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6 *Attorneys for Complainant/Respondent*
7 *Washoe County School District*

FILED
January 10, 2024
State of Nevada
E.M.R.B.
10:45 a.m.

8 **BEFORE THE STATE OF NEVADA**

9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 WASHOE COUNTY SCHOOL DISTRICT.

11 Complainant.

Case No.: Consolidated Case 2023-015

12 vs.

13 ASSOCIATION OF PROFESSIONAL-
14 TECHNICAL ADMINISTRATORS.

15 Respondent.

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18 ASSOCIATION OF PROFESSIONAL-
19 TECHNICAL ADMINISTRATORS.

20 Complainant.

21 vs.

22 WASHOE COUNTY SCHOOL DISTRICT.

23 Respondent.
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26 **MOTION TO VACATE HEARING**

27 Complainant/Respondent, Washoe County School District ("WCSD"), by and through its
28 undersigned counsel of record, submits the following motion:

1 **I. THE BOARD SHOULD VACATE THE HEARING IN THIS MATTER**

2 NAC 288.145(1) provides in relevant part that, "a local government employer may
3 withdraw recognition of an employee organization if the employee organization: (a) Voluntarily
4 withdraws in writing as the bargaining representative. . . ."

5 On December 27, 2023, Association of Professional-Technical Administrators ("APTA"),
6 by and through a majority of its Board Members, sent a voluntary withdrawal notice to WCSD.
7 The Board Members signing the voluntary withdrawal notice included: Adriana Publico, Tony
8 McMillen, Lisa McNeill, and Naveed Frank.

9 On January 8, 2024, APTA confirmed that the four (4) above-mentioned individuals as a
10 majority of the APTA Executive Board, requested voluntary withdrawal of APTA as the bargaining
11 representative pursuant to NAC 288.145.

12 On January 9, 2024, the Washoe County School District Board of Trustees ("Board")
13 accepted the voluntary withdrawal of APTA.

14 More specifically, the Board voted unanimously to recognize that a majority of employee
15 and the executive board in the Association of Professional and Technical Administrators bargaining
16 unit voted to voluntarily withdraw APTA as the exclusive bargaining representative and therefore,
17 the Board withdrew recognition of the Association of Professional and Technical Administrators as
18 the bargaining representative for its employees per NAC 288.145.

19 On January 9, 2024, the Board also voted to recognize the Washoe Professional Technical
20 Association ("WPTA") as the exclusive bargaining representative for the professional-technical
21 employees that were previously were members of APTA consistent with NRS 288.160.

22 More specifically, the Board voted unanimously to recognize that the Professional-
23 Technical employees do not share a community of interests with the School Psychologists; and that
24 the Washoe Professional Technical Association will be the exclusive bargaining representative for
25 Professional-Technical employees at the Washoe County School District Pro-Tech. per NRS
26 288.160.

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1 Accordingly, APTA, as it existed at the time it filed its First Amended Complaint and its
2 Answer to the First Amended Complaint in this consolidated action, is no longer a recognized
3 employee organization with WCSD.

4 All of the allegations between WCSD and the former recognized employee organization
5 that were parties to this dispute have been mooted as a result of APTA's voluntary withdrawal.
6 WCSD intends to work collaboratively with the members of the employee organization formerly
7 known as APTA that were not included within WPTA to identify the best steps forward for those
8 employees.

9 Additionally, no representative has authority to appear on behalf of APTA at the upcoming
10 hearing. It is clear from the voluntary withdrawal that APTA as an employee organization no longer
11 represents the interests of the employees that formerly comprised its membership.

12 Based on the foregoing, WCSD respectfully requests¹ that the EMRB vacate the hearing
13 currently scheduled for January 30, 2024, and January 31, 2024.

14
15 DATED: January 10, 2024

16 BY: /s/ Anthony L. Hall Esq.
17 ANTHONY L. HALL, ESQ.
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19 AHall@SHJNevada.com
20 JONATHAN A. MCGUIRE, ESQ.
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26 Telephone: (775) 785-0088
27 *Attorneys for Respondent*
28

1 The Stipulation to Resolve Outstanding Motions dated October 24, 2023 ("Stipulation") does not prohibit this Motion. Moreover, even if the scope of Stipulation could be argued to extend to this Motion, it is based on entirely unforeseen circumstances that WCSD could not have anticipated at the time the Stipulation was filed.

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CERTIFICATE OF SERVICE

I, Terri Tribble, declare:

I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Simons Hall Johnston PC. My business address is 690 Sierra Rose Dr., Reno, NV 89511. I am over the age of 18 years and not a party to this action.

On the below date, I served the foregoing **MOTION TO VACATE HEARING** by causing the document to be served certified-mail return receipt requested and email, addressed as follows:

Ronald J. Dreher
P.O. Box 6494
Reno, NV 89513
ron@dreherlaw.net

Attorney for Respondent/Complainant

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on January 10, 2024.

/s/ Terri Tribble
Employee of Simons Hall Johnston

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Ronald J. Dreher
NV Bar No. 15726
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
dreherlaw@outlook.com
Attorney for Complainant – APTA

FILED
January 23, 2024
State of Nevada
E.M.R.B.
4:30 p.m.

BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS,

Complainant,

Case No.: 2023-015
(Consolidated with 2023-023)

vs.

WASHOE COUNTY SCHOOL
DISTRICT

Respondent.

WASHOE COUNTY SCHOOL
DISTRICT,

Complainant,

vs.

ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS,

Respondent.

REPLY IN OPPOSITION TO MOTION TO VACATE HEARING

COMES NOW, Complainant, ASSOCIATION OF PROFESSIONAL-TECHNICAL
ADMINISTRATORS, (hereinafter "APTA"), by and through its undersigned counsel, and

hereby files its Reply in Opposition to Motion to Vacate Hearing filed by Respondent
 WASHOE COUNTY SCHOOL DISTRICT (hereinafter "District") on January 10, 2024, and
 moves the Employee Management-Relations Board, ("Board"), to deny the Motion in its
 entirety and schedule a hearing on the matters raised in the Prehearing Statements.

I. THE PARTIES

1. ASSOCIATION OF PROFESSIONAL-TECHNICAL ADMINISTRATORS is an
 employee organization as defined in N.R.S. 288.040, and maintains offices in the City of
 Reno, with its mailing address as P.O. Box 21388, Reno, Nevada 89515. APTA is the
 recognized bargaining unit for the school psychologists and technical administrators at the
 District.

2. WASHOE COUNTY SCHOOL DISTRICT is a political subdivision of the State of
 Nevada which oversees and supervises Washoe County School psychologists and technical
 administrators and is the regulating authority with regard to policy. The District is a local
 government employer under NRS 288.060, and its mailing address is 425 East Ninth Street,
 PO Box 30425, Reno Nevada 89520.

II. LEGAL AUTHORITY

Under NAC 288.145(1)(a) it is permissible for a local government employer to withdraw
 recognition of an employee organization if the organization "[v]oluntarily withdraws in
 writing as the bargaining representative." Furthermore, NAC 288.145(2) provides that the
 local government employer that wishes to withdraw recognition for any reason other than
 voluntary withdrawal by an employee organization, "must request a hearing before the Board
 and receive the written permission of the Board before withdrawing recognition of an
 employee organization."

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1 NAC 288.146(1) specifies that,

2 "During the term of an existing labor agreement which covers a period
3 of not more than 3 years and during negotiations for a successor
4 agreement through fact-finding or binding arbitration, or both,
5 recognition of an employee organization may be withdrawn at the
6 request of another employee organization if the Board has determined,
7 pursuant to a hearing requested during a period specified in subsection
8 2, that the recognized employee organization has ceased to be
supported by a majority of the local government employees in the
bargaining unit for which it is recognized."

9 This was also defined by this Board in, *Douglas County Support Staff*
10 *Organization/NSEA vs. Nevada Classified School Employees Association, Chapter 6, EMRB*
11 *Item No. 313, Case No. A1-045535 (1993).*

13 In subsection (2) of NAC 288.146, the allowable timeframes for an employer to
14 remove recognition of employee organization under subsection 1 are clearly delineated and are
15 limited to the following:

17 "(a) Beginning upon the filing of notice by the recognized employee organization
18 pursuant to NRS 288.180 of its desire to negotiate a successor agreement and ending upon the
19 commencement of negotiations for such an agreement; or

21 (h) Beginning 242 days before the expiration date of the existing labor agreement and
22 ending 212 days before the expiration of the labor agreement."

24 NRS 288.160(3)(c) permits a local government employer to withdraw recognition
25 from an employee organization which "[c]eases to be supported by a majority of the local
26 government employees in the bargaining unit for which it is recognized . . . if it first receives
27 the written permission of the Board."
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1 III. LEGAL ARGUMENT

2 On December 27, 2023, the date in which the District is claiming it received a
3 "voluntary withdrawal" of APTA as the recognized bargaining unit from "a majority of
4 [APTA's] Board Members," APTA's Executive Board was made up of eight (8) voting
5 members. (Ex. 1.) These members included three school psychologists, four professional-
6 technical members, and one ex-officio member. *Id.* In its Motion, the District asserts that it
7 had a "majority" of these Board Members, then only names four of them, Adriano Publico,
8 Naved Frank, Lisa McNeill and Tony McMillen as having supported this "voluntary"
9 withdrawal. Clearly and unmistakably, four out of eight is not a majority, no matter what type
10 of math the District tries to use.

