



Government Employee- Management Relations Board

Nevada Department of Business and Industry

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June 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

EMRB Office Has Reopened to the Public

The EMRB office reopened to the public on Monday, June 7th. We had our first visitor that same day! The office had been closed since March 17, 2020.

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, per building policy all members of the public will be required to wear a mask, irrespective of their vaccination status.

Both members of the EMRB staff have also returned full-time to the office and look forward to the opportunity to assist and serve you either on the phone, via e-mail or once again in-person.

Annual Assessment Invoices Set for Mailing

The EMRB will be mailing the annual assessment invoices to the local governments on June 28th. The invoices are being mailed to the official contact person at each local government. In addition, the two invoices to the State and the Nevada System of Higher Education will also be mailed the same day. Your invoice is payable by July 31st. If you do not receive the invoice by the end of the month, please call our office immediately and we will e-mail you a replacement invoice. When you receive the invoice, please forward it to the appropriate person or section that approves invoices for payment. If, because of your government's bill approval and paying process, you need a little extra time to remit the payment, please call our office and we will work with you.

In late May the Board voted to keep the rates as the same level as last year, which is \$3.00 per local government employee and \$6.00 per State government employee.

In years past only those governments owing \$10,000 or more could pay via ACH or wire transfer. Last year we heard from a number of governments who owe less than this, asking if electronic payments could be extended to them. Since then, we have worked with fiscal staff within the Department of Business and Industry. The bottom line is that now every government can electronically pay their invoice. Instructions to do so will be included with the invoice.

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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

The 2021 session of the State Legislature is now over. Below are the four bills that made it to the "finish line" and were signed into law. Ten other bills, documented in prior editions of this e-newsletter, died at various points during the session. Most notable among the 10 bills that died was a bill that would have extended collective bargaining to faculty within the Nevada System of Higher Education.

The EMRB is neutral on all bills. Please contact the EMRB office if you would like to receive a copy of a bill. Please note that the EMRB recently sent a series of four e-mails to those on our mailing lists, one for each of the four bills below.

Senate Bill 51

Sponsor: Senate Committee on Legislative Operations and Elections. Approved by the Senate on May 21st by a vote of 21-0. Approved by the Assembly on May 31st by a vote of 36-6. Bill signed by the Governor on June 3rd. 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 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. Senate since concurred on the Assembly amendments. Bill signed by the Governor on June 3rd. 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.

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. Senate since concurred on the Assembly amendments. Bill signed by the Governor on June 2nd. 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."

Senate Bill 409

Sponsor: Senate Committee on Finance. Approved by the Senate on May 19th by a vote of 21-0. Approved by the Assembly on May 28th by a vote of 32-10. Bill signed by the Governor on June 4th. 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.

Reminder About Useful Resources

The EMRB maintains on its website a list of individuals who are willing to serve as an arbitrator, mediator or fact-finder. Although many governments use the services of someone affiliated with the Federal Mediation and Conciliation Service (FMCS) or the American Arbitration Association (AAA), there are certain instances in which a local government must apply for and receive a list specifically from the EMRB. Also, the EMRB keeps current copies of all collective bargaining agreements on our website. Check out all these resources next time you visit emrb.nv.gov.

Additionally, the EMRB has all its decisions from its inception in 1969 through September 2019 on the Nevada Library on CD, published by the Legislative Counsel Bureau. This product, used by many law firms and governments, is searchable in many ways and is relatively inexpensive to purchase. The product is scheduled to be updated in the coming months now that the 2021 session of the legislature is completed. Then the product should have EMRB decisions through this coming September.

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 August 2021.

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

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

August 10-12, 2021, via WebEx (Panel A)

2020-022; International Union of Operating Engineers Local 501 v. Esmeralda County

September 8-10, 2021, via WebEx

No case yet assigned to these dates.

On July 8th, the Board will likely set hearing dates for the following cases which should have prehearing statements submitted by then:

2021-003, International Association of Fire Fighters, #1265 v. City of Sparks

2021-004, Las Vegas Police Protective Association v. City of Las Vegas

2021-005, Las Vegas Police Protective Association v. City of Las Vegas

Finally, the following case, currently set for a settlement conference, will also be reset for hearing should the case not settle:

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

On the Horizon

The Board meeting set for June 24, 2021 has been cancelled.

The next Board meeting will be July 7-9, 2021. At that time Panel D will hold a hearing in Case 2020-034, AFSCME, Local 4041 v. State of Nevada, Department of Corrections, Warm Springs Correctional Center. The labor organization alleges the Respondents unilaterally changed a number of mandatory subjects of bargaining – employee shift lengths, the shift-bidding process, and how employees are classified in the bargaining unit – all without first bargaining with the Complainant.

The full Board will also have significant business to conduct. First among these is the election of a Chair and Vice-Chair for fiscal year 2022. The full Board will also decide whether to grant hearings in three cases and will deliberate on three pending motions in Case 2020-031, Henderson Police Supervisors Association v. City of Henderson.

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. Finally, the full Board will also deliberate on a petition for declaratory order in Case 2020-032, IAFF, Local #2251 v. City of Sparks.

“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.