

STATE OF NEVADA

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Governor

Members of the Board

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SANDRA MASTERS, Vice-Chair
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Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

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January 19, 2021

PUBLIC NOTICE OF OPEN MEETING
(Meeting No. 21-02)

Pursuant to Nevada's Open Meeting Law, notice is hereby given that the Government Employee-Management Relations Board will hold a consolidated meeting of the Board sitting *En Banc* and also for **Panel D and Panel E** on:

Tuesday, January 26, 2021, at 8:30 a.m., and continuing on Wednesday, January 27, 2021, if necessary; and continuing on Thursday, January 28, 2021. This meeting will be held online using WebEx. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, as amended, the requirement contained in NRS 241.023(1)(b), that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate the possible exposure or transmission of COVID-19. Accordingly, any person planning to participate in the meeting must participate by using the WebEx link.

WebEx Link

There are two ways to join the meeting using WebEx. If you would like to view and participate in the meeting online, you may click on the link below. If you received a personal invitation to the meeting, then you may also click on the green join meeting button contained within the e-mail that you received.

Meeting number: 146 802 9924

Password: wjQZApRF327

<https://businessnv2.webex.com/businessnv2/j.php?MTID=m4a831746086e0b5950e9f5dc98092e20>

If you would like to join the meeting by telephone (but not have the capability of viewing the meeting), then follow the instructions below:

Join by phone
1-844-621-3956 United States Toll Free
Access code: 146 802 9924

Chair Eckersley shall be the Presiding Officer of the Board sitting *en banc* and also for Panel E. Board Member Cottino shall be the Presiding Officer for Panel D.

THE AGENDA

Note: The Board may take possible action on any item on this agenda unless that item is marked as "Information Only." Items marked as "Information Only" may be discussed by the Board after any presentation is made but no action may be taken on that particular item. The Board may take items out of order, may combine two or more agenda items for consideration, may remove items from the agenda or may delay discussion of any item at any time.

The Board Sitting *En Banc*

The following 2 items are for consideration by the full Board:

1. Call to Order & Roll Call

Information Only

2. Public Comment

Information Only

The Board welcomes public comment. Public comment must be limited to matters relevant to or within the authority of the Government Employee-Management Relations Board. No subject may be acted upon unless that subject is on the agenda and is scheduled for possible action. If you wish to be heard, please introduce yourself on the telephone at the appropriate time and the Presiding Officer will recognize you. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited. The Board will not restrict public comment based upon viewpoint. However, the Board may refuse to consider public comment prior to the commencement and/or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual. See NRS 233B.126.

(cont'd on next page)

Panel E

The following 1 item is for consideration by Panel E:

3. **Case 2020-002** *For Possible Action*
AFSCME, Local 4041 v. State of Nevada, Department of Corrections, High Desert State Prison, Brian E. Williams, Sr., Warden
The hearing is scheduled to begin on Tuesday, January 26, 2021, at 8:30 a.m.; and continuing on Wednesday, January 27, 2021, if necessary, at a time to be determined during the hearing; and continuing on Thursday, January 28, 2021, if necessary, at a time to be determined during the hearing. The hearing will be held online using a software platform called WebEx. Preliminary motions will be heard at the beginning of the hearing. The Panel may deliberate and take possible action on this case after the hearing has concluded.

**THE REMAINING ITEMS ON THE AGENDA WILL NOT BE TAKEN UP BEFORE
THURSDAY, JANUARY 28, 2021 AT 8:15 A.M.**

The Board Sitting *En Banc*

The following 2 items are for consideration by the full Board:

4. **Case 2020-028** *For Possible Action*
AFSCME, Local 4041 v. State of Nevada, Department of Corrections, High Desert State Prison, Calvin Johnson, Warden
Deliberation and decision on the Stipulation and Order Dismissing Complaint.
5. **Case 2020-012** *For Possible Action*
Operating Engineers Local #3 v. Incline Village General Improvement District
Hearing on the Order to Show Cause, including, but not limited to, deliberation and decision on Complainant's Offer of Proof, whether lift the stay, and if so, then also whether to proceed to deliberate on any remaining issues on the outstanding Motion to Dismiss Seeking Order Declaring No Probable Cause.

Panel D

The following 1 item is for consideration by Panel D:

6. **Case 2020-001** *For Possible Action*
AFSCME, Local 4041 v. State of Nevada, Department of Health and Human Services, Aging and Disability Services Division, Desert Regional Center; Dr. Lisa Thompson-Dyson, Residential Director
Deliberation and decision on the hearing previously held. Pursuant to NAC 288.271(2)(c), the Commissioner had randomly selected Vice-Chair Masters to fill the vacancy on this panel for this case and had also randomly selected Board Member Brett

Harris, Esq. to replace Chair Eckersley, Esq., who was unavailable for the hearing. Pursuant to NAC 288.271(4) Board Member Cottino will be the Presiding Officer.

The Board Sitting *En Banc*

The following 6 items are for consideration by the full Board:

7. **Case 2020-020** ***For Possible Action***
AFSCME, Local 4041 & Shari Kassebaum v. State of Nevada, ex rel its Department of Corrections
Deliberation and decision on the Motion to Dismiss.
8. **Approval of the Minutes** ***For Possible Action***
For possible action on the minutes of the meeting held January 12, 2021.
9. **Approval of Upcoming Board Meeting Dates** ***For Possible Action***
For possible action on approving Board meeting dates for the months of May 2021 and June 2021.
10. **Report of the Deputy Attorney General** ***Information Only***
A report by the Nevada Attorney General's Office as to the status of cases on judicial review or at the Nevada Supreme Court, and other matters related thereto.
11. **Additional Period of Public Comment** ***Information Only***
Please refer to agenda item 2 for any rules pertaining to public comment.
12. **Adjournment** ***For Possible Action***

Posting

This meeting has been posted at the following locations and websites at least three days prior to the scheduled date of this meeting, in accordance with NRS 241.020(2):

Department of Administration Public Meeting Notice Web Site: <http://notice.nv.gov/>
Government Employee-Management Relations Board Web Site: <http://emrb.nv.gov>

Special Accommodations

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the EMRB at the address or telephone number above. Please notify us as soon as possible to allow time to secure any necessary equipment or provisions prior to the meeting.

Board and Panel

All references to the term "Board" shall also mean "Panel" when certain Board members are meeting as a panel in lieu of the Board members meeting *en banc*.

Members Assigned to Panels

The following members have been assigned to each panel pursuant to the agency's administrative rules:

<u>Panel</u>	<u>Presiding Officer</u>	<u>Member</u>	<u>Member</u>
A	Brent C. Eckersley, Esq.	Sandra Masters	Brett Harris, Esq.
B	Sandra Masters	Brett Harris, Esq.	Michael J. Smith
C	Gary Cottino	Brett Harris, Esq.	Michael J. Smith
D	Brent C. Eckersley, Esq.	Gary Cottino	Michael J. Smith
E	Brent C. Eckersley, Esq.	Sandra Masters	Gary Cottino

Inquiries and Supporting Materials

You may obtain copies of any supporting materials by contacting the Board Secretary, Marisu Romualdez Abellar, at the address at the top of page one of this document or by calling 702-486-4505. You may also obtain a copy of the Governor's Declaration of Emergency Directive 006 through the same contact means.

Closed Session

The Board or Panel may go into closed session pursuant to NRS 288.220 or NRS 288.590 for consideration/discussion of any complaint, petition or appeal herein noticed. Any motion to go into closed session may include one or more items on the agenda in the motion. The Board or Panel will return to open session for final adjudication.