11 The agenda for the January 9, 2024, District board of trustees, ("BOT"), meeting
12 agenda contained a recommendation from the Interim Superintendent which stated in part the
13 BOT should move "to recognize that a majority of employees in the APTA bargaining unit
14 have voted to voluntarily withdraw APTA as the bargaining representative; that the
15 Professional-Technical employees do not share a community of interests with the School
16 Psychologists; and that the Washoe Professional Technical Association be the exclusive
17 bargaining representative for Professional-Technical employees at the Washoe County School
18 District Pro-Tech." (Ex. 2.) However, the APTA Executive Board has never voted to
19 voluntarily withdraw its recognition of any of its members. In response to this agenda item
20 and its false statements, APTA ex-officio voting Board Member Ron P. Dreher wrote a letter
21 to each of the BOT members vehemently disagreeing with the removal of APTA as the
22 recognized bargaining representative for the professional-technical employees (Ex. 3.) In this
23 letter Mr. Dreher stated that "This agenda item and the information contained therein

1 have not be authorized or approved to be presented to this Board by APTA's executive
2 board." *Id.* (Emphasis in original.)
3

4 On January 7, 2024, APTA President Dr. Shannon Colon emailed BOT President Beth
5 Smith advising her that,

6
7 "The information that has been placed on the agenda has not been
8 approved by the executive board of APTA. It was placed on the
9 agenda, again without authorization or approval of the APTA
10 executive board, apparently on December 26, 2023, and appears to
11 have been brought forward by WCSD General Counsel Neil
12 Rombardo. Again, this item was not requested by the executive
13 board of APTA, nor was it approved by the executive board or
14 quorum of APTA. Adriana Publico, Tony McMillen, Naveed
15 Frank and Lisa McNeill were not authorized by the executive
16 board of APTA to bring the request to the BOT."
17

18 (Ex. 4.) (Emphasis in original.)

19 Dr. Colon posted this same letter as public comment on the January 9, 2024, BOT
20 meeting notes and it was provided to all members of the BOT.
21

22 Moreover, the District does not even try to pretend that, despite APTA not voluntarily
23 withdrawing its recognition as the bargaining unit for any of its members, it had received
24 permission from this Board to remove recognition as required by NAC 288.145(2). The
25 District simply leaves this requirement out of its Motion, seemingly in the hopes that no one
26 would notice its illegal actions.
27

28 NAC 288.146 and the contract bar doctrine allow for two periods when a rival
organization may, by showing that an employee organization is not supported by a majority of
its members, move for recognition by the employer. These periods are between the time that
the employee organization notices the employer of its intent to begin negotiations and when
negotiations actually begin, and for a 30-day period during the life of the current collective

1 bargaining agreement. N.R.S. 288.146(2); *Douglas County Support Staff Organization/NSEA*.

2 EMRB Item No. 313 (1993).

3 APTA advised that District on January 10, 2023, of its intent to negotiate a successor

4 agreement, and the first negotiation session was held on May 31, 2023. (Ex. 5.) The parties

5 are still engaged in negotiations and are in fact scheduled to hold binding arbitration on

6 February 20-21, 2024. Thus, had a vote been taken and shown that APTA was not supported

7 by a majority of its members, the available "window" for the District to have recognized a

8 rival organization under NAC 288.146(2)(a) ended on May 31, 2023.

9 Additionally, the current collective bargaining agreement had an effective date of July

10 1, 2021, and an expiration date of June 30, 2023. Given the window provided for in NAC

11 288.146(2)(b), had there been a vote showing that APTA was not supported by a majority of

12 its members, the District had a 30-day period between October 31, 2022, and November 30,

13 2022, in which to remove recognition.

14 Yet, even though the two "windows" when a rival organization could have been

15 recognized by the District were obviously closed, and no vote had been held by APTA

16 membership to determine if APTA was still supported by a majority of its members, the

17 District conspired with a rival organization, the Washoe Professional Technical Association,

18 ("WPTA"), to remove not only the recognition of APTA as the recognized bargaining unit for

19 professional-technical employees, *but for all members of APTA*. (Ex. 6.)

20 Finally, under NRS 288.160(3), the District may be allowed to remove recognition of a

21 bargaining unit, with written permission from this Board, if it is shown that a majority of the

22 members no longer support the employee organization. However, no vote was ever taken of

23 APTA membership showing that APTA was no longer supported by a majority of its

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1 members and the District has never moved this Board to provide written permission to
2 remove APTA's recognition.
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4 Therefore, despite the objections made by APTA; the clear and unambiguous proof
5 that APTA had not approved the removal of any of its members from APTA under the
6 language that was being voted on by the BOT; the fact that the District did not receive
7 permission from this Board prior to removing recognition of APTA in violation of NAC
8 288.145(2); that no vote had been organized or sanctioned to remove recognition of APTA as
9 the recognized bargaining unit; that NAC 288.146 and the contract bar doctrine do not permit
10 removal by a rival organization during negotiations through the interest arbitration process,
11 the BOT voted to withdrawal recognition of APTA and to recognize a rival bargaining unit.
12 Following this illegal recognition, the District has filed this Motion in an effort to avoid
13 holding a hearing regarding the prohibited practices allegations brought by APTA.
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17 **IV. CONCLUSION**
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19 Based on the foregoing, the Board must deny the District's Motion to Vacate Hearing
20 in its entirety, and APTA, due to being required to respond to this Motion and the egregious
21 actions of the District, requests to be awarded attorney's fees pursuant to NAC 288.373(2)(b)
22 and/or NRS 288.110.
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DATED this 23rd day of January, 2024.

/s/ Ronald J. Dreher
Ronald J. Dreher
NV Bar No. 15726
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
dreherlaw@outlook.com
Attorney for Complainant - APTA

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for
3 the Association of Professional/Technical Administrators and that on this date I served a true
4 and correct copy of the preceding document addressed to the following:
5

6
7
8 Anthony Hall, Esq.
9 Nevada Bar No. 5977
10 AHall@SHJNevada.com
11 Jonathan McGuire, Esq.
12 Nevada Bar No. 15280
13 JMcGuire@SHJNevada.com
14 Simons Hall Johnston, PC
15 690 Sierra Rose Dr.
16 Reno, Nevada 89511
17 Telephone: (775) 785-0088
18 *Attorneys for Respondent - WCSD*

19
20 by electronic service by transmitting the copy electronically as an attachment to electronic
21 mail in portable document format.

22
23 DATED this 23rd day of January 2024.

24
25 */s/ Ronald J. Dreher*
26 Ronald J. Dreher
27 NV Bar No. 15726
28 P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
dreherlaw@outlook.com
Attorney for Complainant – APTA

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CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Association of Professional/Technical Administrators and that on this date I served a true and correct copy of the preceding document addressed to the following:

Bruce Snyder, Esq.
Commissioner, EMRB
bsnyder@business.nv.gov
3300 W. Sahara Avenue
Suite 260
Las Vegas, NV 89102
bsnyder@business.nv.gov

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 23rd day of January 2024.

/s/ Ronald J. Dreher

Ronald J. Dreher
NV Bar No. 15726
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
dreherlaw@outlook.com
Attorney for Complainant – APTA

EXHIBIT INDEX

| Exhibit Number | Document Name | Number of Pages |
|----------------|---|-----------------|
| 1 | 2023 APTA filing with EMRB | 12 |
| 2 | WCSD Board of Trustees January 9, 2024, agenda item 5.06 | 3 |
| 3 | Letters to WCSD Board of Trustee Members from Ron P. Dreher | 21 |
| 4 | Letter to WCSD Board of Trustees from Dr. Shannon Colon | 3 |
| 5 | January 10, 2023, notice of intent to negotiate | 1 |
| 6 | January 10, 2024, letter from Anthony Spotts | 1 |

EXHIBIT 1

EXHIBIT 1

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD
2022 EMPLOYEE ORGANIZATION ANNUAL REPORT FORM

Part One: Employee Organization Information

Association of Professional & Technical Administrators
 Official Name of Employee Organization

APTA
 Please list any abbreviated name or nickname that the organization sometimes uses in identifying itself

NONE **150**
 Website Address Current Number of Members

Part Two: Contact Information

Please identify the person who is to be contacted for all official communications (excepting those communications related to a case before the Board for which an attorney has filed an appearance) and then list that person's contact information.

Ronald Dreher **Attorney**
 Name of Contact Person Title of Contact Person

P.O. Box 6494, Reno, NV 89513
 Mailing Address

775-846-9804 **NONE**
 Telephone Number Fax Number

dreherlaw@outlook.com **nata scar@protonmail.com (APTA President Shannon Colon)**
 E-Mail Address Other (please specify)

Part Three: Officers

Please list the name and title of all current officers of your employee organization.

| | |
|----------------------------------|---|
| Dr. Shannon Colon Name | President Title |
| Adriana Publico Name | Vice-President Title |
| Anthony McMillen Name | Past-President Title |
| Jennifer Mitterer Name | Secretary Title |
| Mary DeLorme Name | Psychologist Representative Title |
| Lisa McNeill Name | Pro-Tech Representative Title |
| Naveed Frank Name | Treasurer Title |
| Ronald P. Dreher Name | Ex-officio Board Member Title |

Part Four: Professional Representatives

Please list the following information for each professional representative retained by your employee organization to administer its various activities (e.g., attorney, business agents, etc.).

| Name | Title |
|------------------|----------------------|
| Ronald J. Dreher | Attorney |
| Ronald P. Dreher | Labor Representative |

Part Five: Bargaining Units

Please list all bargaining units within your employee organization (not listed here) that is recognized by a local government within the State of Nevada and attach a new CBA if the CBA was negotiated after the last report filed in November 2022.

| Description of Bargaining Unit | Local Government | No. Employees in Bargaining Unit (1) | CBA Expires (mm/yy) (2) |
|--------------------------------|------------------|--------------------------------------|-------------------------|
| Supervisory, Administrators | Yes | 237 | 06/23 |

- A successor agreement has not been reached as of the date of this filing.

Notes: (1) Number of employees includes the total number in the bargaining unit (members and non-members). (2) If the collective bargaining agreement (CBA) has already expired, then record the month and year it expired, even though it may still be in effect.

Part Six: Attachments to Annual Filing

Collective Bargaining Agreements For each collective bargaining agreement (CBA) identified in Part Five above, please include a copy of the CBA as an attachment to this annual filing. If a CBA covers more than one bargaining unit, you need only submit one copy of that CBA. Please check this box to signify that you have included copies of any and all CBA's as an attachment to this filing.

Constitution and By-Laws You must include a copy of your Constitution and By-Laws (if you did not submit one in 2021) OR a copy of any changes since then as an attachment to this annual filing. Please check this box to signify that you have included a copy to this filing.

Part Seven: Certification

I certify that the information provided on all parts of this form is correct to the best of my knowledge.

Ronald J. Dreher
 Attorney
 Title
 10/26/2023
 Date
 Signature

ASSOCIATION of PROFESSIONAL & TECHNICAL ADMINISTRATORS
CONSTITUTION AND BY-LAWS

(8/23- Revision)

ARTICLE I

Name and Purpose

Section 1. The name of this Association shall be the Association of Professional & Technical Administrators

Section 2. The purposes of the Association are as follows:

- A. To promote and improve the educational welfare of the children of Washoe County.
- B. To improve the image of and increase the public understanding of the roles of Pro-Techs and School Psychologists.
- C. To encourage professional activity, growth, cooperation and study among Pro-Techs and School Psychologists.
- D. To assure the equal, fair, and just treatment of all Pro-Techs and School Psychologists as they perform their duties.
- E. To serve as the collective negotiations' representative of its members for purposes of improving terms and conditions of employment in consonance with the principles of the laws of the State of Nevada.
- F. To work in cooperation with other districts, state, and national Professional and Technical organizations.
- G. To ensure representation to the Washoe County School District Insurance Committee.

ARTICLE II

Membership

Section 1. Membership in the Association shall be two classes:

A. Active

B. Associate

Section 2. Active membership is open to all Pro-Techs and School Psychologists employed by the Washoe County School Board of Trustees, except for those Pro-Techs and School Psychologists who are excluded by the laws of the State of Nevada for collective bargaining.

Section 3. Associate membership is open to Pro-Techs and School Psychologists who are designated as confidential employees by the Washoe County School District.

Section 4. Membership in this Association is dependent upon the payment of membership dues. Dues are set by the Executive Board with the approval of the membership demonstrated by a secret ballot with a simple majority. Dues money is to be used for the following expenditures: Professional Development, Public Relations, Advocate, Collective Bargaining and Miscellaneous. One dollar (\$1.00) per month per member is allocated for the Association's student scholarship program. An additional one dollar (\$1.00) per member per month is allocated for the Association's member scholarship program.

Section 5. The Association shall operate on a fiscal year basis, from July 1 to June 30 of the succeeding year.

ARTICLE III

Officers and Their Duties

Section 1. The officers of this organization shall be the President, Vice-President / President Elect, Secretary, Treasurer, Immediate Past President, Pro-Tech Representative, Psychologist Representative, and Insurance Committee Representative.

Section 2. The duties of the officers shall be generally defined as and may also be distributed at the discretion of the Board:

- A. The President shall preside at all meetings and be the official representative of the organization, for all leadership, central office, or otherwise undefined district or state level committees or meetings.
- B. The Vice-President/President Elect shall perform the duties of the President during the absence of the President. The Vice-President/President Elect shall coordinate and be the liaison to all Association committees, at the discretion of the President, maintain and develop the organization's website, and provide at minimum quarterly newsletters (digitally or otherwise) to all members regarding non-confidential association activities and events. The Vice President/President Elect shall serve as President the immediate following year(s).
- C. The Secretary shall develop formal meeting agendas, coordinate meetings, keep the minutes of the meetings, maintain all correspondence, be responsible for updating the website with general membership meeting notes, preserving closed meeting session notes to a designated private server/location to be determined by the Executive Board, and organizing social events at least twice annually.
- D. The Treasurer will prepare an annual budget, and collect, record, and disburse all monies of the Association. The Treasurer shall keep an accurate record of all financial transactions. A financial report shall be provided at each Executive Board and general membership meeting. The treasurer shall coordinate all financial obligations, tax filings, liability insurance, be responsible for investigating researching CD updates, developing/submitting scholarship nominations and leading the scholarship committee, and along with the president coordinate when change of officers take place, at the designated financial institution.
- E. The Immediate Past-President shall assist with the organization as the President directs, advise the President on past practices, and participate in all Executive Board meetings.
- F. The Pro-Tech Representative will act as the first point of contact and liaison for all ProTech members of the Association, including being the first point of contact for grievances.

and to present any such concerns to the Executive Board, outlining which parts of the contract may

have been violated and/or to help pro-tech members navigate the Problem-Solving process outlined in the current bargaining agreement.

G. The Psychologist Representative will act as liaison for all Psychologist members of the Association, including being the first point of contact for grievances, and to present any such concerns to the Executive Board, outlining which parts of the contract may have been violated and/or to help psychologist members navigate the Problem-Solving process outlined in the current bargaining agreement.

H. The Insurance Committee Representative shall give voice and keep records for the AP/TA Executive Board in all matters pertaining to the Washoe County School District Insurance Committee.

I. Officers will support unity and solidarity in the Association's endeavors.

ARTICLE IV

Executive Board.

Section 1. The Executive Board shall consist of the five elected officers, and one elected Representative from each: the Pro-Techs and the School Psychologists.

1a. Ron P. Dreher was appointed board member ex-officio in July 2022. As board member ex-officio he retains voting rights and the ability to represent the board on matters as deemed relevant by the board, but is not a regular sitting member of the board.

Section 2. All matters of policy shall be decided by the Executive Board.

Section 3. The Executive Board shall have the power to approve those members appointed by the President to fill vacancies.

Section 4. The Executive Board shall establish a calendar of monthly meetings, except for the month of July.

Section 5. The Executive board shall determine the time and place of all general membership meetings. There shall be a minimum of one general membership meeting per year. Any other general membership meetings shall be held at the discretion of the Executive Board or at the request of a minimum of 25% of the general membership.

A. Agenda items will be accepted from the general membership or the Executive Board.

Section 6. The Executive Board may establish committees as may be necessary to accomplish the purposes of the Association. No committee, standing or otherwise, shall have the authority to bind or obligate this Association.

Section 7. The Executive Board shall be responsible for preparing and approving a budget to be distributed by school mail, email or at a general membership meeting.

Section 8. The Executive Board shall be responsible for appointing an APTA member as the Insurance Committee Representative.

Elections & Negotiations

ARTICLE V

Section I Elections A. Term of Office:

I. The President, Vice President/President-Elect, and Immediate Past President shall serve for a one (1) year term. The member filling the role of Vice President/President-Elect should rotate from year to year from Pro-Tech to School Psychologist ensuring a balance between the groups.

II. The Secretary and the Treasurer shall serve two (2) year terms and be elected in even numbered fiscal years. To provide a balance of representation, the position shall come one from each group.

III. The representatives shall serve two (2) year terms and be elected in odd-numbered fiscal years.

IV. The Insurance Committee Representative shall serve a three (3) year term at the onset of the appointment by the Executive Board, not to serve more than one term consecutively.

V. All other terms of office shall begin on July 1st and end on June 30th of the following year.

B. All active members seeking nomination for office shall be elected by individual ballot returned by mail, email, or during a general membership meeting, with the Executive Board soliciting nominations for upcoming elections at least 30 days in advance of the end of the fiscal year, barring unforeseen circumstances.

C. Each active member shall have one (1) vote in membership meetings and elections. Only active members shall be entitled to vote and hold elective office in the Association. D. Late ballots will not be accepted after the deadline.

E. The election process shall be completed by May 30th of each year to comply with the annual Nevada Secretary of State-filing. In the event of an emergency that prevents the elections to occur by May 30th, the Executive Board may extend the deadline for elections to be held.

F. Each member of the Executive Board, and/or any other Committee working on behalf of the Board, must disclose any potential conflicts of interest acting as a member of APTA, including, but not limited to, any close familial or relationship within three degrees, and/or in any other scenario where they may appear to be a conflict of interest. Each member of the Executive Board will maintain confidentiality to the highest degree of any information shared at/around Committee discussions, emails, or conversations.

Section 2. Negotiation Committee

For each year where a bargaining session is scheduled to commence, the Executive Board shall solicit member priorities and concerns for the Negotiation Committee to consider for the following bargaining session.

A. The Negotiation Committee shall consist of equal representation of both Pro-Techs and School Psychologists with members nominated informally by the Executive Board, then formally voted on by a majority vote of the President and the Executive Board. Of the members of the Negotiation Committee, no more than one shall be from the Executive Board. The Negotiation Committee will be responsible for appointing or electing a lead negotiator, typically union counsel, to act as lead negotiator in all bargaining sessions.

B. The Negotiation Committee shall have sole authority to bargain in good faith and negotiate with the district. with any tentative agreement initially presented to the board, then sent to the general membership for approval by a simple majority vote. In the event of a tie on the Negotiation Committee, whether to accept/deny a proposed tentative agreement to present to the Executive Board and the general membership, the lead negotiator, who is not a Pro-Tech or psychologist, will act as the tiebreaker.

C. To ensure continuity and equal representation of Pro-Techs and Psychologists on the Negotiation Committee, at least one reserve member of each group shall have access to all bargaining documentation and automatically fill in/substitute another member who has fallen ill, resigned, and either temporarily or permanently, for any other reason, can no longer serve on the Negotiation Committee, and have one vote on the committee.

D. The Negotiation Committee shall meet with the district negotiation team a minimum of four times, as defined by state and/or federal regulations to bargain in good faith to come up with a resolution. After four sessions, the Negotiation Committee maintains the ability to declare impasse and present the information to the board.

Section 3. Removal and Resignation of Officers

A. Any officer may be removed with cause by a vote of the general membership with cause such as but not limited to:

- 1) Non-attendance of meetings,
- 2) Not performing the duties of the office

B. An officer may resign by giving written notice to the President or Secretary of the Executive Board. Such resignation shall take effect on the date of receipt of such notice or date specified therein.

Vacancies

A. A vacancy of any office shall be filled temporarily by appointment of the President with a ratifying vote of the Executive Board until the next scheduled election for that office.

