

JOE LOMBARDO
Governor

Members of the Board

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SANDRA MASTERS, Vice-Chair
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BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

3300 West Sahara Avenue, Suite 490, Las Vegas, Nevada 89102
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March 14, 2023

NOTICE OF PUBLIC MEETING
(Meeting No. 23-02)

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 **Panel D** on:

Tuesday, March 21, 2023, at 8:15 a.m. The meeting will be held in the Tahoe Room, which is located on the fourth floor of the Nevada State Business Center, 3300 West Sahara Avenue, Las Vegas, Nevada 89102. The meeting will also be held virtually using a remote technology system called WebEx. Accordingly, any person planning to participate in the meeting who does not wish to attend in-person must participate by using WebEx.

WebEx Link

There are two ways to join the meeting to hear, observe and participate using WebEx. If you would like to hear, observe 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 alternately click on the green join meeting button contained within the e-mail you received.

Meeting number: 2483 695 8496

Password: DwgPdQPE942

<https://businessnv2.webex.com/businessnv2/j.php?MTID=m7a6541540a1c442c04bdf1c281816668>

If you would like to join the meeting by telephone to hear and participate in the meeting, but not observe the meeting, then follow the instructions below:

Join by phone
1-844-621-3956 United States Toll Free
Access code: 2483 695 8496

Chair Eckersley shall be the Presiding Officer of the Board sitting *en banc* and also of 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 9 items are for consideration by the full Board:

1. **Call to Order & Roll Call** *Information Only*
2. **Pledge of Allegiance** *Information Only*
3. **Notice of Appointment & Oath of Office** *Information Only*
Board Secretary to announce that then Governor Sisolak had appointed Tammara M. Williams to the Board with a term expiring June 20, 2026, and also Michael A. Urban to the Board with a term expiring June 30, 2025. The ceremonial oath of office will then be given by the Board Secretary to each new member.
4. **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 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.
5. **Case 2021-002** *For Possible Action*
Nevada Association of Public Safety Officers v. Las Vegas Metropolitan Police Department & Las Vegas Police Protective Association
Deliberation and decision on the Joint Status Report.

6. **Case 2022-010** ***For Possible Action***
FOP Nevada C.O. Lodge 21 v. State of Nevada, Department of Corrections, NDOC Director Charles Daniels
Deliberation and decision on the Stipulation to Dismiss Complaint Without Prejudice.

7. **Case 2022-011** ***For Possible Action***
Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department with Intervenor Las Vegas Police Managers and Supervisors Association
Deliberation and decision on the Stipulation and Order for Dismissal With Prejudice.

8. **Case 2021-008; 2021-012; 2021-013; 2021-015** ***For Possible Action***
Las Vegas City Employees' Association & Julie Terry v. City of Las Vegas; Las Vegas City Employees' Association & Jody Gleed v. City of Las Vegas; Las Vegas City Employees' Association & Marc Brooks v. City of Las Vegas; and International Association of Fire Fighters, Local 1285 v. City of Las Vegas
Oral argument by the parties on City of Las Vegas' Motion to Dismiss for Failure to Exhaust Contractual Remedies and Motion to Defer to Arbitration Proceedings. Deliberation and decision on the same. This item is set for a time certain at 8:30 a.m.

9. **Resetting of Panel Membership** ***For Possible Action***
Panel C currently does not meet the requirements of NRS 288.090(3) as a legal panel. Deliberation and decision on moving members between panels in order to remedy the situation.

Panel D

The following 1 item is for consideration by Panel D:

10. **Case 2018-017** ***For Possible Action***
Las Vegas Metropolitan Police Department v. Las Vegas Police Protective Association
Pursuant to NAC 288.271(2)(c) the Commissioner had previously randomly selected Vice-Chair Sandra Masters to fill the vacancy on the panel. Deliberation and decision on the Stipulation and Order for Dismissal With Prejudice.

