



## 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

Vacant, Administrative Assistant II

## Codification of NAC 288 Coming Soon!

On December 30, 2019, the EMRB's regulations were updated, primarily due to the addition of collective bargaining at the State level. Other changes reflected updates in the use of technology as well as streamlining the due dates for various documents related to cases.

Although the regulations were updated more than two years ago, the codification of all the agency's regulations is only done by the Legislative Counsel Bureau every few years. The EMRB recently received a proof of the codification of NAC Chapter 288, which was reviewed and found to be in good order. We are now awaiting any day for the official version to be delivered to our office. When received, we will post the new codified NAC Chapter 288 to our website and e-mail everyone who receives this e-newsletter.

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## Settlement Conferences Back in the Mix

With the pandemic seemingly on the wane (and hopefully for good) the EMRB is back in the business of conducting settlement conferences. After the prehearing statements are filed a case comes before the Board to determine whether to grant a hearing. At that time, and per our regulations, the Board can also order the parties to submit to a settlement conference to be conducted by the Commissioner. Two cases have recently been assigned to a settlement conference. One of the agency's performance measures is to assign at least 50% of the cases to a settlement conference and to have 50% of those assigned cases settle.

## Looking for a Meeting Location in Carson City

The EMRB is looking for a permanent location for a meeting room in Carson City. Since its inception in 1969 the EMRB has met in-person in Las Vegas or has traveled to various locations throughout the State to hold hearings near where to where a case originated. With the advent of video-conferencing some of these remote locations were covered with this technology. The advent of collective bargaining at the State level has changed meeting needs considerably. We now have many more people attending Board meetings and hearings, with many of them working in and around Carson City.

If you know of a meeting room that the EMRB could use for free monthly for up to three days at a time – and which has video-conferencing equipment (we use Polycom equipment in Las Vegas), please contact the EMRB at the number 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 May 12, 2022. This meeting will be held virtually using WebEx. At that time the Board and its various panels will deliberate on four pending motions: (1) motion to dismiss in case 2021-0178, SEIU, Local 1107 v. Clark County; (2) motion to withdraw in case 2019-012, Luguisha McCray v. Clark County; (3) motion to dismiss in case 2019-012; Luguisha McCray v. Clark County; and (4) motion to defer in case 2020-021, Robert Ortiz v. SEIU, Local 1107.

The Board will also be setting the local government assessment rate and the State government assessment rate for the upcoming fiscal year.

## EMRB Hiring Administrative Assistant II

The agency recently obtained approval to fill the vacant Administrative Assistant II position and we are waiting for the Division of Human Resource Management to undertake a recruitment for the 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.

## Financial Odds and Ends

The EMRB has submitted a work program (i.e., budget amendment) to augment its travel budget. The current travel budget is based on spending in 2020, which is when everything was closed due to the pandemic. Because of the COVID emergency, the EMRB did not travel for its Board meetings and thus spent very little on travel. This effect has carried over to the current budgeted amount for travel. The request, waiting for approval from the Interim Finance Committee, would restore much of the travel budget, enabling the Board to meet in-person for some of its hearings and meetings.

As mentioned in the article at the top of this page the Board will be setting the annual assessment fees at its meeting in May. The current fee is \$3.00 per employee for the local government fee and \$6.00 per employee for the fee charged the State, including the Nevada System of Higher Education.

The EMRB has now submitted all but one of the documents for the Fiscal Year 2023-2025 biennium and these documents are now at the review stage within the Department of Business & Industry. The EMRB will be submitting one budgetary bill draft request in the coming month.

## 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:

**July 19-21, 2022, In-Person in Las Vegas with video-conferencing to Carson City**

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

2021-019, Service Employees International Union, Local 1107 v. Clark County

**August 16-18, 2022, In-Person in Carson City with video-conferencing to Las Vegas**

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

**The following case has been granted a hearing but no panel has yet been assigned or a hearing date set:**

2022-003, International Association of Fire Fighters, Local 2487 v. Truckee Meadows Fire Protection District

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

## Two New Deputy Attorney Generals Assigned to EMRB

Last October we reported that a new Deputy Attorney General (DAG) had been assigned to the EMRB, which was due to the departure of Donald Bordelove, who had served the EMRB for several years. Then in November we reported the new DAG had left for another state agency and that we had again been assigned a new DAG. Well, at the beginning of the year he left for private practice and in the interim we were well-served by Michelle Briggs, Senior Deputy Attorney General.

Ms. Briggs has now found and assigned to the EMRB two new DAG's. The first is Louis Csoka, who has previously served as board counsel for the Nevada Transportation Authority, which is another division within the Department of Business & Industry. He is a graduate of the Boston University School of Law and has been licensed here in Nevada for just over 20 years.

Our other new DAG is Alma Orozco, who is a graduate of the UNLV Boyd School of Law. She is new to the Attorney General's Office and has prior experience clerking for a judge. On behalf of the Board, we in the office wish both well and hope they find the experience of working in the field of public sector labor relations a rewarding one. We also wish to extend a big thank you to their supervisor, Michelle Briggs, for her hard work in the interim.

## Agency Participation on Petitions for Judicial Review

Last month we reported that the Office of the Attorney General had recommended that the EMRB should not automatically participate in every petition for judicial review (PJR) but should instead decide the level of its participation on a case-by-case basis. We encouraged public comment on this issue, either in writing or at the recent Board meeting. No public comment was received. So, for the foreseeable future when a PJR is filed the Board will then discuss to what extent its involvement will be for that PJR.

### "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.