ARTICLE VI AMENDMENTS

Section 1.

Amendments to this constitution may be proposed in writing by The Executive Board or any member of the Association.

Section 2. The Secretary shall submit proposed amendments to the active members at least three days before amendments are presented for a vote.

Section 3. Adoption of proposed amendments shall be by written ballot and shall require a two-thirds (2/3) affirmative vote of those members voting, with a minimum 50% of the membership voting on each amendment question.

Section 4. Amendments shall become effective immediately upon adoption.

POLICY AND PROCEDURES

Section 1. Active members - The amount of the monthly deduction is determined by voting members. Members on a Sabbatical shall pay 50% of this rate.

Section 2. Associate members - The amount of the monthly deduction is determined by voting members.

Section 3. Dues may be paid in one of the following ways:

- A. Monthly payroll deduction, per the current negotiated agreement.
- B. One annual payment, payable to the treasurer of APTA.

Section 4. Members who wish to withdraw from the Association must submit a written request to the President at least ninety days in advance before their dues will be stopped.

Section 5. Any Pro-Tech or Psychologist who wishes to join the Association must be a full dues paying member in good standing for six months before they can request the use of the Association's legal representative for consultation, representation, or as a representative in personal disciplinary or grievance issues. The Association will provide association representation during this six-month period.

EXHIBIT 2

EXHIBIT 2

FINANCIAL: Recognizing a new bargaining representative for Professional-Technical employees does increase costs of negotiations to the District.

This request is made pursuant to Nevada Administrative Code (NAC) 288.145(1)(a), Nevada Revised Statutes (NRS) 288.160, 1(a-c), and NRS 288.170(1), and is done in accordance with the majority vote of employees within this unit.

PURPOSE/SUMMARY: The Professional-Technical (Pro-Tech) Employees of Washoe County School District are seeking the Board to recognize the majority vote of employees in the Association of Professional & Technical Administrators (APTA) bargaining unit to voluntarily withdraw from the Association of Professional and Technical Administrators (APTA) as the bargaining representative for Pro-Tech employees within the unit and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District.

DATE REPORT WRITTEN: December 26, 2023

(10 minutes)

Anthony Spotts, Interim Director, Labor Relations

Kevin A. Pick, General Counsel

Neil A. Rombaro, Chief General Counsel

Adriana Publico, APTA Vice President, future WPTA Vice President

PRESENTER(S) & PRESENTATION TIME/CONSENT:

FROM: Neil A. Rombaro, Chief General Counsel

TITLE: DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE THE VOLUNTARY WITHDRAWAL OF THE ASSOCIATION OF PROFESSIONAL & TECHNICAL ADMINISTRATORS (APTA) AS THE BARGAINING REPRESENTATIVE FOR PROFESSIONAL TECHNICAL (PRO-TECH) EMPLOYEES AND TO RECOGNIZE THE WASHOE PROFESSIONAL TECHNICAL ASSOCIATION (WPTA) AS THE EXCLUSIVE BARGAINING REPRESENTATIVE FOR PRO-TECH EMPLOYEES IN THE WASHOE COUNTY SCHOOL DISTRICT (FOR POSSIBLE ACTION)

Agenda Item 5.06



BACKGROUND INFORMATION: All Pro-Tech Employees and School Psychologists are currently recognized as a single bargaining unit represented by APTA. A majority of the employees in APTA successfully voted to withdraw from APTA as the recognized bargain representative and to recognize a new bargaining representative for Pro-Tech employees.

Pursuant to NAC 288.145(1)(a), a majority of the employees in APTA successfully voted to withdraw from APTA as the recognized bargaining representative and to recognize WPTA as the new bargaining representative for Pro-Tech employees.

Pursuant to NRS 288.160(1), the WPTA has applied for recognition as the exclusive bargaining representative for all Pro-Tech employees. WPTA has presented a copy of its constitution and bylaws, a roster of its officers, a no-strike pledge, a list of Pro-Tech positions, and the results of a vote demonstrating that it represents a majority of those employees classified by the District as Pro-Tech employees.

NRS 288.170 charges the employer to determine, after consultation with the employee organization(s), which employees constitute an appropriate unit for negotiating. The criterion for making this determination is the community of interest among the employees concerned. This group of positions shares a community of interest, in that they are all classified in the salary schedule as Pro-Tech employees in this District, with the exception of confidential positions, which are precluded by law from participating in a bargaining unit.

If this unit is established, and WPTA is recognized, the parties will begin negotiations on the mandatory subjects of bargaining under NRS 288.150. The current APTA contract will be honored for Pro-Tech employees until a new agreement is ratified by the parties.

PREVIOUS ACTION:

Date: April 12, 2005

Related Action: The Board of Trustees approved the recognition of Washoe School Principals Association and determination of bargaining unit within the Washoe County School District.

ATTACHMENTS:

- Attachment A – Written Withdrawal by APTA
- Attachment B – WPTA Constitution and Bylaws
- Attachment C – WPTA Roster of Officers
- Attachment D – WPTA No Strike Pledge
- Attachment E – Professional-Technical Positions
- Attachment F – Ballot and Results

STRATEGIC PLAN: This agenda item supports Pillar D of the Washoe County School District Strategic Plan, "Culture of Excellence & Accountability."

BOARD POLICY:

Board Policy 4110 – Talent Acquisition

LEGAL: The recognition and determination of bargaining unit processes are prescribed in NRS 288, as described above.

If the Board does not find that this group of employees should be a separate bargaining unit, WPTA may appeal that decision to the Employee Management Relations Board (EMRB). The decision of the EMRB is binding.

If the Board does not recognize WPTA, either the District or the Association may request the EMRB to conduct an election to determine whether WPTA represents a majority of the bargaining unit employees. Again, the decision of the EMRB is binding.

INTERIM SUPERINTENDENT'S RECOMMENDATION:

The Board moves to recognize that a majority of employees in the APTA bargaining unit have voted to voluntarily withdraw APTA as the bargaining representative; that the Professional-Technical employees do not share a community of interests with the School Psychologists; and that the Washoe Professional Technical Association be the exclusive bargaining representative for Professional-Technical employees at the Washoe County School District Pro-Tech.

EXHIBIT 3

EXHIBIT 3

My name is Ron P. Dreher. I am a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. This agenda item and the information contained therein have not been authorized or approved to be presented to this Board by APTA's executive board. It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

Dear Trustee Westlake;

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – "Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action)."

Colleen Westlake, Trustee
 2024
 Washoe County School District
 Board of Trustees
 425 E. 9th Street
 Reno, NV

January 7,

PLEASE SEE THE ATTACHED LETTER - URGENT - REQUEST FOR AN IMMEDIATE MEETING TO DISCUSS JANUARY 9, 2024 AGENDA ITEM 5.06

1 attachment (19 KB)
 Ron P. Dreher APTA BOT letter to trustee Colleen Westlake to postpone agenda item 5.06 scheduled for January 9, 2024.docx

To: colleen.westlake@washoeschools.net <colleen.westlake@washoeschools.net>
 Cc: ron.dreher@nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:22
 nrs289@aol.com <nrs289@aol.com>

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

In the alternative, it is possible for president Smith to amend the requested “Interim Superintendent recommendation”. As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo. Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

Cc: file
Shannon Colon, president APTA

/s/ Ron P Dreher
Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509
775-830-8877

Sincerely,

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.
Your support in this matter is requested and highly appreciated.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

The information in Agenda Item 5.06 documents contains false information as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:43

To: Joseph.Rodriguez@washoeschools.net <joseph.rodriguez@washoeschools.net>
Cc: ron dreher <nrs289@aol.com>

 1 attachments (19 KB)

Ron P. Dreher APTA BOT letter to trustee Joe Rodriguez to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx;

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Joe Rodriguez, Trustee
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7, 2024

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024. and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Trustee Rodriguez;

My name is Ron P. Dreher. As a voter and as the past president of the Reno Police Protective Association and past president and former lobbyist for the Peace Officers Research Association of Nevada I have been representing associations and unions in Nevada for many years. I am now and have been a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA’s executive board.** It is premature for the BOT to vote on

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombarido. Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the agenda for January 9, 2024.

The executive board of APTA has NOT VOTED OR APPROVED the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

In fact, the vote was to see if the members/nomembers of APTA wanted the professional-technical members of APTA to voluntarily leave or "carve out" of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was NOT whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.

"The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists."

In the alternative, it is possible for president Smith to amend the requested "Interim Superintendent recommendation". As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

asking you to pull this item from the Agenda immediately. This item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to educate you about this agenda item and

executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509
775-830-8877

Cc: file
Shannon Colon, president APTA

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:51

To:DNicolet@washoeschools.net <DNicolet@washoeschools.net>

Cc:ron dreher <nrs289@aol.com>

1 attachments (19 KB)

Ron P. Dreher APTA BOT letter to trustee Dianne Nicolet to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx;

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Dianne Nicolet, Vice president
2024

January 7,

Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Trustee Nicolet;

My name is Ron P. Dreher. I have been representing associations and unions in Nevada for many years. I am also a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA's executive board.** It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombaro. Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the agenda for January 9, 2024.

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The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.

"The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists."

In the alternative, it is possible for president Smith to amend the requested "Interim Superintendent recommendation". As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

request to the BOT.

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The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

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Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509
775-830-8877

Cc: file
Shannon Colon, president APTA

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nr5289@aol.com <nr5289@aol.com>

Sun 1/7/2024 17:59

To: Alex.woodley@washoeschools.net <Alex.woodley@washoeschools.net>
Ccton dreher <nr5289@aol.com>

1 attachments (18 KB)

Ron P. Dreher APTA BOT letter to trustee Alex Woodley to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Alex Woodley, Trustee

January 7,

2024

Washoe County School District

Board of Trustees

425 E. 9th Street

Reno, NV

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to

recognize the voluntary withdrawal of the Association of Professional &

Technical Administrators (APTA) as the bargaining representative for the

Professional Technical (Pro-Tech) employees and to recognize the Washoe

Professional Technical Association (WPTA) as the exclusive bargaining

representative for Pro-Tech employees in the Washoe County School District

(For Possible Action).”

Dear Trustee Woodley;

Good evening Alex. Ron P. Dreher here. I know that you are a new member with the WCSD Board of Trustees. I also know that you know my past and what I have done over the years as a representative for RAPG, RPPA and RAPSE. As you know, I am also a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA's

executive board. It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

In the alternative, it is possible for president Smith to amend the requested "Interim Superintendent recommendation". As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

"The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists."

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or "carve out" of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo.

775-830-8877

/s/ Ron P. Dreher
Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509

Sincerely,

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Your support in this matter is requested and highly appreciated.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

The information in Agenda Item 5.06 documents contains false information as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naved Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

Cc: file
Shannon Colon, president APTA

My name is Ron P. Dreher. As you may remember I have been representing associations and unions in Nevada for many years. I am also a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA's executive board. It is premature for the BOT

Dear Trustee Mayberry;

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.
Board of Trustees Agenda Item 5.06 – "Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action)."

Adam R. Mayberry, Trustee
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7, 2024

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Ron P. Dreher APTA BOT letter to trustee Adam Mayberry to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx

1 attachments (19 KB)

To: Adam Mayberry <adam.mayberry@washoeschools.net>
Cc: ron dreher <mr5289@aol.com>

Sun 1/7/2024 18:13

mr5289@aol.com <mr5289@aol.com>

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

In the alternative, it is possible for president Smith to amend the requested "Interim Superintendent recommendation". As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

"The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists."

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or "carve out" of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo. Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the

/s/ Ron P. Dreher
Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509
775-830-8877

Sincerely,

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Your support in this matter is requested and highly appreciated.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

The information in Agenda Item 5.06 documents contains false information as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

executive board of APTA. Adriana Publico, Tony McMillen, Naved Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

Cc: file
Shannon Colon, president APTA

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school

My name is Ron P. Dreher, as you are my elected Trustee for District 10, and as I am also a legal representative of APTA, I am requesting that you postpone the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. This agenda item and the information contained therein have not been authorized or approved to this Board by APTA's executive board. It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately. Should the Board proceed to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language the recommendation by the Interim Superintendent and support amending the language to state the following:

Dear President Smith:

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Request to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Elizabeth “Beth” Smith, President
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 6, 2024

PLEASE SEE THE ATTACHED LETTER URGENT

Urgent message regarding Agenda Item 5.06 scheduled for January 9, 2024 - Request immediate meeting to discuss this matter.

nrs289@aol.com <nrs289@aol.com>

Sat 1/6/2024 19:07

To: Elizabeth.smith@washoeschools.net <Elizabeth.smith@washoeschools.net>
Ccron dreher <nrs289@aol.com>

1 attachments (18 KB)

Ron P. Dreher APTA BOT letter to president Beth Smith to postpone agenda item 5.06 scheduled for January 9, 2024.docx
010062024.docx

psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/non members of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, again without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo. Again, this item was NOT REQUESTED, by the executive board of APTA, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA’s executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school

Cc file

Ron P. Dreher,
2502 Thomas Jefferson Dr.
Reno, NV 89509
775-830-8877

Sincerely,

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

psychologists.

EXHIBIT 4

EXHIBIT 4

Board of Trustees, January 2024
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV
January 7, 2024

Re: Request to immediately postpone acting on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Board of Trustees of the Washoe County School District,

As indicated in my previous email and written documentation, as you all are aware by now, I am Dr. Shannon C. Colton, a school psychologist and employee of our district, and the president of APTA. I am writing again to ensure that all of you receive this submission, on behalf of myself and fellow executive board members, Mary DeLorme, Jennifer Mitterer, and Ron Dreher Sr., I am requesting that you postpone the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all the relevant information on this item.

I have observed and listened at board meetings, and through correspondence given to me, how your board has engaged with WEA president Calen Evans. Each of you have treated him with the respect, compassion, and duty owed to his position, whereas my attempts to engage with each of you, since last year, have been rebuffed and I, and other members of APTA's executive board have been discarded or ignored. I have unfortunately been a victim of and witnessed how soon to be former superintendent Dr. Enfield has cancelled contractually bound meetings to meet with this board, but instead worked with others to engage in collaborative problem solving and decision making. And unfortunately, it appears as though this appears to continue to happen with this board.

On behalf of my fellow psychologists and professional technical employees I have consistently acted with integrity and engaged in advocacy for all of the members we represent, but the same respect has not been given to us, so consequently I come to you as a constituent of this county, the president of APTA, and an ethical human being, to implore you to thoughtfully consider the next steps before taking any actions that may have long term known, and unforeseen consequences.

This agenda item and the information contained therein has not been authorized or approved to be presented to this Board by APTA's executive board, or even a quorum of the board. It is premature for the Board to vote on this item, especially since the executive board of APTA has not authorized or approved this matter. I am writing this letter to you to inform you about this agenda item and ask you to pull this item from the agenda immediately. Should the Board proceed to vote to act on this item instead of postponing this matter to another date, the APTA executive board could move to support the following language the recommendation by the Interim Superintendent and support amending the language to state the following:

"The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists."

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if most professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether APTA is or is not supported by most of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or "carve out" of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **not** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

Again, I reiterate, the executive board of APTA has **not voted or approved** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the agenda has not been approved by the executive board of APTA. It was placed on the agenda, again without authorization or approval of the APTA executive board, apparently on December 26, 2023, and appears to have been brought forward by WCSD General Counsel Neil Rombardo. Again, this item was not requested by the executive board of APTA, nor was it approved by the executive board or quorum of APTA. Adriana

Publico, Tony McMillen, Naveed Frank and Lisa McNeill were not authorized by the executive board of APTA to bring the request to the BOT.

The information in Agenda Item 5.06 documents contains false information as the vote information contained in the agenda item was not the valid and approved sanctioned vote of the APTA membership. Please note that the unsanctioned/invalid vote information presented in the agenda from 12/26/23 was a vote sent by Adriana Publico, who in her capacity, was not authorized to do so, according to our bylaws. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carrying out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you to cover the reasons why this matter should be pulled from the agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that the professional-technical members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists. Please contact me at 360-888-5242 or my personal email given, or school district email, to arrange for an immediate meeting to discuss this matter.

Sincerely,

Dr. Shannon C. Colon

Mary DeLorme

Jennifer Mitterer

Ron P. Dreher Sr.

EXHIBIT 5

EXHIBIT 5

DREHER LAW

Labor Advocacy

PLEASE CONFIRM RECEIPT

January 14, 2022

via email

Kristin McNeill, Superintendent
Washoe County School District
425 E. 9th Street
Reno, NV 89520-3425

Re: Notice of intent to negotiate a successor agreement – 2022-2023 Contract Negotiations – Association of Professional-Technical Administrators (APTA) and Washoe County School District (District).

Dear Superintendent McNeill,

Pursuant to Nevada Revised Statutes 288.180, the Association of Professional-Technical Administrators (APTA) as the recognized bargaining agent for the Technical and Professional members of the District, submits this letter putting the District on notice that we intend to negotiate a successor agreement to the current collective bargaining agreement. The successor agreement will include proposals as outlined in NRS 288.150 including but not limited to wages, hours and conditions of employment.

Please contact me at 775-846-9804 should you have any questions regarding this. Please advise tentative dates after February 1, 2022, the District will be available to initiate these negotiations. As the District is aware, APTA is currently at impasse for the subsequent 2021-2022 successor agreement. As such, and if the District is agreeable to do so, we will agree to postpone the 2022 negotiations until the 2021 negotiations are resolved.

Sincerely,



Ronald J. Dreher
Attorney and Chief Negotiator for APTA

Cc: file

Andy Haycock, President – APTA – by email
APTA Board of Directors – by email
Emily Ellison, Human Resource Manager – by email
John Listinsky, Labor Relations Manager – by email

775-846-9804 – P.O. Box 6494 Reno, NV 89513 – dreherlaw@outlook.com

EXHIBIT 6

EXHIBIT 6

Department of Talent & Professional Growth Systems
Labor Relations Division



Dr. Kristina Mason, Chief Talent Officer
Anthony Sports, Interim Director of Labor Relations
P.O. Box 10425, Reno, NV 89520-3425
Phone (775) 348-0370/Facsimile (775) 317-5011
LaborRelations@washoeschools.net

January 10, 2024

VIA EMAIL TO ron@dreherlaw.net

Ronald J. Dreher, Esq.
Dreher Law
P.O. Box 6494
Reno, NV 89513

Dear Ron:

We are in receipt of your notice dated January 8, 2024, of intent to open negotiations on behalf of the Association of Professional-Technical Administrators (APTA) for the 2024-2025 school year.

This letter is to state that the Washoe County School District (District) has withdrawn recognition of APTA as the bargaining representative for District employees. As such, the District is not obligated to recognize your request to open negotiations as you no longer represent a recognized group.

Sincerely,

Anthony Sports
Interim Director of Labor Relations

Cc: Kristen McNeill, Ed.D., Interim Superintendent
Neil Rombaro, Esq., Chief General Counsel
Kevin Pick, Esq., General Counsel
Anthony Hall, Esq., WCSD Chief Negotiator

SIMONS HALL JOHNSTON PC
690 Sierra Rose Dr.,
Reno, NV 89511
Phone: (775) 785-0088

1 ANTHONY L. HALL, ESQ.
Nevada Bar No. 5977
2 AHall@SHJNevada.com
JONATHAN A. MCGUIRE, ESQ.
3 Nevada Bar No. 15280
JMcGuire@SHJNevada.com
4 SIMONS HALL JOHNSTON PC
690 Sierra Rose Dr.,
5 Reno, Nevada 89511
Telephone: (775) 785-0088
6

7 *Attorneys for Complainant/Respondent*
8 *Washoe County School District*

FILED
January 26, 2024
State of Nevada
E.M.R.B.
12:02 p.m.

9 **BEFORE THE STATE OF NEVADA**
10 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

11 WASHOE COUNTY SCHOOL DISTRICT,

12 Complainant,

13 vs.

14 ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS.

15 Respondent.

Case No.: Consolidated Case 2023-015

17 ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS.

18 Complainant,

19 vs.

20 WASHOE COUNTY SCHOOL DISTRICT.

21 Respondent.

22
23
24 **REPLY IN SUPPORT OF MOTION TO VACATE HEARING**

25 Complainant/Respondent, Washoe County School District ("WCSD"), by and through its
26 undersigned counsel of record, submits the following reply in support of its Motion to Vacate
27 Hearing ("Motion");

28 ///

1 **I. THE OPPOSITION MISSES THE POINT OF THE MOTION**

2 The Association of Professional-Technical Administrators' ("APTA") Opposition focuses
3 on issues that are not before the EMRB in conjunction with this Motion to Vacate Hearing. Indeed,
4 as described below, it would be improper for the EMRB to consider these issues in their entirety.
5 In fact, APTA has voluntarily withdrawn as an employee organization from the WCSD and WCSD
6 received the voluntary withdrawal and withdrew recognition. The EMRB cannot go forward with
7 a hearing involving complaints and cross-complaints by an entity that is not a recognized employee
8 organization. The entire Opposition focuses on whether the notice of voluntary withdrawal and
9 subsequent approval was proper, but that is an intra-corporate dispute that lies within the exclusive
10 jurisdiction of the district court, not the EMRB.

11 **II. WCSD IS NOT A PARTY TO THE INTRA-CORPORATE DISPUTE BETWEEN**
12 **THE MEMBERS OF APTA**

13 NAC 288.145(1) expressly provides that "a local government employer may withdraw
14 recognition of an employee organization if the employee organization: (a) Voluntarily withdraws
15 in writing as the bargaining representative. . . ." NAC 288.145(2) goes on to clarify that "a local
16 government employer must request a hearing before the Board and receive the written permission
17 of the Board before withdrawing recognition of an employee organization **for any reason other**
18 **than voluntary withdrawal.**" NAC 288.145(2) (emphasis added).

19 As explained in the Motion on December 27, 2023, APTA sent a voluntary withdrawal
20 notice to WCSD. WCSD followed up with APTA seeking confirmation of the voluntary
21 withdrawal on January 8, 2024. *See* January 8, 2024, email thread attached hereto as **Exhibit A**.
22 The request acknowledged Dr. Colon's dispute and sought confirmation as to whether "the four of
23 you, as the majority of the APTA Executive Board, requested voluntary withdrawal of APTA as
24 the bargaining representative pursuant to NAC 288.145." *Id.* All four (4) of the members of
25 APTA's executive board (Adriana Puhlico, Tony McMillen, Naveed Frank, and Lisa McNeill) all
26 responded affirmatively to that email. *Id.* Accordingly, WCSD had more than enough basis to
27 believe the voluntary withdrawal was legitimate and proceeded accordingly.

28

1 In fact, had WCSD tried to prevent APTA from submitting its notice of voluntary
2 withdrawal, or requiring APTA to submit additional documentation other than the notice itself, it
3 would have been grounds for an unfair labor practice charge. There is nothing contained within the
4 NAC 288.145, or any other provision of NAC Chapter 288 or NRS Chapter 288, or the APTA
5 Bylaws that would require any further documentation or support for such a notice of voluntary
6 withdrawal. Imposing on WCSD obligations that the law indisputably does not require puts
7 employers in an unworkable position and exposes them to liability regardless of what they do. In
8 fact, the evidence submitted by Ms. Publico to the WCSD eliminated any doubt as to whether this
9 was in fact the majority of the executive board carrying out the wishes of the members of APTA.
10 See Ballot and results dated January 3, 2024, attached hereto as **Exhibit B**.¹

11 Whether these four (4) representatives of APTA actually had authority to submit the notice
12 of voluntary withdrawal is an intra-corporate dispute between APTA and its current and former
13 members of its Executive Board. APTA's allegations in its Opposition amount to allegations that
14 the notice of voluntary withdrawal submitted by four (4) executive board members was ultra vires.
15 Indeed, Nevada's statutes governing nonprofit corporations contain an express provision allowing
16 a lawsuit to be filed where there is a dispute over the authority of representatives of the nonprofit
17 corporation or for acting beyond their authority. See NRS 82.216(1). Accordingly, any such
18 dispute regarding the potential propriety of the action of submitting the notice of voluntary
19 withdrawal notice is a dispute between the members of the executive board of APTA and needs to
20 be filed in state court and should not be decided by the EMRB.

21 Consistent with NRS 82.216(1), this Board has no authority to invalidate the notice of
22 voluntary withdrawal. NAC 288.145(2) explicitly requires employers to come before the Board
23 and obtain permission prior to revoking recognition "for any reason **other than voluntary**
24 **withdrawal.**" NAC 288.145(2). This language functions as a statutory limitation on the Board's
25

26
27 ¹ As a percentage of those who voted, 146 out of 154, or 94.8% voted in favor of forming their own
28 employee organization. For context, the number of yes votes comprises 64.04% of the total number
of APTA employees, a significant majority.

1 authority. When combined with NRS 82.216(1) it becomes clear that Nevada law intended for
2 these sorts of disputes to fall outside the jurisdiction of the EMRB. Accordingly, any decision by
3 the EMRB that seeks or attempts to invalidate the notice of voluntary withdrawal would be beyond
4 its jurisdiction and statutory authority.

5 Theoretically, it is possible that APTA could obtain a judgment from a district court that
6 would invalidate the notice of voluntary withdrawal. If that occurred, it is possible that the parties
7 could return to the EMRB for a hearing. However, at this moment in time, APTA is not a
8 recognized employee organization and proceeding with a hearing prior to a ruling from a district
9 court is improper.

10 **III. EVEN IF THE EMRB REACHED THE ISSUE, APTA IS INCORRECT**

11 Even if the EMRB ignored the authority surrounding notices of voluntary withdrawal in
12 NRS Chapter 288 and NAC Chapter 288, and the language of NRS 82.216(1), and elected to try
13 and reach the dispute that APTA focused their Opposition on instead of the actual issue presented
14 to the Board, it should still decide that the four (4) members of APTA's executive board had the
15 authority to submit the notice of voluntary withdrawal. To be unmistakably clear, this is not a
16 dispute between WCSD and APTA, it is an intra-corporate dispute between the Executive Board
17 members of APTA. The following are a series of issues that APTA's position will run into.

18 APTA's assertion that APTA's executive board is made up of eight (8) members,² is a
19 misrepresentation. APTA's Bylaws regarding the Executive Board expressly provide that "[t]he
20 Executive Board shall consist of the five elected officers, and one elected Representative from each:
21 the Pro-Techs and the School Psychologists." *See* Opp. at Ex. 1 at Article IV, Section 1. Reading
22 that description in its totality unambiguously indicates APTA's executive board contains five (5)
23 elected officers, (1) Pro-Tech representative, and (1) School Psychologist representative, totaling
24

25 ² This is certainly an intra-corporate dispute. However, please take note how careful APTA is to
26 allege that such a vote never occurred. It is WCSD's understanding that all the members of the
27 executive team understood withdrawal would be the result if the vote came back in favor of
28 departing. Resolving this intra-corporate dispute will require live witness testimony by a court to
resolve.

1 seven (7) board members. The section then goes on to describe Ron P. Dreher (APTA's counsel's
2 father) as a "board member ex-officio" but expressly states that he "is not a regular sitting member
3 of the board." *Id.* at Section 1a (emphasis added). Accordingly, the express language of the
4 Bylaws and the past practice of APTA demonstrate that the APTA Executive Board only has seven
5 (7) members, and a majority of those members submitted a notice of voluntary withdrawal.

6 This is indisputably an intra-corporate dispute beyond this Board's authority and must be
7 resolved under state law. At this time, it is unclear how Ron P Dreher came to be involved with
8 APTA's leadership in his capacity as board member ex-officio. However, regardless of what process
9 was used, APTA appears to have violated its own bylaws by placing him in that position. Article
10 V of APTA's Bylaws that governs elections establishes that "[o]nly active members shall be entitled
11 to vote and hold elective office in the Association." *See Opp.* at Ex. 1 at Article V, Section 1, Sub-
12 Section C. Article II, Section 2 specifies that "[a]ctive membership is open to all Pro-Techs and
13 School Psychologists employed by the Washoe County School Board of Trustees, except for those
14 Pro-Techs and School Psychologists who are excluded. . . ." by Nevada law. *Id.* at Article II,
15 Section 2 (emphasis added). It is undisputed that Ron P. Dreher is not an employee of WCSID at
16 all, much less a Pro-Tech or School Psychologist. There is no provision in the Bylaws that would
17 permit the officers or the Executive Board members to appoint another member of the Board.
18 Accordingly, there is a dispute of whether it is even possible under APTA's Bylaws for Ron P.
19 Dreher to be considered a member of the Executive Board at all.

20 Additionally, it is unclear whether the proper deliberative body to make this decision was
21 actually the Executive Board (which is the theory presented by Mr. Dreher), or whether it should
22 have been the Officers pursuant to Article III. The authority to make a determination regarding
23 notices that are to be sent, or a notice of voluntary withdrawal is not explicitly discussed in the
24 Bylaws. The Executive Board is, the language of the Bylaws, structured as a Board of Limited
25 Authority. It appears that the only possible authority it could argue would authorize it (as opposed
26 to the officers) to be the power to decide to voluntarily withdraw is the clause which allows the
27 Board to decide "policy." *Id.* at Article IV, Section 2. Instead, a much more likely interpretation
28 would be that such a decision remains with the Officers pursuant to Article III since withdrawal is

1 not reasonably interpreted as being a "policy". *See id.* at Article III. If this is the case, since Ron I
2 Dreher does not serve as an officer, and thus his vote would be irrelevant. Again, WCSD is not a
3 party to this intra-corporate dispute, but it is merely alerting the Board to the plethora of state law-
4 based issues surrounding the interpretation of provisions in a corporate governance document that
5 falls outside the EMRB's jurisdiction.

6 To be transparent with the EMRB, regardless of Ron P. Dreher's alleged involvement with
7 the Executive Board, his participation in discussions surrounding a notice of voluntary withdrawal
8 would have, in and of itself, been entirely inappropriate. Ron P. Dreher is a self-interested party as
9 he has put himself out as a member of the negotiating team for APTA. This, despite the fact that
10 he is not an employee of WCSD and has no commonality of interest with WCSD's employees that
11 also served as members of the APTA Executive Board. It is entirely inappropriate for Ron P. Dreher
12 to attempt to insert himself to block an act of self-determination by the APTA Executive Board,
13 when he is self-interested in that transaction. In fact, it is WCSD's understanding that until the
14 issue of the voluntary withdrawal arose, Ron P. Dreher has not voted on any business coming before
15 APTA's Executive Board. For Ron P. Dreher to claim he has retained this authority to vote this
16 entire time but waits until his son is going to lose a client to exert that authority is unethical and
17 improper in the truest sense. Furthermore, it is WCSD's understanding that the new employee
18 organization formed by the Professional-Technical employees has retained different counsel from
19 Ronald J. Dreher, which only further confirms the conflict of interest described above.

20 **IV. IT IS BEYOND DISPUTE THAT APTA VOLUNTARILY WITHDREW**

21 APTA's claim in its Opposition that it continues to serve as the "recognized bargaining unit
22 for the school psychologists and technical administrators at the District" is a falsehood. APTA
23 knows that a majority of its Executive Board submitted a notice of voluntary withdrawal to WCSD
24 and WCSD accepted that notice of voluntary withdrawal on January 9, 2024. Indeed, APTA's
25 counsel admitted to the EMRB that APTA had been destroyed in a hearing that occurred two weeks
26 ago. Subsequently, it is our understanding that those professional technical members who used to
27
28

1 be members of APTA have been frozen out³ of APTA's operations. These are hardly the actions
2 of an Association that believes it continues to represent the designated members of APTA, which
3 includes the professional-technical employees. Such representation is part of its necessary scope
4 according to its own bylaws. *See* Opp. at Ex. 1 at Article I.

5 Additionally, there is no timeframe within which a recognized employee organization is
6 permitted to voluntarily withdraw as the exclusive bargaining representative. *See* NAC 288.145.
7 Indeed, the EMRB has expressly permitted such a withdrawal where the parties failed to complete
8 negotiations on a successor agreement. *See Deborah Boland, M. D., A Local Government Employee*
9 *and Member of the Umc Physicians' Bargaining Unit of Nevada Service Employees Union, Seiu*
10 *Local 1107, AFL-CIO, Clc Et. Al., Complainants Nevada Service Employees Union.* Item No. 802.
11 2015 WL 1324423, at *6-8 (March 23, 2015) (reasoning that "[u]pon UMC's acceptance of Local
12 1107's withdrawal, Local 1107 ceased to be the recognized bargaining agent. Thereafter UMC was
13 not obligated or permitted under the Act to continue negotiations with Local 1107.").

14 Indeed, in its decision the EMRB recognized that "[a] voluntary withdrawal by a bargaining
15 agent, by itself, is not contrary to the Act. NAC 288.145(1)(a) contemplates that there may be
16 circumstances where an employee organization might voluntarily withdraw its status as the
17 recognized bargaining agent. A voluntary withdrawal represents the only circumstance in which
18 an employer may withdraw recognition without first seeking the approval of this Board." By
19 approving the withdrawal, despite the fact that the Parties had tried and failed to negotiate a
20 successor agreement, the Board explicitly acknowledged that none of the time bars that apply to
21 petitions for withdrawal by the employer, or by a rival employee association apply to voluntary
22 withdrawal notices from the employee organization itself.

23
24
25 ³ This is a lose-lose situation for APTA. This action from APTA demonstrates they are acting
26 consistently with an understanding that the notice of voluntary withdrawal occurred and was proper.
27 If the notice of voluntary withdrawal is invalid, and APTA still serves as the bargaining
28 representative for professional-technical employees, it has committed an unfair labor practice by
violating its duty of representation by freezing professional-technical employees out of its
operations.

1 APTA's argument regarding the application of NAC 288.146(2) to APTA's voluntar
2 withdrawal is misplaced. As explained above, APTA, through a majority of the APTA Executive
3 Board, submitted a voluntary withdrawal to the District. The District confirmed this was a notice
4 of voluntary withdrawal pursuant to NAC 288.145, and a majority of the APTA Executive Board
5 confirmed that was the case. See Ex. A. Consequently, and consistent with NAC 288.145(2)
6 WCSD was not required to seek written permission from the Board because the reason was
7 voluntary withdrawal, which is expressly exempted from the written permission requirement. NAC
8 288.145(2).

9 **V. NEITHER NAC 288.146 NOR THE CONTRACT BAR DOCTRINE ARE**
10 **IMPLICATED BY APTA'S NOTICE OF VOLUNTARY WITHDRAWAL**

11 APTA's references to NAC 288.146 and the contract bar doctrine are red herrings intended
12 to distract the EMRB from the actual issue at hand. NAC 288.146 explicitly only applies to a
13 situation where there is a "petition by another employee organization." No such petition is present
14 here. Indeed, in *Boland*, the EMRB expressly recognized that a withdrawal by an employee
15 organization can be based in part on "tension" between factions of the bargaining organization's
16 members. *Boland*, Item No. 802, 2015 WL 1324423 at *7. NAC 288.146 applies in situations
17 where a rival employee organization can demonstrate "employee organization has ceased to be
18 supported by a majority of the local government employees in a bargaining unit." However, in this
19 case there was no rival employee organization. At the time the four (4) members of APTA's
20 Executive Board sent the notice of voluntary withdrawal to WCSD, they were acting as APTA's
21 Executive Board, not as any rival employee organization. While it is true that the Professional-
22 Technical employees that were previously within APTA did later seek approval to form their own
23 employee organization, that new employee organization was not the one making the request, APTA
24 was. Consequently, NAC 288.146 is entirely inapplicable in this instance.

25 APTA's reliance on the contract bar doctrine is similarly misplaced because it does not
26 apply to notices of voluntary withdrawal. Indeed, the same case APTA cites explains:

27 during the term of an existing labor agreement of up to three (3) years duration
28 and during negotiations for a successor agreement (through factfinding and/or
binding arbitration), recognition of an incumbent employee organization may

1 not be withdrawn or challenged by a rival organization, except pursuant to NRS
2 288.160(3) [unless the incumbent employee organization voluntarily
3 withdraws as bargaining representative or fails to notify the employer
pursuant to NRS 288.180(1) that it desires to negotiate - see NAC 288.145].

4 *Douglas County Support Staff Organization nsea, Petitioner Nevada Classified School Employees*
5 *Association, Chapter 6, Respondent, Item No. 313, 1993 WL 13718114, at *5 (May 13, 1993).*
6 Consequently, the contract bar doctrine has no application to APTA's notice of voluntary
7 withdrawal.

8 **VI. ANY ADDITIONAL ACTIONS BY APTA WILL BE FRUITLESS**

9 WCSD based its withdrawal of recognition on the notice of voluntary withdrawal from the
10 APTA Executive Board. However, even if APTA is able to persuade a district court to invalidate
11 that action,⁴ it will end up being irrelevant because it is clear that the professional technical
12 employees, who make up over eighty (80%) of the bargaining unit⁵ are determined to leave APTA.
13 Indeed, WCSD's understanding of the results of the vote by the members is staggering. Of those
14 employees who voted, 94.8% of them voted to leave APTA, Ex. B. Of the total number of
15 employees who are covered by the APTA bargaining unit (e.g. those that could have voted), 64.04%
16 of those employees voted to leave, Ex. B. It is beyond dispute that the professional-technical
17 employees that were previously represented by APTA have left to form their own employee
18 organization. The majority of the APTA executive board submitted a notice of voluntary
19 withdrawal on behalf of APTA as an act of self-determination consistent with the overwhelming
20 will of their membership as evidenced by the vote. It would be improper for WCSD or the EMRB
21 to stand in the way of these employees choosing to organize in the best manner they see fit.

22 ///

23 ///

25 ⁴ Notably, in the event the voluntary withdrawal notice is somehow invalidated by a district court,
26 WCSD could just petition the EMRB under NRS 288.160(3)(c) for failing "to be supported by a
27 majority of the local government employees in the bargaining unit. . . ." relying on the evidence
contained within Exhibit B and the result would be the same.

28 ⁵ WCSD obtained this number by relying on the figures presented by Adriana Publico to the WCSD
Board of Trustees. WCSD believes those numbers are reasonably relied upon.

1 **VII. A CONTINUED HEARING WOULD BE UNNECESSARY AND IMPROPER**

2 Even if APTA was able to convince a district court to invalidate the notice of voluntary
3 withdrawal, a continued hearing in this matter would be illusory. As explained in the Motion,
4 APTA as it existed at the time the consolidated complaints were filed no longer exists. Four out of
5 every five employees that were previously eligible for APTA have formed a new employee
6 organization. Those employees have different issues, a different negotiating team, different
7 priorities, new legal counsel, and a host of other issues. It is unknowable just how many of the
8 issues the parties encountered in their previous negotiations were the result of disputes between
9 APTA and WCSD, as opposed to the internal membership of APTA. The number of changes that
10 have taken place in the bargaining unit strongly cautions against an attempt to hold a continued
11 hearing.

