

STATE OF NEVADA



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VACANCY, Board Member

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

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May 27, 2020

**MINUTES OF THE MEETING OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**
(Meeting No. 20-08)

A consolidated meeting of the Board sitting *en banc*, as well as that of Panel D and Panel E, of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Wednesday, May 27, 2020, at the hour of 8:15 a.m.. The meeting was held via teleconference only, pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006.

The following Board members were present:

Brent C. Eckersley, Esq., Chair
Sandra Masters, Vice-Chair
Gary Cottino, Board Member
Brett Harris, Esq., Board Member

Also present:

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

Members of the Public Present:

Fernando Colon, Esq., AFSCME
Frank Richardson, State of Nevada DHRM
Christopher Humes, Esq. for CCASAPE
Kelly Richter, PPACE
Rick McCann, J.D., NAPSO
Nicholas M. Wiczorek, Esq., Clark Hill PLLC
Thomas Donaldson, Esq., Dyer Lawrence
Frank Flaherty, Esq., Dyer Lawrence
Robert Ashcraft, FOP
Jason Guinasso, Esq., Hutchison & Steffen
Paul Klein, Nevada Police Union
Adam Coviello, Esq., for FOP
Alex Velto, Esq., Hutchison & Steffen
Michael Langton, Esq., Law Offices of M. Langton

The Board Sitting *En Banc*
Presiding Officer Brent C. Eckersley, Esq.

The following 9 items were for consideration by the full Board:

1. **Call to Order & Roll Call**
The meeting was called to order by Chair Brent C. Eckersley, Esq., on Wednesday, May 27, 2020, at 8:15 a.m. On roll call all members were marked present.
2. **Public Comment**
No public comment was offered.
3. **Approval of the Minutes**
The Board approved the minutes as presented for the *en banc* meeting held April 28, 2020.
4. **Case 2020-004**
Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department
Upon motion, the Board granted the Stipulation and Order for Dismissal Without Prejudice, as presented.
5. **Case 2020-009**
Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department
Upon motion, the Board granted the Stipulation and Order for Dismissal Without Prejudice, as presented.
6. **Case 2020-008**
Clark County Education Association & Davita Carpenter v. Clark County School District; plus Education Support Employees Association, Party in Interest/Intervenor
Upon motion, the Board granted Clark County Association of School Administrators and Professional-Technical Employees' Petition to Intervene.
7. **Case 2018-006**
Charles Ebarb v. Clark County & Clark County Water Reclamation District
The Board did not render a decision but instead tabled this item for a meeting to be held on June 2, 2020.
8. **Case 2020-012**
Operating Engineers Local Union No. 3 v. Incline Village General Improvement District
The Board deliberated on the Motion to Dismiss Seeking Order Declaring No Probable Cause, and upon motion, stayed the matter pending exhaustion of contractual remedies.

9. **Case 2020-011**
Nevada Highway Patrol Association v. State of Nevada Department of Public Safety; Steve Sisolak, in his capacity as Governor of the State of Nevada; Nevada State Law Enforcement Officers Association; and Nevada Association of Public Safety Officers

The Board deliberated on the Petition for Declaratory Order, including the submission of any *amicus* briefs filed in accordance with the Board's call for such briefs, and upon motion, reaffirmed the Board's prior decision in the Lyon County case and directed the Deputy Attorney General to draft an opinion to this effect.

Panel D

Presiding Officer Brent C. Eckersley, Esq.

The following 1 item was for consideration by Panel D:

10. **Case 2019-012**
Luguisha McCray v. Clark County
Pursuant to NAC 288.271(2)(c), the Commissioner had randomly selected Board Member Brett Harris, Esq. to fill the vacancy on this panel for this case. The Panel deliberated on the Motion to Dismiss Third Amended Complaint, and upon motion, stayed the matter upon exhaustion of contractual remedies.

Panel E

Presiding Officer Brent C. Eckersley, Esq.

The following 1 item was for consideration by Panel E:

11. **Case 2019-011**
IAFF, Local 5046 v. Elko County Fire Protection District
The Panel deliberated on the hearing previously held, and upon motion, ruled in favor of the Respondent.

The Board Sitting *En Banc*

Presiding Officer Brent C. Eckersley, Esq.

The following 5 items were for consideration by the full Board:

12. **Report of the Deputy Attorney General**
Deputy Attorney General Bordelove gave a status report on the cases on judicial review or at the Nevada Supreme Court.

13. Report of the Commissioner

- A. Setting of the assessment rate for local governments for fiscal year 2021.
Commissioner Snyder went through a memorandum providing an overview of the agency's revenues, expenditures and reserves for the reserve related to local governments. He specifically mentioned that the amount of the reserves was well in excess of the suggested level. He also discussed that there are a number of financial unknowns, including potential budget changes due to the COVID-19 crisis. Thus, he recommended that the current assessment be lowered to \$3.00 per employee.
- B. Setting of the assessment rate for the State of Nevada for fiscal year 2021.
Commissioner Snyder went through a memorandum providing an overview of the agency's revenues, expenditures and reserves for the reserve related to the State. He specifically mentioned that the amount of the reserves was well below the suggested level. He also discussed that there are a number of financial unknowns, including potential budget changes due to the COVID-19 crisis. Although the calculations show that the rate should be \$7.15 per employee, in order to build up the reserve level, he recommended that the current assessment be kept at \$6.00 per employee due to the financial constraints on the State at this time.

Upon motion, the Board approved the two recommendations as presented.

14. Future Board Meetings

- A. Deliberation and decision on setting the next meeting date(s).
Commissioner Snyder gave an overview of the cases that had been postponed and now need to have hearings. He then reviewed the list of upcoming Board meetings for the purpose of getting input as to when certain Board members might not be available on given dates so that he could then reset those hearings.
- B. Discussion and possible decision on alternatives for conducting hearings by means other than in person.
Commissioner Snyder gave an overview of the recommended alternative for conducting hearings by means other than in person and then sought input from the Board members.

15. Additional Period of Public Comment

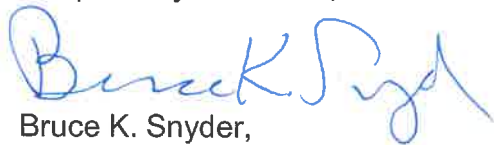
No public comment was offered.

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16. Adjournment

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

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner

