

**REVISED ADOPTED REGULATION OF THE LOCAL  
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

**LCB File No. R043-13**

Effective October 24, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-17, NRS 288.110.

A REGULATION relating to local government employees; revising provisions governing practice and procedure before the Local Government Employee-Management Relations Board; removing certain requirements relating to elections of exclusive bargaining agents; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Local Government Employee-Management Relations Board to make rules governing proceedings before the Board. (NRS 288.110) **Section 1** of this regulation authorizes the Board to order the parties in a proceeding before the Board to participate in a settlement conference under certain circumstances upon its own motion or the motion of a party. **Sections 3 and 4** of this regulation amend existing regulations so that a complaint and an answer filed with the Board are no longer required to be verified or sworn. **Sections 5 and 10** of this regulation require that the parties attach a certificate of service, instead of an affidavit of service, to each opposition or response and each brief not made during a hearing. **Section 6** of this regulation limits the discussion of proposed exhibits during a prehearing conference to those exhibits exchanged by the parties at least 5 days before the date of the prehearing conference. **Section 7** of this regulation authorizes the Board to limit the time available to each party for an oral argument and, in such a case, provides for each party to have an equal amount of time for oral argument. **Sections 8 and 9** of this regulation provide that the presiding officer, rather than the entire Board, is responsible for ruling on the admissibility of evidence. **Sections 11 and 12** of this regulation amend the deadlines for the filing of a petition for rehearing and for the Board to rule on such a petition. **Section 13** of this regulation specifies that a modifying order is considered to be final for the purposes of judicial review. **Section 14** of this regulation requires a response to a petition for a declaratory order to contain a memorandum of authorities. **Section 14** also authorizes a party requesting a petition for a declaratory order to file a reply to such a response. **Section 15** of this regulation removes the requirement that a petitioner who desires a hearing on a petition for a declaratory order establish factual assertions by affidavit. **Section 15** also requires a request for such a hearing to be filed within a certain time period and prohibits the parties from filing prehearing statements unless such a request is granted. **Section 16** of this regulation removes authorization for the Board to issue a declaratory order without holding a hearing on a petition that has been opposed under certain circumstances.

**Section 1.** Chapter 288 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 3, the Board may order the parties to participate in a settlement conference upon the motion of any party or its own motion.*

*2. The Commissioner shall conduct any settlement conference ordered by the Board pursuant to subsection 1.*

*3. The Board will not order a settlement conference for any matter that is:*

*(a) An appeal of the determination of a bargaining unit brought pursuant to subsection 5 of NRS 288.170;*

*(b) A proceeding relating to an application for the recognition of an employee organization filed pursuant to NRS 288.160; or*

*(c) A proceeding commenced upon a petition for a declaratory order filed pursuant to NAC 288.380.*

*4. A party or the Board may file a motion for a settlement conference at any time:*

*(a) After all parties have submitted prehearing statements pursuant to NAC 288.250; and*

*(b) Not later than 60 days before the date of a scheduled hearing.*

*5. The Commissioner may establish reasonable guidelines to conduct a particular settlement conference, except that the Commissioner may not:*

*(a) Require the parties to submit additional statements or briefs in advance of a settlement conference; or*

*(b) Establish guidelines that will impose any undue expense on a party.*

*6. The Commissioner may not be called as a witness in any proceeding in which a settlement conference has taken place.*

**Sec. 2.** NAC 288.130 is hereby amended to read as follows:

288.130 If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board in accordance with the provisions of NAC 288.200 to 288.375, inclusive ~~H~~, *and section 1 of this regulation.*

**Sec. 3.** NAC 288.200 is hereby amended to read as follows:

288.200 1. In addition to any other applicable requirements set forth in NAC 288.231, a complaint must include:

- (a) The full name and address of the complainant;
- (b) The full name and address of the respondent;
- (c) A clear and concise statement of the facts constituting the alleged practice sufficient to raise a justiciable controversy under chapter 288 of NRS, including the time and place of the occurrence of the particular acts and the names of persons involved; and
- (d) The legal authority under which the complaint is made.

2. The complainant shall file ~~fa-verified~~ *an* original and four copies of the complaint with the Board in the form of a pleading and shall serve a copy by certified mail on all parties in interest at their last known addresses.

**Sec. 4.** NAC 288.220 is hereby amended to read as follows:

288.220 1. The respondent may file an answer in the form of a pleading and not later than 20 days after the receipt of a complaint.

2. The answer must contain a clear and concise statement of the facts which constitute a defense. The respondent must specifically admit, deny or explain each of the allegations in the complaint unless he or she is without knowledge, in which case the respondent shall so state and the statement shall be deemed a denial. Any allegation in the complaint not specifically denied in

the answer, unless it is stated in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true.

3. If an answer is not made within the prescribed time, the dilatory party is precluded, except with the consent of the opposing party or the Board, from asserting any affirmative defense in the proceeding.

4. ~~{A sworn}~~ *An* original and four copies of the answer must be signed and filed with the Board.

**Sec. 5.** NAC 288.240 is hereby amended to read as follows:

288.240 1. Any request for an order by the Board, except for an order to permit intervention, concerning any matter that has been assigned a case number and that has not been finally decided by the Board must be styled a “motion.”

2. All motions made before or after a hearing must be filed in writing with the Board. Motions made at a hearing must be stated orally and must be included in the stenographic report of the hearing.

3. A motion directed at a complaint or petition must be written and filed before the answer or response is due.

4. Within 10 days after service of any motion, all parties wishing to respond to the points raised in the motion shall file their opposition to the motion. That opposition must be in writing, unless made during the hearing. Within 10 days after service of the opposition to the motion, the moving party may respond to the points raised in the opposition.

5. ~~{An affidavit}~~ *A certificate* of service must be attached to the original opposition or response, indicating that the opposition or response has been served on the opposing party, unless the opposition or response is made during a hearing.

6. If a party fails to file and serve a written opposition to a motion, that failure to respond may be construed as an admission that the motion is meritorious and as consent to granting the motion.

**Sec. 6.** NAC 288.273 is hereby amended to read as follows:

288.273 1. The Board or Commissioner may, upon written notice to all parties of record, hold a prehearing conference to:

- (a) Formulate or simplify the issues;
- (b) Obtain admissions of fact which will avoid unnecessary proof;
- (c) Discuss *any* proposed exhibits which ~~should have been previously~~ *were* exchanged between the parties ~~;~~ *at least 5 days before the date of the prehearing conference;*
- (d) Limit the number of witnesses; and
- (e) Establish any other procedure which may expedite the orderly conduct and disposition of the proceedings.

2. Upon action of the Board, the action taken and the agreements made at a prehearing conference by the parties concerned must be made a part of the record. When so ordered, the action controls the course of subsequent proceedings unless modified by the Board at the hearing.

3. In any proceeding, the Board may call all parties together for a conference before the taking of testimony or may recess the hearing for a conference to carry out the intent of this section. The Board will state on the record the results of the conference.

**Sec. 7.** NAC 288.306 is hereby amended to read as follows:

288.306 *1.* The Board may, following the filing of briefs or upon contested motions ~~;~~ *set*  
:

(a) *Set* the matter for oral argument upon 10 days written notice to each party of record, unless the Board considers a shorter time advisable ~~H~~; *and*

(b) *Limit the amount of time available to each party for oral argument.*

2. *If the Board limits the amount of time available for oral argument pursuant to subsection 1, the Board will allow each party an equal amount of time for oral argument.*

**Sec. 8.** NAC 288.322 is hereby amended to read as follows:

288.322 1. In conducting any investigation, inquiry or hearing, the Board ~~is~~ *and the presiding officer are* not bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any order or decision of the Board ~~H~~ *or the presiding officer*. The rules of evidence of courts of the State will be generally followed but may be relaxed at the discretion of the presiding officer or Board when deviation from the technical rules of evidence will aid in ascertaining the facts.

2. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the ~~Board,~~ *presiding officer*. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief is sought must be stated briefly. The ~~Board,~~ *presiding officer*, either with or without objection, may exclude inadmissible, incompetent, repetitious or irrelevant evidence.

3. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

4. An offer of proof for the record must consist of a statement of the substance of the evidence to which an objection has been sustained.

**Sec. 9.** NAC 288.328 is hereby amended to read as follows:

288.328 The ~~{Board}~~ *presiding officer* will rule on the admissibility of all evidence subject to the provisions of NAC 288.324 and 288.326. At the conclusion of the hearing, all evidence will be received into the record subject to the rulings of the ~~{Board}~~ *presiding officer* on evidence to which timely objection was made.

**Sec. 10.** NAC 288.345 is hereby amended to read as follows:

288.345 In any proceeding the presiding officer may order briefs to be filed within a reasonable time. An original and four copies of each brief must be filed with the Board and must be accompanied by ~~{an acknowledgment of or an affidavit}~~ *a certificate* showing service on each party of record as provided in NAC 288.200.

**Sec. 11.** NAC 288.360 is hereby amended to read as follows:

288.360 1. Either party may, within ~~{10}~~ *15* days after ~~{any}~~ *service of a final* decision ~~{by}~~ *of* the Board, file a petition for a rehearing stating the reasons therefor.

2. The Board may order a rehearing by requiring the parties to submit any additional evidence or data in support of their respective positions. The Board will not require the repetition of evidence or data previously submitted. Further proceedings and deliberations will be conducted in accordance with the provisions of this chapter.

3. The failure of either party to submit a petition for rehearing within ~~{10}~~ *15* days constitutes an agreement that the Board's decision is a final decision for the purposes of NRS 233B.130.

**Sec. 12.** NAC 288.364 is hereby amended to read as follows:

288.364 1. The Board will consider a *timely* petition for rehearing and may grant or deny it ~~{within 20 days after the date of its filing.}~~ *not later than 5 days before the date of the*

*expiration of the time frame to file a petition for judicial review set forth in NRS 233B.130.* If no action is taken by the Board within the time specified, the petition shall be deemed denied.

2. If the Board grants the petition for rehearing, its order granting rehearing will state the issues upon which the petition has been granted. The Board may request the filing of briefs by the parties on issues raised by the petition. No evidence will be taken nor will any hearing be held under this section.

3. After reconsidering the issues, the Board, if it is of the opinion that the original order or decision is in any respect unjust, unwarranted, unlawful or in need of change, may abrogate, change or modify the decision, the order or both.

4. A decision will be rendered within 45 days after granting a petition for rehearing.

**Sec. 13.** NAC 288.368 is hereby amended to read as follows:

288.368 1. Any order modifying a decision or order of the Board issued pursuant to NAC 288.364 incorporates those portions of the prior order or decision which have not been changed or modified by the subsequent order.

2. For purposes of ~~appeal~~ *judicial review*, a modifying order is to be considered the final order of the Board.

**Sec. 14.** NAC 288.390 is hereby amended to read as follows:

288.390 1. Any party served with a petition for a declaratory order may respond to the petition within 20 days by filing the original and four copies of his or her sworn response with the Board. The responding party shall also serve a copy of the response upon the petitioner.

2. The response must include:

(a) The full name and address of the petitioner;

(b) The full name and address of the respondent;



(c) A clear and concise statement of the facts, including the time and place of the occurrence of the particular acts described in the petition and the names of persons involved; and

(d) ~~{The legal authority under which the response is made.}~~ *A memorandum of authorities, including legal authorities in support of or in opposition to any position or contention raised by the petitioner.*

*3. A party requesting a petition for a declaratory order may file a reply to any response filed pursuant to this section within 10 days after the date on which the response is served.*

**Sec. 15.** NAC 288.400 is hereby amended to read as follows:

288.400 *1.* Any petitioner who desires a hearing on a petition for a declaratory order shall set forth in detail in his or her request the reason why the matters alleged in the petition and the supporting affidavits or other written evidence in briefs or memorandum of legal authorities do not permit the fair and expeditious disposition of the petition . ~~{and, if a request for hearing is dependent upon factual assertions, shall, by affidavit, establish those facts.}~~

*2. A request for a hearing filed pursuant to this section must be filed within 20 days after service of any response to the petition. Failure to file a request for a hearing may be construed as consent for the Board to issue a declaratory order without holding a hearing.*

