



# Government Employee- Management Relations Board

Nevada Department of Business and Industry

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June 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 Elects Officers for Fiscal Year 2023

On June 15<sup>th</sup> the Board unanimously elected Brent C. Eckersley, Esq. as the Chair for the upcoming fiscal year which begins on July 1, 2022. The Board also unanimously elected Sandra Masters as Vice-Chair. Mr. Eckersley has held the position of Chair since July 2017. That same year Ms. Masters was also elected as the Vice-Chair, a position which she had previously held. Congratulations to both on another year of service to the Board and the citizens of this state!



BRENT C. ECKERSLEY  
Chair



SANDRA MASTERS  
Vice-Chair

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**The office will be closed on Monday, July 4<sup>th</sup> for Independence Day.**

## 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.

## Administrative Rules Codified

The EMRB just received the updated and codified administrative rules from the Legislative Counsel Bureau (LCB). Back in the spring of 2019 the legislature extended collective bargaining rights to certain State of Nevada Executive Branch employees. This necessitated a major revision to our agency's regulations, which were adopted by the Legislative Commission on December 30, 2019. The LCB has now officially incorporated those changes into our master set of regulations.

Besides the changes due to the extension of collective bargaining, other changes in the regulations include counting the number of days certain documents are due and revisions allowing for more use of technology during our meetings and hearings.

The updated and codified administrative rules may be found on our website (the website address is listed above). They may also be found on the LCB website. We have also just issued an e-mail with the document in .pdf format to all those on our mailing lists.

For those attorneys practicing before the Board, please discard all prior versions of the regulations and only use this new version until further notice.

## Annual Assessment Invoices Have Been Mailed

The EMRB mailed the annual assessment invoices to the local governments on June 24<sup>th</sup>. The invoices have been 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 were also mailed the same day. Your invoice is payable by July 31<sup>st</sup>. If you do not receive the invoice by the end of June, 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. In the last couple years, we heard from a number of governments who owe less than this, asking if electronic payments could be extended to them. So, last year we worked with fiscal staff within the Department of Business and Industry to allow every government to electronically pay their invoice. This new practice continues this year. Instructions to do so are included with the invoice.

## 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 #877; Case 2021-018; Service Employees International Union, Local 1107 v. Clark County.** The Board granted the motion to dismiss, finding that the allegations in the Complaint were untimely. Complainant alleged that the County's conduct was discriminatory with respect to the County's Office of Diversity. Complainant also alleged that the County had made a unilateral change and had failed to bargain in good faith over the circumstances. Complainant identified two occurrences pertaining to the allegations. The County argued that the complaint was filed more than six months after the two occurrences, which is the statute of limitations. NRS 288,110(4). This time limitation is not triggered until the complainant receives unequivocal notice of an adverse action. Based on the evidence presented, the Board found that Complainant received unequivocal notice on November 3, 2020 and April 5, 2021, both of which were more than six months before the complaint was filed on November 18, 2021.

**Item #878; Case 2021-009; In Re: Petition for Declaratory Order Concerning Unit I Pursuant to NRS 288.515.** AFSCME, Local 4041 filed a petition for declaratory order, requesting that the Board determine that the job classification of Correctional Sergeant should be in Unit I, Corrections, and not in Unit J, Supervisory Employees. The issue was whether Correctional Sergeants are supervisory employees under NRS 288.138. In a prior case, the Board had previously determined that employees are deemed supervisory if they meet only one of 12 listed functions; their exercise of authority is not of a merely routine or clerical nature but instead requires the use of independent judgment; that their authority is held in the interest of the employer; and that such authority occupies a significant portion of the workday. The Board found that Correctional Sergeants meet the definition of a supervisory employee and thus should remain in Unit I.

Note: When SB 135 was first signed into law the State's Division of Human Resources Management recommended that Correctional Sergeants be in Unit J. AFSCME, Local 4041 objected and instead stated that such employees should be in Unit I. A stipulation was entered into and approved by the Board that would allow the Correctional Sergeants to be in Unit I until June 30, 2021 and could remain in Unit I thereafter if a law to this effect was passed by the legislature by that deadline. No such law was passed and thus the Correctional Sergeants were moved back to Unit J as of July 1, 2021. This petition was filed in response to the movement of those employees back to Unit J.

## 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 via WebEx**

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 Reno with video-conferencing to Las Vegas**

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

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

## On the Horizon

The next Board meeting will be July 19-21, 2022. This meeting will be via WebEx. At that time Panel D will conduct a hearing in Case 2021-017, Service Employees International Union, Local 1107 v. Clark County. The employee organization alleges that Clark County committed a unilateral change by the installation of cameras in vehicles as a pilot program without negotiating the terms of such installation. Clark County denies the allegations. Panel D will also be deliberating on a motion to dismiss in Case 2019-012, Luquisha McCray v. Clark County.

Upon conclusion of that hearing, Panel C will also conduct a hearing in Case 2021-017, Service Employees International Union, Local 1107 v. Clark County. The employee organization alleges that Clark County committed a unilateral change through the adoption of various County policies without negotiating the terms of those policies. Clark County denies the allegations.

The August Board meeting will be August 16-18, 2021. This meeting will be in-person in Reno with video-conferencing to Las Vegas. The meeting will also be on WebEx. At that time Panel C will conduct a hearing in Case 2022-002, Association of Professional-Technical Administrators v. Washoe County School District. This case involves allegations of bad faith bargaining. The full Board will also deliberate on two motions to dismiss.

## Odds and Ends

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.

We are also waiting on approval of a budget amendment that would restore some of our travel funds lost due to not traveling during the pandemic. Doing so would allow more in-person attendance of Board members for hearings.

### **"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.