



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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May 2022

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

Board Keeps Annual Assessment Rates Steady

At its May meeting, the Board voted to keep the local government rate at its current level of \$3.00 per local government employee. This will be the third straight year that the rate has been at this level.

The Board also voted to keep the State government rate at its current level of \$6.00 per local government employee. This has been the rate since the fee was instituted in fiscal year 2020 when collective bargaining was authorized at the State level.

Keeping both rates at the current levels will gradually reduce over the next few years the amount of each reserve until each hits its goal of having a reserve of three months of funds.

Inside This Issue

- 1 **Board Keeps Annual Assessment Rates Steady**
- 1 **On the Horizon**
- 1 **EMRB Has No Cases in the Courts**
- 2 **Board and Case Statistics**
- 3 **In the Queue**
- 3 **Settlement Conferences Have Restarted**
- 3 **Odds and Ends**

On the Horizon

The next Board meeting will be June 15, 2022. This meeting will be held virtually using WebEx. At that time the Board and its various panels will deliberate on a hearing previously held in case 2021-009. The case seeks to determine whether the Corrections Sergeants who work for the State are/are not supervisors. The decision on this issue will then determine whether the Corrections Sergeants are to remain in the supervisory bargaining unit or whether they should instead be moved to the Corrections Officer bargaining unit.

The Board and its panels will also deliberate on four pending motions: (1) motion to dismiss in case 2022-005, Brandon Davis v. Washoe County School District; (2) motion to withdraw in case 2019-012, Luquisha McCray v. Clark County; (3) motion to dismiss in case 2019-012; Luquisha McCray v. Clark County; and (4) motion to defer in case 2020-021, Robert Ortiz v. SEIU, Local 1107.

EMRB Has No Cases in the Courts

For the first time in at least 20 years the EMRB has no cases pending in the courts. This includes petitions for judicial review filed in one of the State's District Courts as well as cases on appeal before the Nevada Supreme Court or the Court of Appeals. This is contrasted with certain points in the past in which the agency may have had up to ten cases in the courts at any given time. The agency has a performance measure of prevailing in at least 90% of the cases brought before a court. Over the past five fiscal years the agency has a track record of 92.3%.

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.

Board and Case Statistics

Below is a page from our newest version of the agency's strategic plan, showing activity levels for the past five fiscal years for the Board and the cases filed with the EMRB. We hope you find the information both informative and interesting.

Number of New Cases Filed

Cases are at the heart of what the EMRB does. Below are the number filed each year:

<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
45	30	27	25	26 est.

Number of Board Meeting Days

The Board meets once or twice each month for up to three days at a time. In addition, each Board member prepares for up to two days for each meeting, reading the backup materials which consist of legal documents as one would encounter in court cases.

<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
28	26	23	28	17 est.

Number of Hearings Held

Hearings are held in panels of three Board members randomly selected for a case.

<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
8	5	16	8	4 est.

Number of Months Until a Hearing is Held

Justice delayed is often justice denied. This performance measure tracks the number of months from when the initial documents are filed until the hearing begins. Goal 1.2, mentioned later in the document, is to hold a hearing within 3 months.

<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
5.48	5.00	5.20	2.01	2.38 est.

Percentage of Cases Won on Appeal

The primary mission of the Board is to make just, fair and correct decisions according to the facts presented as evidence and the law. Its decisions should be upheld by a judicial review in the courts. Goal 1.1 is to prevail on 90% of such appeals.

<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
100.00% (1 of 1)	85.71% (6 of 7)	100.00% (3 of 3)	100.00% (1 of 1)	100.00% est. (1 of 1)

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.

Settlement Conferences Have Restarted

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. 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.

Two cases have recently been assigned to a settlement conference. The first of these settlement conferences was recently held on May 26th, which was held in-person. It is hoped that all future settlement conferences will also be conducted at the EMRB's office in Las Vegas.

Odds and Ends

Last month we reported that a newly codified version of the agency's administrative rules would be forthcoming in May. To-date this has not happened. Be assured that when we receive word of the release we will issue a special e-mail immediately.

We also mentioned we had been looking for a "home" in Carson City for the public to attend our meetings. We have found our new home, which will be in a conference room located within the Division of Insurance. We wish to thank all who have made this a reality.

Finally, we are waiting on a recruitment for our vacant Administrative Assistant II position. If you know of someone who might be interested, please have them contact our office for further instructions on how to apply.

"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.