*3. The parties shall not file the prehearing statements which are otherwise required by NAC 288.250 unless a request for a hearing filed pursuant to this section is granted by the Board.*

**Sec. 16.** NAC 288.410 is hereby amended to read as follows:

288.410 *1.* The Board may, for good cause, refuse to issue a declaratory order if:

(a) The question is speculative or purely hypothetical and does not involve existing facts or facts that can reasonably be expected to exist in the near future;

(b) The petitioner's interest is not of the type which would give him or her standing to maintain an action if the petitioner were to seek judicial relief;

(c) The issuance of the declaratory order may adversely affect the interest of the Board or any of its officers or employees in a litigation which is pending or may reasonably be expected to arise; or

(d) The matter is not within the jurisdiction of the Board.

2. The Board will consider each petition submitted for a declaratory order and will, within a reasonable time after the submission:

(a) Deny the petition in a written statement containing the Board's reasons for the denial;

(b) Set the matter for hearing and proceed according to NAC 288.280 to 288.370, inclusive;

or

(c) Issue a declaratory order on the matters contained in the petition.

3. ~~The Board may issue a declaratory order without holding a hearing on a petition which has been opposed if all of the legal issues raised by the petition have been previously decided by the Board and the Board adopts its previous decision or decisions as precedent.~~

~~4.~~ The Board may order a hearing on an unopposed petition for a declaratory order if it is in the best interests of those who may be affected by the order.

**Sec. 17.** NAC 288.366 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**288.366 Rehearings: Effect of filing or granting. (NRS 288.110)** Except as otherwise ordered by the Board, no filing of a petition for rehearing or granting of the petition excuses compliance with or otherwise suspends the effectiveness of the final decision or order upon which the petition for rehearing was filed.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R043-13**

**The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 288.**

**1. A clear and concise explanation of the need for the adopted regulations.**

The regulations establish a settlement conference program which hopefully will resolve some cases without the need for a formal hearing. It also makes minor changes to the procedure in prohibited practice and declaratory order cases, and helps conform the regulations pertaining to petition for rehearing with the requirement for judicial review.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of this summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulations were sent by U.S. mail and/or email to all local governments and employee organizations who filed an annual report with the agency, to persons who were known to have an interest in the subject of the Local Government Employee-Management Relations Board as well as to any persons who had specifically requested such notice. These documents were also made available at the website of the Employee-Management Relations Board (EMRB), [www.emrb.state.nv.us](http://www.emrb.state.nv.us), mailed to all county libraries in Nevada and posted at the following locations:

State of Nevada Local Government  
Employee-Management Relations Board  
2501 E. Sahara Ave., Ste. 203  
Las Vegas, NV 89104

Attorney General's Office  
Grant Sawyer Building  
555 E. Washington Blvd.  
Las Vegas, NV 89101

Supreme Court Library  
201 S. Carson Street #100  
Carson City, NV 89701

Nevada State Library & Archives  
100 N. Stewart Street  
Carson City, NV 89701

State of Nevada Bradley Building  
2501 E. Sahara Ave., Main Lobby  
Las Vegas, NV 89104

Clark County Personnel  
500 S. Grand Central Parkway  
Las Vegas, NV 89101

State of Nevada  
Department of Business & Industry  
1830 College Parkway, Ste. 100  
Carson City, NV 89706

State of Nevada  
Department of Business & Industry  
555 E. Washington Blvd.  
Las Vegas, NV 89101

A workshop was held on January 22, 2014, and the minutes of that meeting, attached hereto as Exhibit A, contain a summary of the discussion held regarding the proposed regulations. Two written responses were also received. Thereafter, on or about January 29, 2014, the Commissioner issued a Notice of Intent to Act Upon a Regulation.

A public hearing was then held on March 11, 2014, and the minutes of that public hearing, attached hereto as Exhibit B, contain a summary of the discussion held regarding the proposed regulations.

On June 23, 2014 the Legislative Commission objected a section of the proposed regulations pertaining to runoff elections and requested that the proposed change not be made. Thereupon the Board held another public hearing on July 10, 2014. No comments were made at the public hearing. The Board then readopted the regulations, making the change to exclude from the proposed regulations any provision concerning runoff elections, as requested by the Legislative Commission. The minutes of the July 10, 2014 meeting are attached hereto as Exhibit D.

