

STATE OF NEVADA

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

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January 28, 2021

**MINUTES OF THE MEETING OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**
(Meeting No. 21-02)

A 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 Tuesday, January 26, 2021; and continued on Thursday, January 28, 2021. The meeting was held via WebEx, pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, as amended.

The following Board members were present:

Brent C. Eckersley, Esq., Chair
Sandra Masters, Vice-Chair
Gary Cottino, Board Member
Brett Harris, Esq., Board Member (Thursday only)
Michael J. Smith, 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:

Debra Pieruschka, Esq., UNLV General Counsel
Anita Curtis, DHRM
Cameron Vandenberg, Esq., Office of the
Attorney General
Kevin Pick, Esq., Office of the Attorney General
Charity Felts, Esq., Office of the Attorney General
Shauna Tilley, Governor's Finance Office
Neil Baker, Esq., Littler Mendelson, P.C.
Fernando Colon, Esq., AFSCME, Local 4041
Thomas J. Donaldson, Esq., Dyer Lawrence
Alex Velto, Esq., Hutchison & Steffen, PLLC

The agenda:

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

The following 2 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. at 8:30 a.m. On roll call present were all three Panel E members; namely Chair Brent C. Eckersley, Esq., Vice-Chair Sandra Masters and Board Member Gary Cottino. Board Member Michael Smith also was present for items 1 and 2 on the agenda on Tuesday. Thursday a separate roll call was held and all Board members were present.

2. Public Comment

No public comment was offered.

Panel E
Presiding Officer Brent C. Eckersley, Esq.

The following 1 item was for consideration by Panel E:

3. Case 2020-002

AFSCME, Local 4041 v. State of Nevada, Department of Corrections, High Desert State Prison, Brian E. Williams, Sr., Warden

The Panel held the hearing on the case. At the end of the hearing it was agreed that post-hearing briefs would be due thirty (30) days upon receipt of the transcript of the hearing.

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

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

4. Case 2020-028

AFSCME, Local 4041 v. State of Nevada, Department of Corrections, High Desert State Prison, Calvin Johnson, Warden

The Board granted the Stipulation and Order Dismissing Complaint as presented.

5. Case 2020-012

Operating Engineers Local #3 v. Incline Village General Improvement District

The Board held the hearing on the Order to Show Cause, including, but not limited to, deliberation and decision on Complainant's Offer of Proof, whether to 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. The Board then proceeded to deliberate on the matter, and upon motion, decided (1) not to

lift the stay, (2) that Complainant shall file a grievance within thirty (30) days of the date of the order, (3) that the parties shall submit joint status reports every sixty (60) days upon the date of the order, and that failure to file the grievance may result in dismissal of the case for failure to prosecute the case.

Panel D

The following 1 item is for consideration by Panel D:

6. Case 2020-001

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

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 was the Presiding Officer. The Panel deliberated on the hearing previously held but came to no decision.

The Board Sitting *En Banc*

Presiding Officer Brent C. Eckersley, Esq.

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

7. Case 2020-020

AFSCME, Local 4041 & Shari Kassebaum v. State of Nevada, ex rel/ its Department of Corrections

The Board deliberated on the Motion to Dismiss, and upon motion, decided to stay the case pending exhaustion of administrative remedies with the parties being required to file a joint status report every forty-five (45) days upon the date of the order.

8. Approval of the Minutes

Upon motion, the Board approved as presented the minutes of the meeting held January 12, 2021.

9. Approval of Upcoming Board Meeting Dates

The Board reviewed the possible meeting dates for the months of May 2021 and June 2021 and set future meetings for May 27-29, 2021; June 8-10, 2021; and June 22-24, 2021.

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. Additional Period of Public Comment

No public comment was offered.

12. Adjournment

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

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner