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DEPARTMENT OF BUSINESS AND INDUSTRY  
**GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD**

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January 17, 2020

**MINUTES OF THE MEETING OF THE GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
**(Meeting No. 20-01)**

A meeting of the Board sitting *en banc* of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, January 14, 2020, at the hour of 8:35 a.m., at the Nevada State Business Center, 3300 West Sahara Avenue, Fourth Floor, Tahoe Room, Las Vegas, Nevada 89102. The meeting was video-conferenced to the Department of Business & Industry's Director's Office Conference Room, 1830 College Parkway, Suite 100, Carson City, Nevada 89706 and the Division of Insurance Conference Room as an overflow room.

The following Board members were present:

Brent C. Eckersley, Esq., Chair  
Sandra Masters, Vice-Chair (attended in Carson City)  
Cam Walker, Board Member  
Gary Cottino, Board Member  
Brett Harris, Esq., Board Member

Also present:

Bruce K. Snyder, Commissioner  
Marisu Romualdez Abellar, Board Secretary  
Donald Bordelove, Esq., Attorney General's Office

Members of the Public Present:

Attending in Las Vegas:  
Katrine Crose, Teamsters  
Paul Lunkwitz, FOP  
Robert Ashcraft, FOP  
Christina Leathers, NDOC  
Charles Daniels, NDOC  
Derrick Collick, AFSCME  
Federico Fonseca, AFSCME  
Vernecia Oroke, AFSCME  
Tequia Barrett, AFSCME

Rick McCann, NAPSO  
Donnetta Battle, AFSCME  
Vance Sheddy, AFSCME  
Marc Sydrongco, AFSCME  
Michael L. Martinez, AFSCME  
Ashley Jenkins, AFSCME  
Pearison Woods, AFSCME  
H. Gwyn Davies, AFSCME  
Amber Cooley, AFSCME  
Bien Marcallo, AFSCME  
Mahmoud Hauder, AFSCME  
Michael Kochevar, AFSCME  
Nathan Echeverria, AFSCME  
Doug Robinson, AFSCME  
Lonnie Crose  
Sherry Thompson, AFSCME  
Cyndy Hernandez, AFSCME  
Loren Warner, AFSCME  
Fernando Colon, AFSCME  
Mary-Ann Asadi, AFSCME  
Harlesica Peabody, AFSCME  
Victor Avena, AFSCME  
James Cook, AFSCME  
Heddy Santilla, AFSCME  
Alonzo Thornton, AFSCME  
Joseph Randolph, AFSCME  
Ariadne Monarrez (Betancourt), AFSCME  
Nancy Fano  
Tosho Gemkar, AFSCME  
Stephanie Dube, AFSCME  
Irina Ghosh, AFSCME  
Precious Davis, AFSCME  
John Westmoreland, AFSCME  
Faye Knight, AFSCME  
Sonja Whitten, AFSCME  
Marcia Tinberg, AFSCME  
Jennifer Bruestle, AFSCME  
Harry J. Schiffman, AFSCME  
Zillah Yvette Covelli, AFSCME  
Carter Bundy, AFSCME  
Ryan Delaney, AFSCME  
Ta' Lon Cleveland, AFSCME  
Amanda Stys, AFSCME  
Mariano Avalo, AFSCME  
Lydia Sasaki, AFSCME  
Jesus Gonzalez, AFSCME  
Kay Shearin, AFSCME  
Kyra Exterovich-Rubin, AFSCME  
Shari Kassebaum, AFSCME  
Ronnette Williams, PPACE  
Jesse Addison III, PPACE

Francis Davis, LVMP / Teamsters  
Carla Scott, LVPPACE  
Kelly Richter, LVPPACE  
Nathan Lewis, AFSCME  
Veronica Brown Davis, AFSCME  
Christian Gallegos, AFSCME  
Kenneth Edmonds, AFSCME  
Marcia Flores, AFSCME  
Amber Stanley, AFSCME

Attending in Carson City:  
Frank Richardson, DHRM  
Kevin Ranft, AFSCME  
Tim McFarley  
Todd Renwick, UNR  
Brandon Buchanan, NDOC  
Peter Long, DOA  
Tom Donaldson, NHPA  
Daphne DeLeon, AFSCME - DETR  
Susan Donaldson, AFSCME  
Dennis Malone, LCB  
Ralph Handel  
Kevin Rodgers, AFSCME  
Jim Navarro, AFSCME-NDOC

The Agenda:

**1. Call to Order & Roll Call**

The meeting was called to order by Chair Brent C. Eckersley, Esq., on Tuesday, January 14, 2020, at 8:35 a.m. On roll call all members were marked present.

**2. Public Comment**

Public comment was offered as follows:

On agenda item 9:

Ronnette Williams, LVMPD employee, stated that they are trying to get Teamsters in by a vote and that they are not allowed access to many places. They have been admonished not to mention Teamsters and that paperwork is not allowed for them. She further stated that employees have been disciplined and that are not allowed to visit the Teamster website.

Jesse Addison III, Detention Services Technician, stated that LVMPD is run on fear and intimidation and said he has examples he could share. He also mentioned that supervisors should not be in the same bargaining unit as the regular employees. He stated that PPACE only does enough to pretend they are helping you.

On agenda item 3:

Fernando Colon, Esq., Associate General Counsel for AFSCME, stated AFSCME has met the requirements under Section 30 to be the exclusive representative.

Ashley Jenkins, AFSCME representative, stated she wanted to remind the Board that Section 30 uses the word "shall" and that AFSCME has met the requirements and asks that the Board designate AFSCME as the representative.

Loren Warner, AFSCME, stated he became an AFSCME member because he believes it is important that employees have a voice on the job without fear of retaliation. State employees rallied to get a bill passed and the bill did pass. He stated the employees are waiting for the Board to act today and not to make them wait any longer.

On agenda item 4:

Fernando Colon, Esq. stated AFSCME has submitted a petition showing more than 50% and thus the Board should designate AFSCME as the exclusive representative. He also stated that at the last Board meeting the issue of child care workers and that since then AFSCME has submitted information showing they have signed up 10 of these employees and thus they should be recognized.

On agenda item 5:

Tom Donaldson, Esq., Dyer Lawrence and attorney for NHPA, asked that the Board designate NHPA as the exclusive representative based upon the staff's audit reports. He also requested that the Board deny NSLEOA's petition as they do not have show 50% support.

Rick McCann, J.D., representing NSLEOA and NAPSO, stated he did not have much more to add, that the audits have been done, that no additional audits have been done, and that everyone needs to move on to obtain collective bargaining for state employees.

Matthew Kaplan, NHPA President, stated he wanted to thank Rick McCann for his gracious comments and that they are ready to start helping to improve the working conditions for employees.

On agenda item 6:

Rick McCann, J.D., stated NSLEOA has 50% support, no one else does, and thus the item is submitted.

On agenda item 7:

Fernando Colon, Esq., stated the main question for the Board is whether AFSCME has shown majority support through the petition filed, then quoting the text of Section 30. He emphasized that the word "shall" does not allow for discretion by the Board. He stated that AFSCME has demonstrated support; however, FOP has attempted to engage in a lateral attack on AFSCME's support. He also stated that this support is

not meant to be a moving target. He also stated that FOP's efforts were assisted by the Board's disclosure of AFSCME's supporting lists to FOP. He further stated that this is an absolute bar for FOP to be designated as the representative and that FOP has not filed a petition, even for a 30% level calling for an election, and thus has no standing.

Ashley Jenkins stated it is important for the Board to look at the big picture, in that allowing FOP to enter documents, would allow this to be the practice for future petitions for other bargaining units. She then stated that the letters submitted at the last meeting have cards completely filled out, that could not have been completed without the employees not knowing it. She then explained how AFSCME's other cards and petitions were filled out at other times and thus there could not have been confusion. She finally mentioned that the word "shall" means the Board must designate AFSCME as the exclusive representative and that if FOP introduces more information, then AFSCME should be allowed to submit additional information also.

Sgt. Shari Kassebaum, AFSCME, stated she is the President of AFSCME NDOC South, that she can bring in letters of support and that the majority of the employees want AFSCME. She stated that when AFSCME filed its petition, FOP was not yet even a union. She stated she was offended about the fraud allegations in that she was the one obtaining many of the signatures. She stated she wants to change the department to help employees and that the new director is working with FOP.

Federico Fonseca, AFSCME, stated he is the Vice President of the North chapter, and that by delaying the recognition the Board is thwarting the provisions of the law.

Veronica Brown Davis, AFSCME, stated AFSCME filed for decades for collective bargaining and last year they finally won that right and that the Board should not delay any longer recognizing AFSCME.

Nathan Echeverria, AFSCME, stated he wanted to reiterate what has already been said, that they have fought for collective bargaining for decades, and would like to see accountability from their department.

Michael L. Martinez, AFSCME, stated he has been talking with employees and engaging them to support collective bargaining, that the enthusiasm has been for AFSCME, and that he would like to see the item closed today.

Paul Lunkwitz, FOP Lodge 21 President, stated he renews his objection to AFSCME's petition over the manner the signatures were obtained, that the cards were signed prior to the bill becoming law, and that yesterday he submitted 175 authorization forms and that some of them were AFSCME members or who signed an AFSCME authorization card, that rescinded their AFSCME support.

Pearison Woods, AFSCME, stated he wants to make clear that pursuant to Section 30 there is nothing that FOP has presented that should undermine AFSCME's efforts and

that AFSCME does have majority support. He also stated that the Board should accordingly recognize AFSCME.

Robert Ashcraft, FOP Board Member, stated FOP lodges an objection due to the fact that AFSCME is not composed solely of law enforcement officers per NRS 288.140(3) in that they seek to represent various civilian bargaining units and thus AFSCME cannot represent Unit I.

John Westmoreland, AFSCME representative, stated he was here last month and that it is time to move on. On August 24, 2019 AFSCME demonstrated it had a majority and that Local 4041 has the right to represent Category III officers. He stated that the Board's job today is to enforce the law, that there is not a moving target, and that the Board should designate AFSCME as the exclusive representative of Unit I.

Alonzo Thornton, AFSCME, stated he was an AFSCME member when he moved to Nevada. He felt humiliated due to the administration at the facility and that only AFSCME helped him. He thus encouraged the Board to have AFSCME as the representative.

Jim Navarro, AFSCME Vice President of Corrections North, stated many of the officers have never heard of FOP, that he and his co-workers want AFSCME, and that NRS 288.140 pertains to local government employees and not state employees.

There was no other public comment.

3. **Case 2019-026**

**In re: Petition to be Designated as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 135 of the 80<sup>th</sup> Session of the Nevada Legislature**

Commissioner Snyder presented the petition filed by AFSCME, Local 4041 for Unit E, Professional Health Care Employees, followed by the presentation of the audit report conducted by EMRB staff. The Board then deliberated on the petition, and upon motion, designated AFSCME, Local 4041 as the exclusive representative for Unit E.

4. **Case 2019-021**

**In re: Petition to be Designated as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 135 of the 80<sup>th</sup> Session of the Nevada Legislature**

This is the Amended Petition filed by AFSCME, Local 4041 for Unit F, Non-Professional Health Care and Personal Care Employees. Commissioner Snyder presented the addendum to the audit report, which pertained to the receipt of authorization cards for certain of the hourly childcare workers. The Board then deliberated on the amended petition, and upon motion, designated AFSCME, Local 4041 as the exclusive representative for Unit F.

5. **Case 2019-023/024**

**In re: Petition for Designation as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 135 (2019) and In re: Petition of Nevada State Law Enforcement Officers Association (NSLEOA), Individually and on Behalf of Nevada Association of Public Safety Officers (NAPSO) and Communications Workers of America (CWA), AFL-CIO for Designation as the Exclusive Representative for Bargaining of Unit G – Category I Peace Officers Pursuant to Senate Bill 135 (2019)**

This is the consolidated case of 2019-023 and 2019-024. This includes the First Amended Petition filed by the Nevada Highway Patrol Association (NHPA) for Unit G, Category I Peace Officers., as well as the Petition filed by the Nevada State Law The Board deliberated on the consolidated case, and upon motion, designated NHPA as the exclusive representative for Unit G.

6. **Case 2019-025**

**In re: Petition of Nevada State Law Enforcement Officers Association (NSLEOA), Individually and on Behalf of Nevada Association of Public Safety Officers (NAPSO) and Communications Workers of America (CWA), AFL-CIO for Designation as the Exclusive Representative for Bargaining of Unit H – Category II Peace Officers Pursuant to Senate Bill 135 (2019)**

This is the First Amended Petition filed by the Nevada State Law Enforcement Officers Association for Unit H, Category II Peace Officers. The Board deliberated on the first amended petition, and upon motion, designated NSLEOA as the exclusive representative for Unit H.

7. **Case 2019-019**

**In re: Petition to be Designated as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 135 of the 80<sup>th</sup> Session of the Nevada Legislature**

This is the Petition filed by AFSCME, Local 4041 for Unit I, Category III Peace Officers. The Board reviewed any documents received since the last Board meeting. The Board deliberated on the petition, and upon motion, designated AFSCME, Local 4041 as the exclusive representative for Unit I.

8. **Case 2018-006**

**Charles Ebarb v. Clark County & Clark County Water Reclamation District**

The Board deliberated on the briefs submitted pursuant to the Board's June 28, 2019 Order but came to no decision at this time. Upon motion, the Board lifted the stay on the filing of the prehearing statements, which shall be due 21 days after issuance of the order, and then shall hold the second part of the bifurcated hearing on the matter.

9. **Case 2018-031**

**Teamsters Local 14 v. Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE)**

The Board deliberated on (1) the briefs submitted in early September pursuant to Order 839-A, issued on July 11, 2019; (2) the post-hearing briefs filed in November 2019; and (3) on the briefs submitted on December 31, 2019, regarding eight issues

identified at the Board meeting of October 3, 2019. The Board also deliberated on the final decision on the petition itself, including whether to order or not order an election. The Board came to no decision on any of these issues. Upon motion, the Board ordered a hearing for the second part of the bifurcated hearing.

**10. Report of the Deputy Attorney General**

Deputy Attorney General Donald Bordelove gave an oral report as to the status of cases on judicial review or at the Nevada Supreme Court, and other matters related thereto.

**11. Approval of the Minutes**

In two separate motions, the Board approved the minutes as presented for both the regulations public hearing held December 17, 2019, and the *en banc* meeting held December 17, 2019.

**12. Additional Period of Public Comment**

No public comment was offered.

**13. Adjournment**

There being no additional business to conduct, Chair Eckersley adjourned the meeting.

Respectfully submitted,



Bruce K. Snyder,  
EMRB Commissioner