A copy of the summary of the public response to the proposed regulation may be obtained from the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104 or via email to [emrb@business.nv.gov](mailto:emrb@business.nv.gov).

**3. The number of persons who:**

**(a) Attended each hearing:**

January 22, 2014 Workshop: 7 in Las Vegas and 4 in Carson City via teleconference (not including EMRB Board members and staff)

March 11, 2014 Public Hearing: 3 in Las Vegas (not including EMRB Board members and staff)

July 10, 2014 Public Hearing: 0

**(b) Testified at each hearing:**

January 22, 2014 Workshop: 2

March 11, 2014 Public Hearing: 2

July 10, 2014: 0

**(c) Submitted to the agency written comments: 2**

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit C.**

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public, namely via mailings to all local governments and employee organizations who have filed an annual report with the agency plus to others who were known to have an interest in the subject of the Local Government Employee-Management Relations Board as well as to any persons who had specifically requested such notice. Comments were received at both the workshop and the public hearing plus written comments were also received. The minutes of both the workshop and the public hearing, the small business impact statement and the summary may be obtained as instructed in the response to question #2.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The only comments at the public hearing concerned a change in the regulations for runoff elections, making runoff elections discretionary instead of mandatory (i.e., changing “will” to “may”). The discussion revolved around the possible need for standards when the Board might exercise its discretion. After discussion the Board considered this to be a different topic which could be addressed in a possible future round of rulemaking. However, at the June 23, 2014 Legislative Commission meeting the Legislative Commission objected to the proposed runoff election change to the regulations. As described above, the Board reconsidered its prior action on July 10, 2014 and after a public hearing on that date, agreed to the Legislative Commission’s request not to change the runoff election provision and thus removed that proposed change.

**7. The established economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

There will be no adverse effects on the businesses that the EMRB regulates. On the contrary, the proposed regulations have several features that may minimize the impact of the law firms that represent clients who appear before the agency.

Section 1 provides for settlement conferences. To the extent that a case may settle prior to the hearing, a law firm may save a significant number of hours in the representation of its client. Moreover, the regulation provides that the EMRB may not require additional statements or briefs for the settlement conference. Neither may the EMRB create any guidelines that would impose an undue expense.

Sections 3 and 4 do away with the requirement that a complaint be verified or that an answer be sworn. This would save the expense of a law firm having to identify

the appropriate person to sign the pleading and then having the lawyer meet and explain the requirement to that person.

Finally, Section 6 of the proposed regulation requires parties to exchange exhibits at least five days prior to a pre-hearing conference. This feature may reduce the printing costs of preparing exhibits in that duplicative exhibits may be converted into joint exhibits.

Neither will there be any adverse effects on the public. This is for the same reasons as stated above.

**(b) Both immediate and long-term effects.**

There will be no immediate or long-term adverse effects on the businesses that the EMRB regulates. For the reasons stated in #7a above, the proposed regulations will have both immediate and long-term beneficial effects on those businesses.

There will be no immediate or long-term adverse effects on the public. For the reasons stated in #7a above, the proposed regulations will have both immediate and long-term beneficial effects on the public in that any cases filed have the potential of being handled more efficiently through settlement conferences and other features as described above.

**8. The estimated cost to the agency for enforcement of the adopted regulations.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

# EXHIBIT A



DEPARTMENT OF BUSINESS AND INDUSTRY  
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104  
(702) 486-4504 Fax (702) 486-4355  
www.emrb.state.nv.us

January 29, 2014

**MINUTES OF THE WORKSHOP TO SOLICIT COMMENTS FOR NEW  
REGULATION, OR CHANGES TO EXISTING REGULATION**

A workshop of the Local Government Employee-Management Relations, properly noticed and posted, pursuant to the Nevada Open Meeting Law, was held on **Wednesday, January 22, 2014**, at the hour of 1:30 p.m. at the **Grant Sawyer State Building, Room #4412, 555 E. Washington Ave., Las Vegas, Nevada**. The meeting was videoconferenced to the **Legislative Building, Room #2134, 401 S. Carson Street, Carson City, Nevada**.

