



## Government Employee- Management Relations Board

Nevada Department of Business and Industry

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September 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

## A Commissioner's Tribute to Marvin Miller

This article pays tribute to a man who perhaps did more to change the game of baseball than anyone else in the past half century: Marvin Miller, who recently was inducted into the Baseball Hall of Fame in Cooperstown, New York, despite never having thrown a pitch or swung a bat.

Marvin Miller became the Executive Director of the Major League Baseball Players Association (MLBPA) in 1966. Then in 1968 he led the group to its first collective bargaining agreement (CBA) with the owners. This first agreement was followed by a series of legal decisions and subsequent CBA's that led to the elimination of the reserve clause and the introduction of free agency, which not only led to greatly increased salaries for players but which also mightily changed decisions made in the front offices of baseball teams.

Despite assumptions to the contrary, Miller was not a lawyer but rather an economist, who first worked for the War Labor Board. After World War II he then worked for the International Association of Machinists and then the United Steel Workers of America, which was considered the preeminent labor organization at the time.

I write this tribute not to mention Marvin Miller's achievements but, rather, to illustrate how he went about negotiating contracts, and in doing so hopefully I will inspire those who work in the field of public sector labor relations, both on the management and labor sides of the table, on how best to conduct themselves in negotiations.

The press would paint Miller as a rabble rouser who was loud and obnoxious. But according to Donald Fehr, who succeeded Miller when he retired, he was anything but that. Fehr, who gave the induction speech, instead held that Miller was a quiet man who was very soft spoken. Many times, those in a room with him had to move their chairs closer to hear what he had to say. He never raised his voice to the players, staff, owners, fans, or those in the media.

Fehr stated that Miller was a polite man, who was thoughtful, deliberate in his words and incredibly intelligent. From the deliberate words and his ability to read a room, Miller often proved incisive in getting to the heart of an issue. Miller often stated that in collective bargaining there are people on both sides of the table and they are equals to everyone else and thus should be accorded respect.

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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.

## Thank You for Paying Your Annual Assessment

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. We are happy to report that all the governments have now paid their annual assessments. Thank you very much!

## Look for Your Annual Report Forms

In just a few weeks from now the EMRB will be mailing annual report forms to each of the governments, both State and local, that are subject to collective bargaining. Additionally, annual report forms will also be mailed to every recognized labor organization and employee organization. The forms will be mailed to the official contact person as identified in the prior year's report unless in the interim the EMRB was notified in a change in the official contact person. The annual reports are due November 30<sup>th</sup>.

Additionally, this year the EMRB will be requesting full copies of the by-laws for each labor organization and employee organization. Requirements for filing this document will be included in the packets sent to them.

## Board Members Continuing in Office

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 had terms ending June 30<sup>th</sup> 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.

State law, though, provides that members may continue to serve on a board until such time as a successor has been appointed to fill the expired term. We hope to hear soon as to whether the existing Board members have been reappointed or whether there will be one or more successors appointed.

## A Commissioner's Tribute to Marvin Miller (cont'd)

Behind the scenes Miller was meticulously well prepared for negotiating sessions. During negotiations he was known to be firm in his positions but never rigid. Instead, he was regarded as a pragmatist, who realized that an agreement always required the consent of both parties and thus compromise was the word of the day.

One of his primary traits was his patience. He was patient with the players and with those on the other side. He sometimes would listen for hours to the players so he could fully understand their concerns and issues, often seldom saying a word during those meetings. He believed that it was this patience that gave him the ability to see things he otherwise would miss.

He also considered himself a teacher. He would assemble the facts, analyze the issues, and then at the right time, educate the players, explaining to them their options. He would often say, "Give them the facts and they will make the right decisions." Both in private meetings with the players and then in negotiating sessions, he would try his best to never tell someone they were wrong. Instead, he would say, "Consider this...."

Finally, when a new CBA was reached or a court battle played out in their favor, he never took the credit. Instead, he always gave the praise to the players, others on the negotiating team or the attorneys involved in the case. I would encourage everyone, as you go about your business in labor relations here in Nevada, to keep in the back of your minds the example of Marvin Miller. I am confident that in doing so you will become more effective at your job.

## 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.

A hearing for one case has been vacated and will need to be rescheduled in the future. There are no other cases waiting for a hearing date.

## On the Horizon

The next Board meeting will be October 7, 2021. This meeting will be held virtually using WebEx. At that time Panel A will deliberate on a hearing previously held in Case 2020-022, [International Union of Operating Engineers Local 501 v. Esmeralda County et al.](#) The employee organization alleges that the Respondent excluded it from bargaining sessions and failed to negotiate in good faith over an initial collective bargaining agreement. Respondent denies the allegations and raises the issue of whether the employee organization is supported by a majority of the bargaining unit.

Absent the calling of a special meeting, the final two meetings of 2021 will be held November 2-4, 2021 and December 7-9, 2021. Both meetings will be held virtually using WebEx.

## A Note on Our Docket

The EMRB currently has 18 open cases. This is the lowest number of open cases since at least 2013. In years past the agency sometimes had more than 40 open cases at any given time.

Only 11 new cases have been filed since the beginning of the calendar year. In a typical year the agency would have received at least 24 new cases by mid-September.

Of the 18 open cases, only nine are active while the other nine are stayed pursuant to the limited deferral doctrine, which provides that any underlying grievances, arbitrations, or court cases should be resolved first. This means that there are only nine active cases on the docket.

A further look at the nine active cases reveals that three of them are waiting the drafting and approval of the final order resolving each such case. Four of the nine active cases are waiting for the filing of initial documents such as answers, responses, and prehearing statements.

That leaves two other cases. One of them is waiting for the rescheduling of a hearing date while the final active case has had a hearing and is awaiting the filing of post-hearing briefs on October 1<sup>st</sup>. Panel A is set to rule on that case on October 7<sup>th</sup> (see above article).

### "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.