



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](#)

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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

EMRB Office Set to Reopen

The EMRB office will reopen to the public on Monday, June 7th. The office has been closed since March 17, 2020. So, we at the EMRB are excited about being able to see those we serve once again.

For the time being, those visiting the office will need to make an appointment. This can be done by either calling the office or by e-mailing us at the e-mail address listed above. Additionally, the EMRB will limit the number of visitors to two at a time, except for Board meetings and settlement conferences. This really should not be an issue as the EMRB does not get too many visitors to begin with.

Also, the public may be subject to other requirements, such as with respect to mask wearing. However, all this is fluid and any requirements will be mentioned at the time an appointment is made.

Moreover, staff will also be returning to the office full-time on June 7th. Staff members had been rotating between being in the office and telecommuting, except during Board meetings. Telecommuting will end and both staff members will be in the office beginning on that date.

Board Member Terms Up Soon

The Board consists of five members appointed by the Governor for four-year terms. Due to the increase in the size of the Board from three members to five members back in 2017, along with two resignations since then, it just happens that four of the five Board members have terms ending June 30th of this year. These include Chair Brent C. Eckersley, Vice-Chair Sandra Masters, Board Member Gary Cottino and Board Member Michael J. Smith. Board Member Brett K. Harris' terms ends next year.

Some of the current members have applied for another term. As of the writing of this newsletter, the EMRB is not aware of any appointments or reappointments. However, the legislature has been in session and appointments to Boards have historically slowed in such a circumstance.

Per State law, a current member of a board may continue to serve until such time as a successor has been appointed, absent a letter of resignation in the interim listing a specific resignation date. We at the EMRB will keep you informed of any developments.

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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.

Legislative Update

Below are the bills affecting public sector collective bargaining. The information below is as of May 24th. The session is scheduled to end on May 31st.

The EMRB is neutral on all bills. Please contact the EMRB office if you would like to receive a copy of a bill.

BILLS IN THE SENATE

On the Floor for Concur/Not Concur

Senate Bill 294

Sponsor: Senator Cannizzaro. Approved by the Senate on April 19th by a vote of 12-9. Approved by the Assembly on May 21st by a vote of 26-15. Currently on the floor for Senate concurrence of Assembly amendments. 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 a second fact finder are final and binding on the parties if the first fact finding was only advisory. 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.

Senate Bill 327

Sponsor: Senators Neal & Harris. Approved by the Senate on April 19th by a vote of 20-1. Approved by the Assembly on May 21st by a vote of 33-8. Currently on the floor for Senate concurrence of Assembly amendments. The bill is an anti-discriminatory measure with two changes to NRS 288; namely removing testing procedures related to promotions from the list of mandatory subjects of bargaining and also providing definitions for the terms "race" and "protective hairstyle."

In Committee

Senate Bill 286

Sponsor: Senator Harris. Reassigned to the Senate Committee on Finance on April 19th. The bill has been declared exempt. As amended, revises the NRS 288 definition of "supervisory employee" to include certain peace officers and persons who provide civilian support to a law enforcement agency; also revises the definition of "employee" to include unclassified category II peace officers (i.e., gaming control agents).

Senate Bill 373

Sponsor: Senate Committee on Government Affairs. Reassigned to the Senate Committee on Finance on April 12th. The bill has been declared exempt. Authorizes collective bargaining for certain professional employees in the Executive Department of State Government. The primary intent is to extend collective bargaining to faculty and professional employees who work for NSHE.

BILLS IN THE ASSEMBLY

In Committee

Senate Bill 51

Sponsor: Senate Committee on Legislative Operations and Elections. The bill has been declared exempt. Approved by the Senate on May 21st by a vote of 21-0. Assigned to the Committee on Legislative Operations and Elections. The bill prohibits State employees from engaging in certain sex and gender-based acts of harassment and discrimination and creates a unit within the Division of Human Resource Management. The bill makes a small change to NRS 288, which would make an exception to the rule that the terms of a collective bargaining agreement would supersede State rules.

Senate Bill 409

Sponsor: Senate Committee on Finance. The bill has been declared exempt. Approved by the Senate on May 19th by a vote of 21-0. Assigned to Assembly Committee on Ways and Means. The EMRB has the authority to charge an annual fee to state agencies based on the number of employees in each agency to support its activities. This bill authorizes the Division of Human Resource Management to likewise charge an annual fee to state agencies to fund its labor relations activities. The language would be a part of NRS 288.

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 is one case waiting in the queue for a hearing date. The Board will be setting additional dates at its May 27th meeting.

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

On the Horizon

The next Board meeting will be held on May 27, 2021. At that time Panel C will 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 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.

Panel E will deliberate on a hearing previously held in Case 2020-025; Nye County Law Enforcement Ass'n v. Nye County. In this case the employee organization alleges the employer committed several prohibited practices by sending investigation notices to NCLEA members identifying NCLEA Board members as the accusers, retaliating against Board members, spying on NCLEA correspondence, and assisting in the formation of a competing bargaining unit. The employer denies all allegations.

The full Board will also deliberate on a motion to dismiss in Case 2021-002; NAPSO v. Las Vegas Metropolitan Police Department & Las Vegas Police Protective Association, the latter of which filed the motion to dismiss.

At that meeting the Board will also be setting the rates for the annual assessment invoiced to the State and various local governments. Staff is recommending that the rates be kept at their current levels, which is \$6.00 per employee at the State level and \$3.00 per employee at the local government level.

Panel A is also scheduled to meet June 8-10, 2021. The sole item on the agenda is a hearing in Case 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.

"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.