The Board Sitting *En Banc*

The following 10 items are for consideration by the full Board:

11. **Case 2023-003** ***For Possible Action***
Nevada Police Union v. Joe Lombardo & Aaron Ford
Recommendations of the Commissioner to (1) shorten the time for the filing of any prehearing statements; (2) on granting a hearing on the case at the earliest opportunity possible (possibly April 11, 2023); (3) to resolve any pending motions, if any, at the beginning of the hearing; and (4) that oral closing arguments be made at the end of the

case and that the Board deliberate and decide the case upon conclusion of the hearing. Deliberation and decision on the status and progress of the case, including, but not limited to, dismissal of the case, the granting of a hearing for the case, whether to stay the case pursuant to the limited deferral doctrine, and/or whether to order a settlement conference for the case. If a hearing is granted, then the case shall also be randomly assigned to a hearing panel. This item is set for a time certain at 9:30 a.m. The Commissioner is also recommending that the attorneys for the parties be allowed to express support for or against the recommendations prior to Board deliberation on the recommendations.

12. **Case 2022-018** ***For Possible Action***
International Union of Elevator Constructors Local 18 v. Clark County and Counterclaim of Clark County v. International Union of Elevator Constructors Local 18
Deliberation and decision on the status and progress of the case, including, but not limited to, dismissal of the case, the granting of a hearing for the case, whether to stay the case pursuant to the limited deferral doctrine, and/or whether to order a settlement conference for the case. If a hearing is granted, then the case shall also be randomly assigned to a hearing panel.
13. **Case 2020-031** ***For Possible Action***
Henderson Police Supervisors Association v. City of Henderson et al.
Deliberation and decision on the Motion for Leave to File Second Amended Complaint and for Withdrawal of Stay and Resetting for Hearing.
14. **Approval of the Minutes** ***For Possible Action***
For possible action on the minutes of the meeting held February 14-16, 2023.
15. **Move to Suite 490** ***For Possible Action***
Recap of the move from Suite 260 to Suite 490 on or about March 1, 2023. Also, deliberation and decision on naming the two conference rooms.
16. **Revisit on the Issue of a Moment of Silence** ***For Possible Action***
The Board previously tabled whether to have a moment of silence at the beginning of each meeting, agreeing it would revisit the issue once the Board had a full complement of Board members. Deliberation and decision on whether to do so.
17. **Report Related to Executive Order 2023-003** ***For Possible Action***
Executive Order 2023-003 requires each agency to submit a list of 10 regulations for possible elimination and also to submit proposed changes that can be streamlined, clarified, reduced, or otherwise improved to ensure that the regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. Deliberation and decision on the list of such regulations for submittal to the Director as the first step in compliance with the Executive Order. Note: Once the list is ultimately reviewed by the Governor's Office, and either agreed to or changed, then the normal process for amending the agency's regulations will need to be undertaken, including the holding of a workshop and public hearing, followed by Board approval, all before submittal of the proposed changes to the Legislative Commission.

- 18. Legislative Update** ***For Possible Action***
Review of pending legislation affecting the EMRB and/or public sector collective bargaining. Status of the budget for the agency. Discussion on the board pay issue. Deliberation and possible action on any such legislative issues as may be warranted.
- 19. Additional Period of Public Comment** ***Information Only***
Please refer to agenda item 4 for any rules pertaining to public comment.
- 20. 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):

Government Employee-Management Relations Board, 3300 W. Sahara Avenue, Suite 490, Las Vegas, Nevada
Department of Business & Industry, 3300 W. Sahara Avenue, Fourth Floor, Las Vegas, Nevada
Department of Business & Industry, 1830 College Parkway, Suite 100, Carson City, Nevada
Nevada State Library, 201 S. Carson Street, #100, Carson, City, Nevada
Department of Administration Public Meeting Notice Web Site: <http://notice.nv.gov/>
Government Employee-Management Relations Board Web Site: <http://emrb.nv.gov>

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. A link to the supporting materials may also be found on the agency's website next to the agenda for the meeting, which will be posted three business days before the hearing.

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 | Tammara M. Williams |
| B | Sandra Masters | Michael J. Smith | Tammara M. Williams |
| C | Michael J. Smith | Tammara M. Williams | Michael A. Urban, Esq. |
| D | Brent C. Eckersley, Esq. | Michael J. Smith | Michael A. Urban, Esq. |
| E | Brent C. Eckersley, Esq. | Sandra Masters | Michael A. Urban, Esq. |

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.