12 In addition, while APTA continues to exist as a nonprofit corporation, it is no longer a
13 recognized employee organization under NRS Chapter 288. As the notice of voluntary withdrawal
14 makes clear, APTA as an employee organization was no longer interested in pursuing its complaints
15 against WCSD. Additionally, even if WCSD were to succeed on the merits of its complaint against
16 APTA, there would be no recognizable employee organization for WCSD to force back to the
17 bargaining table.

18 As of the date of this filing, WCSD has reached out to all of the other recognized employee
19 organizations regarding their interest in accepting the School Psychologists. At this time, one of
20 the employee organizations is willing to explore adding the School Psychologists as members in its
21 association. WCSD intends to continue to work diligently with all of the employee organizations
22 to determine how to best proceed with the School Psychologists.

23 **VIII. REQUEST FOR ATTORNEY'S FEES**

24 In the conclusion, APTA requests attorneys' fees for "being required to respond to this
25 Motion" and for the "egregious actions" of WCSD. APTA cites NAC 288.373(2)(b), which does
26 permit the EMRB to impose sanctions where WCSD has failed to comply with an order of the
27 Board, where WCSD has failed to appear, or where WCSD has failed to comply with NAC 288 or
28 NRS 288. In this case, WCSD has not failed to comply with an order or failed to appear. As

1 explained in great detail above, WCSD has acted consistently with NAC 288.145. Accordingly,
2 any award of fees under NAC 288.373(2)(b) would be improper. Similarly, APTA's reliance on
3 NRS 288.210(6) permits an award of reasonable costs and fees "to the prevailing party."
4 Considering the Board's January 22, 2024, Notice to Vacate Hearing has already been issued, and
5 the EMRB has not, and likely cannot, rule on the substance of either parties' complaint, it cannot
6 fairly be stated that APTA is a prevailing party in any sense of the word. Accordingly, any award
7 of attorneys' fees pursuant to NRS 288.210 would similarly be improper.

8 **IX. CONCLUSION**

9 The only substantive issue raised by the Motion that is presently before the EMRB is
10 whether to reschedule the hearings in this consolidated matter for some point in the future after a
11 district court has ruled regarding the propriety of the notice of voluntary withdrawal. As WCSD
12 has explained, this is an intra-corporate dispute that a district court must decide. WCSD's approval
13 of the notice of voluntary withdrawal was proper. Absent a district court ruling to the contrary,
14 WCSD believes the hearings in this case can be vacated pending a ruling from a state district court
15 on the appropriate matters described above.

16
17 DATED: January 26, 2024

18 BY: /s/ Anthony L. Hall, Esq.
19 ANTHONY L. HALL, ESQ.
20 Nevada Bar No. 5977
21 AHall@SHJNevada.com
22 JONATHAN A. MCGUIRE, ESQ.
23 Nevada Bar No. 15280
24 JmcGuire@SHJNevada.com
25 SIMONS HALL JOHNSTON PC
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27 Reno, Nevada 89511
28 Telephone: (775) 785-0088
Attorneys for Respondent

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CERTIFICATE OF SERVICE

I, Terri Tribble, declare:

I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Simons Hall Johnston PC. My business address is 690 Sierra Rose Dr., Reno, NV 89511. I am over the age of 18 years and not a party to this action.

On the below date, I served the foregoing **REPLY IN SUPPORT OF MOTION TO VACATE HEARING** by causing the document to be served via email, addressed as follows:

Ronald J. Dreher
P.O. Box 6494
Reno, NV 89513
ron@dreherlaw.net

Attorney for Respondent/Complainant

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on January 26, 2024.

/s/ Terri Tribble
Employee of Simons Hall Johnston

EXHIBIT A

EXHIBIT A

From: Frank, Naveed <Naveed.Frank@WashoeSchools.net>

Sent: Monday, January 8, 2024 12:03 PM

To: Spotts, Anthony <ASpotts@WashoeSchools.net>; Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <T.McMillen@washoeschools.net>; McNeill, Lisa <L.McNeill@WashoeSchools.net>

Subject: RE: WPTA

Yes!

Thank you so much.

Naveed Frank

Accountant, Capital Project
14101 Old Virginia Road
Reno, NV 89521

From: Spotts, Anthony <ASpotts@WashoeSchools.net>

Sent: Monday, January 8, 2024 11:51 AM

To: Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>

Subject: WP1A

Importance: High

Good afternoon,

The Board of Trustees received a letter from Dr. Shannon Colon, APTA President, on January 7, 2024, challenging the Agenda Item for the Board Meeting on January 9, 2024 where the Board is to vote on the voluntary withdrawal of APTA as the bargaining representative for Professional-Technical (Pro-Tech) employees. Dr. Colon asserts that the notice provided by the four of you to voluntarily withdraw APTA as the bargaining representative was not approved by a majority of the APTA Executive Board. Her assertions appear to be incorrect since the written withdrawal that we received from the 4 of you, on its face, seems to confirm that a majority of the APTA Executive Board took this action.

As a result, the District would like confirmation that the four of you, as the majority of the APTA Executive Board, requested voluntary withdrawal of APTA as the bargaining representative pursuant to NAC 288.145. If this is correct, a simple yes or confirmed is all that we need at this time.

We would like to have this confirmation by the end of the day today, if possible.

Anthony Spotts (he/him)
Interim Director of Labor Relations
Labor Relations Division
425 E. 9th Street, Building A-120
(775) 348-3843 (office)
ASpotts@Washoeschools.net



*Department of Talent &
Professional Growth Systems*

"The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you to face the fall alone." – A. Bartlett Giamatti

From: aspotts@washoeschools.net
To: [McNeill, Lisa](#); [Publico, Adriana](#); [McMillen, Tony](#); [Frank, Naveed](#)
Subject: RE: WPTA
Attachments: [image001.png](#)
[image002.png](#)

Thank you.

Anthony Spotts (he/him)
Interim Director of Labor Relations
Labor Relations Division
425 E. 9th Street, Building A-120
(775) 348-3843 (office)
ASpotts@Washoeschools.net



"The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you to face the fall alone." – A. Bartlett Giamatti

From: [McNeill, Lisa](#) <LMcNeill@WashoeSchools.net>
Sent: Monday, January 8, 2024 12:36 PM
To: [Spotts, Anthony](#) <ASpotts@WashoeSchools.net>; [Publico, Adriana](#) <APublico@WashoeSchools.net>; [McMillen, Tony](#) <TMcMillen@washoeschools.net>; [Frank, Naveed](#) <Naveed.Frank@WashoeSchools.net>
Subject: RE: WPTA

Hi Anthony, Yes. Thanks, Lisa

From: [Spotts, Anthony](#) <ASpotts@WashoeSchools.net>
Sent: Monday, January 8, 2024 12:13 PM
To: [Publico, Adriana](#) <APublico@WashoeSchools.net>; [McMillen, Tony](#) <TMcMillen@washoeschools.net>; [Frank, Naveed](#) <Naveed.Frank@WashoeSchools.net>; [McNeill, Lisa](#) <LMcNeill@WashoeSchools.net>
Subject: RE: WPTA

Thank you.

Anthony Spotts (he/him)
Interim Director of Labor Relations
Labor Relations Division
425 E. 9th Street, Building A-120

(775) 348-3843 (office)
ASpotts@Washoeschools.net



"The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you to face the fall alone." – A. Bartlett Giamatti

From: Publico, Adriana <APublico@Washoeschools.net>
Sent: Monday, January 8, 2024 12:12 PM
To: McMillen, Tony <TMcMillen@washoeschools.net>; Spotts, Anthony <ASpotts@WashoeSchools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: Re: WPTA

Yes

[Get Outlook for iOS](#)

From: McMillen, Tony <TMcMillen@washoeschools.net>
Sent: Monday, January 8, 2024 12:08:24 PM
To: Spotts, Anthony <ASpotts@WashoeSchools.net>; Publico, Adriana <APublico@WashoeSchools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: RE: WPTA

Yes

Thanks,
Tony McMillen, P.E., CCM
Director Construction and Project Management
Washoe County School District Facilities
775-742-4908

From: Spotts, Anthony <ASpotts@WashoeSchools.net>
Sent: Monday, January 8, 2024 11:51 AM
To: Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: WPTA
Importance: High

Good afternoon,

The Board of Trustees received a letter from Dr. Shannon Colon, APTA President, on January 7, 2024, challenging the Agenda Item for the Board Meeting on January 9, 2024 where the Board is to vote on the voluntary withdrawal of APTA as the bargaining representative for Professional-Technical (Pro-Tech) employees. Dr. Colon asserts that the notice provided by the four of you to voluntarily withdraw APTA as the bargaining representative was not approved by a majority of the APTA Executive Board. Her assertions appear to be incorrect since the written withdrawal that we received from the 4 of you, on its face, seems to confirm that a majority of the APTA Executive Board took this action.

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Anthony Spotts (he/him)
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EXHIBIT B

EXHIBIT B

Washoe Professional Technical Association

Ballot and Results

Beginning December 19, 2023, Professional-Technical Employees were asked to vote on the following question:

1. Are you in favor of Pro-Techs leaving APTA and forming their own employee organization (association)? *

Yes

No

As of January 3, at the close of voting, of 183 non-confidential Professional-Technical Employees, 146 (80%) voted Yes and 5 (3%) voted No.

| All APTA-Eligible Employees | Total # | # Yes Votes | # No Votes | % Yes Vote |
|-----------------------------|---------|-------------|------------|------------|
| Non-Confidential ProTechs | 183 | 146 | 5 | 79.78% |
| School Psychologists | 45 | 0 | 3 | 0.00% |
| Combined Total | 228 | 146 | 8 | 64.04% |

| Dues-paying APTA Members | Total # | # Yes Votes | # No Votes | % Yes Vote |
|---------------------------|---------|-------------|------------|------------|
| Non-Confidential ProTechs | 119 | 103 | 4 | 86.55% |
| School Psychologists | 44 | 0 | 2 | 0.00% |
| Combined Total | 163 | 103 | 6 | 63.19% |