



# Government Employee- Management Relations Board

Nevada Department of Business and Industry

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July 2022

## Members of the Board

Brent C. Eckersley, Esq., Chair  
Sandra Masters, Vice-Chair  
Brett K. Harris, Esq., Board Member  
Michael J. Smith, Board Member  
Vacancy, Board Member

## Staff

Bruce K. Snyder, Commissioner  
Marisu Romualdez Abellar,  
Board Secretary  
Vacant, Administrative Assistant II

## Board Member Gary Cottino Resigns

On July 14<sup>th</sup> Board Member Gary Cottino announced that he was resigning from the Board effective immediately. Mr. Cottino was originally appointed to the Board by then Governor Sandoval in the fall of 2017 when the size of the Board was increased from three to five members. He was recently reappointed by Governor Sisolak.

Mr. Cottino came to the Board with a bachelor's degree from UNLV in Human Resources and Industrial Relations. He also has held the professional certification of Senior Professional in Human Resources from the Society for Human Resource Management (SHRM). Mr. Cottino retired from Southwest Gas Corporation, for whom he worked for more than two decades. There he served as the Human Resources Manager of the Southern Nevada Division. Mr. Cottino also taught for a number of years human resources classes for UNLV's Continuing Education Department, including a four-part federal employment law series and a three-part Nevada employment law series.

During his almost five years of service, he not only attended virtually every meeting of the Board but also served as the Presiding Officer for Panel C on several occasions. He also was appointed to an ad hoc committee to help interview and select candidates for the Administrative Assistant II position. We thus want to take this opportunity to salute Mr. Cottino for his dedicated and faithful service to not only the agency but also to the citizens of this state!



The Governor's Office has been notified of the vacancy and is currently seeking qualified candidates to fill the vacancy. If you know of someone (or yourself) who would like to serve on the Board please contact our office and we will give you instructions on how to apply.

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## List of Panels

Panel A Eckersley, Masters, Harris  
Panel B Masters, Harris, Smith  
Panel C Harris, Smith, Vacant  
Panel D Eckersley, Smith, Vacant  
Panel E Eckersley, Masters, Vacant

Note: The first person listed for each panel is the Presiding Officer.

## Payments on Annual Assessments Due July 31<sup>st</sup>

The EMRB is a self-funded agency, receiving all its operating funds through local governments paying \$3.00 for each of their employees and the State government paying \$6.00 per employee. The EMRB does not receive any general fund revenues. The EMRB mailed the annual invoices on June 24<sup>th</sup>. The invoices were mailed to the official contact person at each government. You should have already received the invoice, which is payable by July 31<sup>st</sup>.

Many of the governments have already paid their invoice – and to them we say, “Thank you.” If you have not yet received the invoice, please call our office immediately. If you have received the invoice, please forward it to the appropriate person or section that approves invoices for payment. If, because of your government’s bill approval process you need extra time to remit the payment, please call our office and we will work with you.

Governments who do not pay by July 31<sup>st</sup> and who have not made other arrangements as described in the prior paragraph will be contacted by telephone and e-mail beginning August 3<sup>rd</sup>.

## 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 #879; Case 2020-021; Robert Ortiz v. Service Employees International Union, Local 1107.** After an internal hearing, the Complainant was relieved of his Chief Steward duties at the employee organization for violating directives of the President. He appealed to the international union, claiming he was the victim of discrimination. He also filed a complaint with the EMRB alleging the actions taken against him were motivated by personal or political reasons and because of his gender and ethnicity. The EMRB placed a stay on the case pending resolution of the international’s appeal, which found partly in his favor.

The employee organization then filed a motion to defer to the international’s decision and thus dismissed the case. The EMRB uses a five-part test to determine whether to defer to another decision: (1) whether the proceedings were fair and regular; (2) whether the parties agreed to be bound by the decision; (3) whether the decision was not clearly repugnant to the purposes of the EMRA; (4) whether the contractual and prohibited practices were factually parallel; and (5) whether the underlying case was presented with facts relevant to the case before the EMRB. The Board found all five conditions had been met and thus deferred to the international and dismissed the case before the EMRB.

The Board also opined that since the Complainant had withdrawn his membership with the employee organization and thus could not be reinstated to his former volunteer position, the remedies he was seeking and not previously restored by the international could not have been given by the Board.

## Administrative Rules Updated and Codified

The EMRB received last month 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.

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. You may also call our office and we would be glad to send you the updated administrative rules.

## 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:

### **August 16-18, 2022, In-Person in Reno and on WebEx**

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 August 16-18, 2021. This meeting will be in-person in Reno. 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. The employee organization alleges that the school district failed to bargain in good faith during negotiations over a successor agreement, among other things. The school district denies the allegations.

The September Board meeting will occur on September 15, 2022 via WebEx. At that time Panel D will deliberate on the hearing previously held 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. Also, Panel C will deliberate on 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.

## Odds and Ends

We are now recruiting 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.

Our work program (i.e., budget amendment) was recently approved. This approval restores some of our travel funds lost due to not traveling during the pandemic. Doing so will allow more in-person attendance of Board members for hearings.

The agency recently received analytics on its website. During June 2022:

- 571 different users visited the website;
- These 571 users initiated a total of 811 sessions;
- 31.8% of all sessions were bounce sessions (i.e., where the user visited more than the home page and extended their visit to other pages); and
- The average session lasted 3.6 minutes.

### **"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.