned to the Senate Committee on Government Affairs. No hearing has yet been set for this bill.

Revises provisions governing collective bargaining by local government employers. This proposal seeks to raise the percentage of ending fund balance not subject to collective bargaining from 16.67% to 25%. Last session the percentage was reduced from 25% to 16.67%. Please note that this bill does not directly change NRS 288 but instead changes provisions in the Local Government Budget and Finance Act.

Senate Bill 142

Sponsor: Senator Lange. Assigned to the Senate Committee on Government Affairs. No hearing has yet been set for this bill.

Repeals provisions that exempt from collective bargaining a budgeted ending fund balance of a school district of not more than 16.6 percent of the total budgeted expenditures for a county school district fund. Please note that this bill does not directly change NRS 288 but instead changes provisions in the Local Government Budget and Finance Act.

Senate Bill 199

Sponsors: Senators Harris & Neal. Assigned to the Senate Committee on Government Affairs. No hearing has yet been set for this bill.

Amends many sections in state law, including the prohibited practices in NRS 288.270, by adding definitions for "protective hairstyle" and "race."

Senate Bill 286

Sponsor: Senator Harris. Assigned to the Senate Committee on Government Affairs. No hearing has yet been set for this bill.

Revises the NRS 288 definition of "supervisory employee" to include certain peace officers and persons who provide civilian support to a law enforcement agency; revises the definition of "employee" to include unclassified category II peace officers (i.e., gaming control agents); and moves supervisory employees related to law enforcement to a new, 12th state bargaining unit.

Senate Bill 294

Sponsor: Senator Cannizzaro. Assigned to the Senate Committee on Government Affairs. No hearing has yet been set for this bill.

With respect to non-uniformed employees not employed by a school district, the bill eliminates fact finding panels and further provides that the findings and award of the fact finder are final and binding on the parties. With respect to peace officers and firefighters, the bill provides that unless the findings are to be final and binding, then the report of the fact finder must include recommendations for settlement of the dispute.

Assembly Bill 183

Sponsor: Assemblyman Matthews et al. Assigned to the Assembly Committee on Government Affairs. No hearing has yet been set for this bill.

NRS 288 allows certain meetings to be closed to the public, including any negotiation or informal discussion between a local government or the State government and a labor or employee organization or employees as individuals. This bill would require such meetings to be open to the public.

Assembly Bill 199

Sponsor: Assemblyman Matthews et al. Assigned to the Assembly Committee on Government Affairs. No hearing has yet been set for this bill. The bill is exempt from the requirements of Joint Standing Rule 14.6.

This bill would allow certain State agencies to become charter agencies and run independently of several provisions in State law that would otherwise pertain to them. One of these provisions would make employees of a charter agency unclassified and thus such employees would not be entitled to collective bargaining.

Assembly Bill 305

Sponsor: Assemblywoman Titus. Assigned to the Assembly Committee on Government Affairs. No hearing has yet been set for this bill.

Revises provisions that exempt from collective bargaining a budgeted ending fund balance of a school district of not more than 16.6 percent of the total budgeted expenditures for a county school district fund by increasing that percentage to 25.0 percent. Please note that this bill does not directly change NRS 288 but instead changes provisions in the Local Government Budget and Finance Act.

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 into July 2021. There are no cases waiting in the queue for a hearing date.

May 25-27, 2021, via WebEx (Panel C)

2019-002; Water Employees Association of Nevada v. Las Vegas Valley Water District

June 8-10, 2021, via WebEx (Panel A)

2020-030; AFSCME, Local 4041 v. State of Nevada, Nevada System of Higher Education, University of Nevada Las Vegas, University of Nevada Las Vegas Athletic Department, Thomas and Mack Center

June 22-24, 2021, via WebEx (Panel B)

No case yet set for hearing for this meeting.

July 7-9, 2021, via WebEx (Panel D)

2020-034; AFSCME, Local 4041 v. State of Nevada, Department of Corrections, Warm Springs Correctional Center

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 869-A; Case 2020-008; Clark County Education Association & Carpenter v. Clark County School District with Intervenor Education Support Employees Association and Clark County Association of School Administrators and Professional-Technical Employees. The Clark County Association of School Administrators and Professional-Technical Employees filed a motion, seeking clarification from the Board on its prior order on the petition for declaratory order. The Board denied the motion, stating its prior order did not need to be clarified, that it does not have jurisdiction over NRS 288G and that it did not address whether a current negotiated labor agreement needs to be followed. Then, noting that the Court has a case pending interpreting NRS 388G, the Board stayed the case pending the court's order.

Item 870; Case 2020-033; National Latino Peace Officers Association v. Las Vegas Police Protective Association Metro, Inc & Las Vegas Metropolitan Police Department. Petitioner filed a petition for declaratory order, asking whether it may act as a representative for bargaining unit employees who want to use their services in lieu of the exclusive representative of the bargaining unit. The request was based in part that the petitioner purported to be a "non-rival organization." The Board responded, stating that the petitioner may not represent employees of the bargaining unit, relying on its prior order in Item No. 865, Nevada Highway Patrol Ass'n. v. State of Nevada (2020), which relied on and quoted extensively from a District Court decision. This prior order and Court decision listed a few exceptions to the rule. However, none of them applied in this case.

"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.