

STATE OF NEVADA

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SANDRA MASTERS, Vice-Chair
GARY COTTINO, Board Member
BRETT HARRIS, ESQ., Board Member
MICHAEL J. SMITH, Board Member



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Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

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March 11, 2022

**MINUTES OF THE MEETING OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**
(Meeting No. 22-03)

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, March 8, 2022; and continued on Wednesday, March 9, 2022; and continued on Thursday March 10, 2022. The meeting was held online using a remote technology system called WebEx.

The following Board members were present:

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

Also present:

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

Members of the Public Present:¹

Richard Ashcraft, Department of Corrections
Ronald Oliver, Department of Corrections
Ronald Dreher, Esq.
Evan James, Esq., Christensen James & Martin
Dylan Lawter, Esq., Christensen James & Martin

The agenda:

¹ Not including the attorneys of record and witnesses related to the hearing (item #3 on 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 8:15 a.m. On roll call the following members were present: Chair Eckersley, Board Member Smith and Board Member Cottino. This constituted a quorum. A separate roll call was taken Thursday morning, at which time all 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 2021-009

In Re: Petition for Declaratory Order Concerning Unit I Pursuant to NRS 288.515

The hearing on the case was held. Simultaneous closing briefs will be due 40 days upon receipt of the transcript.

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

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

4. Notice of Reappointments

Board Secretary, Marisu Romualdez Abellar announced that Governor Sisolak has reappointed Brent C. Eckersley, Esq.; Sandra Masters; Gary Cottino; and Michael J. Smith to the Board, with terms expiring June 30, 2025. She then gave the oath of office to each of the four individuals.

5. Approval of the Minutes

Upon motion, the Board approved as presented the minutes of the meeting held February 10, 2022.

6. Report of the Deputy Attorney General

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

7. **Role of Attorney General's Office on Cases in Courts**
Commissioner Snyder reiterated what Senior Deputy Attorney General Briggs mentioned last month about the role of the Attorney General's Office and the EMRB for cases filed in the courts. Chair Eckersley then inquired of the other Board members as to whether the EMRB should seek comments from the public and user community on this issue. After hearing from the other members, as well as the Commissioner and Attorney Briggs, it was agreed that the Commissioner would include this issue as an article in the next edition of the e-newsletter, with the article first being reviewed by Attorney Briggs.

8. **Case 2022-002**
Association of Professional-Technical Administrators v. Washoe County School District
The Board granted a hearing for the case, which was randomly assigned to hearing panel C.

9. **Case 2021-016**
International Union of Operating Engineers, Local 501 v. University Medical Center of Southern Nevada
The Board granted the Stipulation and Order, as presented.

Panel D

Presiding Officer Brent C. Eckersley, Esq.

The following 1 item was for consideration by Panel D:

10. **Case 2020-021**
Robert Ortiz v. Service Employees International Union, Local 1107
The panel deliberated on the Joint Status Report, as well as the decision of the SEIU Executive Board decision dated January 31, 2022 and came to the following decision: (1) that the stay be lifted and (2) that SEIU should be responsible to file the motion to defer.

The Board Sitting *En Banc*

Presiding Officer Brent C. Eckersley, Esq.

The following 3 items were for consideration by the full Board:

11. **Issues Related to a Return to In-Person Meetings**
Commissioner Snyder mentioned there are several issues that need to be discussed in relation to the return of in-person meetings, which would now occur beginning in May 2022. These are:

Minutes of Open Meeting

March 8-10, 2022 (*En Banc, Panel D, Panel E*)

Page 4

- a. Requirement that the meeting start no earlier than 9:00 a.m.
The department has stated that any in-person meetings should not begin prior to 9:00 a.m. for IT staff to assist in starting and trouble-shooting any video-conferencing equipment. Commissioner Snyder noted that the EMRB is the only board within the department to not begin at 9:00 a.m. or later.

- b. Search to find a location in the Carson City/Reno area
The department has stated that it would no longer wish to hold EMRB meetings in the Director's Office building as the rooms are not suited to large crowds. Additionally, the path to get from the reception area to the conference rooms passes employees working at their desks and that use of the rooms takes IT staff away from their other duties. Staff has attempted to find an alternate site and the Division of Human Resource Management has offered to the EMRB the use of conference rooms under its control located in the State Library and Archives Building. There are two different size rooms that could be used and all have new video-conferencing equipment, which is waiting for a test to be conducted to the Nevada State Business Center. This building is part of the Capitol Complex in Carson City and is within a short walking distance of both DHRM and the Office of the Attorney General, two offices which often attend our meetings.

- c. Alternatives for Board to attend (i.e., in-person; video-conference; WebEx)
Commissioner Snyder mentioned that the meetings could be set up the way they were prior to the pandemic, with staff and Board members located in Southern Nevada attending at the Nevada State Business Center while Board members located in Northern Nevada would attend in Carson City. The Board also agreed to allow Board members to attend via WebEx when their personal presence would otherwise only be via video-conference.

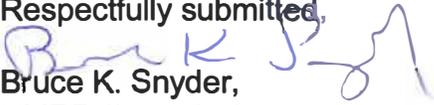
- d. Travel budget reductions
Commissioner Snyder mentioned that the amount of the agency's travel budget is currently based on the amount of travel funds used in a "base" year. The current budget is \$2,868 per year. Prior to the pandemic the EMRB spent an average of \$13,644 per year over the prior two fiscal years. This problem is not unique to the EMRB. In fact, agencies across the State that did not travel during the pandemic had their current budget levels reduced based on the base year, which because of the pandemic, were much less. He mentioned that the only solution would be to request a work program (i.e., budget amendment), which would require approval by the Interim Finance Committee, which is a committee of legislators. Without such authorization, travel of Board members from north to south or vice versa would be non-existent. It was the consensus of the Board to request a work program, if for no other reason to have the funds available should they be needed for travel to a rural area in the state or similar circumstances.

- e. COVID mitigation measures
Commissioner Snyder raised the issue of whether the public should attend in person or whether they should attend via WebEx. He offered the example of the

Real Estate Commission, which is within the department, who only allows the public to attend via WebEx unless they are part of a hearing. It was the consensus to allow the public to attend in-person and to make available masks, sanitizers and other mitigation measures for those who wanted to use such items.

12. Additional Period of Public Comment
No public comment was offered.

13. Adjournment
There being no additional business to conduct, Chair Brent C. Eckersley, Esq. adjourned the meeting.

Respectfully submitted,

Bruce K. Snyder,
EMRB Commissioner