



# Government Employee- Management Relations Board

Nevada Department of Business and Industry

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## 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 876; Case 2020-022; International Union of Operating Engineers, Local 501 v. Esmeralda County et al.** In a prior order, the Board had ordered the holding of an election to determine whether the Complainant represented a majority of the bargaining unit. In a bargaining unit of 13 employees, the employee organization received one yes vote, three voted no and nine did not vote. Pursuant to the standard as enunciated by the Nevada Supreme Court the employee organization would have been required to receive seven yes votes to prevail. Based on the results of the election the Board then declared that the employee organization was not supported by a majority of the bargaining unit and granted permission for the local government to withdraw its recognition. The Board further ordered that either party had ten days to notify the Board of any outstanding issues in the case, and if none were either filed or listed, then staff could administratively close the case. Note: The local government subsequently filed its notice withdrawing recognition. Moreover, neither party filed any list of outstanding issues and thus the case was closed.

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## Change in Agency Participation on Petitions for Judicial Review

Once an agency such as the EMRB issues a final decision on a contested case any party to that case may elect to file a Petition for Judicial Review (PJR) under the Nevada Administrative Procedures Act (NRS 233B), which enables a court to review the agency's decision. Historically, the EMRB has defended its orders automatically by fully participating in all PJR's, both at the District Court level and on appeal.

At the February Board meeting the Office of the Attorney General stated that the EMRB should instead decide the level of its participation on a case-by-case basis and not automatically fully participate in every PJR.

The Board welcomes comments on this change. Anyone wishing to comment may do so during public comment at the April meeting or else in writing at our e-mail address above.

## 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.

## On the Horizon

The next Board meeting will be April 7, 2022. This meeting will be held virtually using WebEx. At that time the Board and its various panels will review joint status reports for the cases stayed pursuant to the limited deferral doctrine.

The Board and one of its panels will also deliberate on three pending motions to dismiss for 2019-012, Luguisha McCray v. Clark County; 2022-003, IAFF, Local 2487 v. Truckee Meadows Fire Protection District; and 2022-004; and SEIU, Local 1107 v. Southern Nevada Regional Housing Authority.

## Move to In-Person Hearings and Meetings

The Board at its March meeting discussed several issues related to the return of in-person hearings and meetings. First, the agency believes it has found a long-term solution to having a meeting room in Carson City. We are currently waiting for a test to be conducted to ensure that the video-conferencing equipment at that location can communicate with the video-conferencing equipment located in the Nevada State Business Center in Las Vegas. We will announce the location if the test is successful.

Secondly, starting times for in-person hearings will be moved from 8:15 a.m. to 9:00 a.m. Hearings on WebEx (and thus not in-person) will continue to start at 8:15 a.m. General business of the Board, which is usually held on Thursday mornings, will continue at 8:15 a.m. if such business can be conducted on WebEx, but if not, then that business would also begin at 9:00 a.m. Board members whose personal presence would otherwise only be by video-conference would be allowed to attend via WebEx.

The Board will not be imposing any COVID-19 mitigation measures that otherwise would not be in effect for any building in which the meeting is held. Since masks are not currently required, the Board will not require that they be worn by individuals in a meeting room. The agency, though, will make masks, sanitizers, etc. available at its meeting location in Las Vegas.

## EMRB Hiring Administrative Assistant II

The agency recently obtained approval to fill the vacant Administrative Assistant II position. The essential functions of the position include:

1. Answer incoming calls and greet walk-ins to properly assist or direct them.
2. Provide general information to the public, labor officials, attorneys and their legal staff for assistance with website, record requests and document filings.
3. Prepare annual report forms, receive back completed forms, update information in our electronic files, and follow-up on late filers.
4. Prepare pre-travel forms for Board members and Commissioner according to SAM policies and prepare travel claims.
5. Prepare annual assessment invoices, process payments and follow-up on late payees.
6. Prepare physical files for new cases and maintain physical files.
7. Assist in special projects and activities such as representation elections.
8. Send files to storage and archives as needed according to records guidelines.
9. Maintain supplies and prepare expenditure requests.
10. Perform clerical tasks including, but not limited to, data entry, filing, copying, faxing, letter preparation, sending other correspondence as directed by the Commissioner and/or Board Secretary.
11. Serve as backup to the Board Secretary when absent.

If you know anyone interested in the position, please have them contact the EMRB. We will then direct them to the appropriate website to complete an application.

## 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:

**May 10-12, 2022, via WebEx**

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

**July 17-19, 2022, In-Person in Las Vegas with video-conferencing to Carson City**

2021-017, Service Employees International Union, Local 1107 v. Clark County

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

## Annual Report Information Updated on Website

Now that all the governments, labor organizations and employee organizations have filed their annual reports with the EMRB, basic information on each is available in two spreadsheets on our website. The link to the spreadsheets may be found on the lower right-hand side of the home page under the "Directories" category.

The first spreadsheet contains basic information for each labor and employee organization, the name of the contact person for that entity, the e-mail address reported to us on the form, a list of the bargaining units the organization represents, the name of the employer of the employees, whether a collective bargaining agreement is on file and the date the current collective bargaining agreement expires.

The spreadsheet of the various governments contains the name of each government, the name of the contact person, the address, a work phone number, e-mail address and website address. For each government, it also lists any labor or employee organizations recognized as well as a list of the various bargaining units represented by each labor or employee organization.

Also, on our website are copies of all the collective bargaining agreements. A link to them may be found under the "Resources" category on the home page.

## Commissioner Continues Speaking Tour

On March 9<sup>th</sup> the Commissioner gave a speech before WAGE – the Working Assembly of Government Employees. WAGE is a multi-state confederation of non-affiliated unions representing public sector employees. The conference was held at the Golden Nugget and the talk focused on how unions can improve their relations with management.

Finally, The Commissioner will be part of a panel for a labor law class at the UNLV School of Law. This will take place March 21<sup>st</sup>. The panel will discuss their paths into labor law and their current work in federal government service, human resources consulting and public sector collective bargaining.

### "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.