The meeting was conducted by EMRB Commissioner Bruce K. Snyder.

Also present representing the EMRB were: Philip E. Larson, EMRB Chairman  
Scott Davis, Esq., Deputy Attorney General  
Yvonne V. Martinez, EMRB Board  
Secretary

Present from the public in Las Vegas were: Jen Sarafina, Kamer Zucker Abbott  
Barbara King, Clark County Human  
Resources  
Mark Olson, Las Vegas Convention &  
Visitors Authority  
Doug Spring, University Medical Center  
Yolanda Givens, Clark County  
Matthew Cecil, Fisher & Phillips  
Sara Chohagian, Snell & Wilmer

Present from the public in Carson City were: Chris Syverson, City of Sparks  
Steve Driscoll, City of Sparks  
Frank Flaherty, Dyer Lawrence  
Johan Childers, AFSCME Local 4041

The Agenda:

**Item 1** General Public Comment.  
*No public comment was offered.*

**Item 2** Review of Proposed Regulation to Establish an EMRB Settlement Conference Program.  
*Frank Flaherty inquired as to the rationale for excluding declaratory orders from the proposed settlement program. Commissioner Snyder asked the Deputy Attorney General to respond, who stated that declaratory orders by nature do not have a remedy and therefore there is little leverage for a settlement. He further stated that the proposed regulations do change the procedure for declaratory orders, which will be discussed later in the meeting. Commissioner Snyder stated that the purpose of a declaratory order is for the Board to interpret its statute. If the parties ended up drafting a settlement under the program then the process could result in the parties determining the meaning of the statute instead of the Board.*

*Flaherty then asked if the EMRB would be willing to voluntarily assist the parties in discussions on such matters. Commissioner Snyder responded by stating that it is always good for parties to talk and that he would be willing to assist in informal negotiations.*

**Item 3** Review of Proposed Changes to Requirements for Runoff Elections.  
*No questions or comments were offered by those in attendance.*

**Item 4** Review of Proposed Changes Relating to Board Procedure in Prohibited Labor Practice Cases  
*Steve Driscoll asked about the paperwork submission requirements in sections 4, 5, 6, and 11 of the proposed regulations and whether they could be replaced with some form of electronic filing of documents. Commissioner Snyder responded that this is also a topic for the following open forum. However, since becoming the Commissioner he has learned that the agency scans all filings and thus only needs one copy in that scanned copies are circulated to those who need to see the document. Moreover, in reviewing the proposed regulations, Department of Business & Industry Director Bruce Breslow also commented that the agency should move in the direction of the electronic filing of documents and that as the Commissioner he concurs in this assessment. The only issue is how best to do so.*

*Frank Flaherty commented that there should be an option for parties to either electronically file documents or to file paper documents, as some individuals, including those representing themselves, may not have access to electronic devices. He also stated that the agency should only require one paper copy instead of the current five copies.*



# EXHIBIT B

DEPARTMENT OF BUSINESS AND INDUSTRY  
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104  
(702) 486-4504 Fax (702) 486-4355  
www.emrb.state.nv.us

March 13, 2014

**MINUTES OF THE PUBLIC HEARING ON PROPOSED REGULATIONS OF THE  
LOCAL GOVERNMENT LOCAL GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A public hearing of the Local Government Employee-Management Relations Board, properly noticed and posted, pursuant to the Nevada Open Meeting Law, was held on **Tuesday, March 11, 2014**, at the hour of 8:00 a.m. at the **Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada.**

The following Board members were present: Philip E. Larson, Chairman  
Sandra Masters, Vice - Chairman  
Brent C. Eckersley, Esq., Board Member

Also present: Bruce K. Snyder, EMRB Commissioner  
Scott Davis, Esq., Deputy Attorney General  
Yvonne V. Martinez, EMRB Executive  
Assistant

Present from the public: Thomas J. Donaldson, Dyer Lawrence  
Scott Johnson, IAFF Local 1607  
Eric Myers, McCracken, Stemerman,  
Bowen & Holsberry

The Agenda:

**Item 1** The public hearing was called to order by Philip E. Larson, Chairman, on Tuesday, March 11, 2014.

**Item 2** General Public Comment.  
*No public comment was offered.*

**Item 3** Public hearing pursuant to NRS 233B.061(3) on proposed permanent regulations that pertain to Chapter 288 of the Nevada Administrative Code: Legislative Counsel Bureau Assigned Number R043-13.

- a. Oral public comment pertaining to Proposed Permanent Regulation R043-13.  
*Eric Myers stated he was here on behalf of Kristin Martin, who could not attend due to a scheduling conflict. He stated his comments were in*



# EXHIBIT C

## Exhibit C

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# EXHIBIT D

DEPARTMENT OF BUSINESS AND INDUSTRY  
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104  
(702) 486-4504 Fax (702) 486-4355  
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July 11, 2014

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A telephonic board meeting of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on **Tuesday, July 10, 2014**, at the hour of 9:00 a.m. at the **Local Government Employee-Management Relations Board, 2501 East Sahara Avenue, Room 203, Las Vegas, NV 89104.**

The following Board members were present: Philip E. Larson, Chairman  
Sandra Masters, Vice - Chairman  
Brent C. Eckersley, Esq., Board Member

Also present: Bruce K. Snyder, EMRB Commissioner  
Yvonne Martinez, EMRB Board Secretary  
Scott Davis, Esq., Deputy Attorney General

The Agenda:

- Item 1** The Board meeting was called to order by Philip E. Larson, Chairman, on Thursday, July 10, 2014.
- Item 2** Public Comment.  
*No public comment was offered.*
- Item 3** Approval of the Minutes.  
*The Board approved the minutes as presented for the meeting held on June 10, 2014.*
- Item 4** Regulation R043-13.  
A. Public Hearing for LCB File No. R043-13.  
*No comments were received on the regulation or the proposed change thereto.*  
  
B. Discussion and Possible Adoption of LCB File No. R043-13.  
*Upon motion, the Board adopted LCB File No. R043-13 with the recommended change by the Legislative Commission that deleted Section 2 concerning runoff elections.*

**Item 5** Deliberations/Discussions/Pronouncements of Orders.

A. Stipulations.

1. Consolidated Case No. A1-046067, International Association of Firefighters, Local 1607 v. City of North Las Vegas and Case No. A1-046069, North Las Vegas Police Officers Association v. City of North Las Vegas. ***Upon motion, the Board granted the Stipulation and Order to Dismiss, as presented, with each party responsible for its own attorney's fees and costs.***
2. Case No. A1-046099, July Wright v. Lyon County, Jeffery A. Page in his official capacity as Lyon County Manager and Robert Auer in his official capacity as Lyon County District Attorney. ***The Board tabled this item as the proposed stipulation was not received prior to the Board meeting.***
3. Case No. A1-046114, Tammy Bonner and Bachera Washington v. City Of North Las Vegas. ***Upon motion, the Board granted the Stipulation and Order to Stay Proceedings.***
4. Case No. A1-046119, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department and Case No. A1-046121, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department. ***Upon motion, the Board granted the Stipulation to Consolidate Cases.***

B. Motions and Other Pleadings.

1. Case No. A1-046119, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department. ***Since the stipulation in item number 5A4 above included a provision withdrawing the motion to dismiss that had been filed by the respondent, the Board took no action on this item.***

C. Cases in the Queue for Possible Future Hearing.

2. Case No. A1-046082, SEIU, Local 1107 v. University Medical Center. ***Commissioner Snyder stated that since the time that the agenda had been issued, the agency had received a Notice of Voluntary Dismissal filed by the Complainant, which will be placed on the August agenda for consideration by the Board. Therefore, the possible scheduling of this case for hearing was tabled by the Board.***

**Item 6** Status of Cases by Commissioner.

- A. Consolidated Case No. A1-045847 - A1-045864, Deborah Boland, M.D., a Local Government Employee and member of the UMC Physicians' Bargaining Unit of Nevada Service Employees Union, SEIU Local 1107, AFL-CIO, CLC, et al. vs. Nevada Service Employees Union, SEIU Local

