

STATE OF NEVADA

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

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August 15, 2023

**MINUTES OF THE MEETING OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**
(Meeting No. 23-09)

A meeting of the Board sitting *en banc*, as well as of Panel E, of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, August 15, 2023. The meeting was held in the Carl Dodge Conference Room, which is located in Suite 490 of the Nevada State Business Center, 3300 West Sahara Avenue, Las Vegas, Nevada 89102. The meeting was also held virtually using a remote technology system called WebEx.

The following Board members were present:

Brent C. Eckersley, Esq., Chair
Michael J. Smith, Vice-Chair
Sandra Masters, Board Member
Michael A. Urban, Esq., Board Member

Also present:

Bruce K. Snyder, Commissioner
Marisu Romualdez Abellar, Executive Assistant
Isabel Franco, Administrative Assistant II
Samuel Taylor, Esq., Attorney General's Office

Members of the Public Present:

Frank Flaherty, Esq., Dyer Lawrence for ESEA
Betty Foley, Esq., Clark Co. School District
Sean Gallagher, NPOA President
Crystal Herrera, Esq., Clark Co. School District
David Myers
Rosa Myers
Andrew Regenbaum, Esq., for NPOA
Andrew Risheg, Operations Manager, ESEA
Bradley Schrager, Esq., Wolf, Rifkin, Shapiro,
Schulman & Rabkin, LLP, for CCEA
Steve Sorensen, Esq., CCEA

Shauna Tilley, Governor's Office of Finance

The agenda:

The Board Sitting *En Banc*
(Presiding Officer Eckersley)

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

1. Opening Items

The meeting was called to order by Chair Brent C. Eckersley, Esq. at 8:15 a.m. On roll call all members were present except for Board Member Williams, who was mark excused. Thus, a quorum was present. A moment of silence was then observed, followed by the Pledge of Allegiance.

2. Public Comment

No public comment was offered.

3. Approval of the Minutes

Upon motion, the Board approved the minutes of the meeting held July 19, 2023, as presented.

Panel E
(Presiding Officer Eckersley)

The following 1 item was for consideration by Panel E:

4. Case 2022-019

International Union of Operating Engineers, Local 501 v. University Medical Center of Southern Nevada

Board Member Williams, being absent, was randomly replaced by Vice-Chair Smith. Upon motion, the Panel granted the Stipulation for Dismissal, as presented.

The Board Sitting *En Banc*
(Presiding Officer Eckersley)

The following 12 items were for consideration by the full Board:

5. Case 2022-007

Las Vegas Peace Officers Association & Candace Chambers v. City of Las Vegas

The Board deliberated on the Joint Status Report, and upon motion, lifted the stay and ordered the City of Las Vegas to file a motion to defer or such similar document within 21 days of the entry of the notice of order.

6. **Case 2023-009**
Clark County Education Association v. Clark County School District with Intervenor Education Support Employees Association
Upon motion, the Board granted a hearing in the case. The case was then randomly assigned to Panel B. Commissioner Snyder stated that he would scheduled the hearing for October 17, 2023. Vice-Chair Smith stated he would be unavailable that day and thus Board Member Urban was randomly selected to take his place on the panel.
7. **Case 2023-010**
Clark County Education Association v. Clark County School District
Upon motion, the Board granted a hearing in the case.
8. **Case 2023-014**
Clark County Education Association v. Clark County School District
Upon motion, the Board granted a hearing in the case.
9. **Case 2023-018**
Clark County Education Association v. Clark County School District
Upon motion, the Board granted a hearing in the case. The Board also ordered the parties to submit their prehearing statements within seven days of the notice of entry of the order related to item 11 on the agenda or by August 21, 2023, whichever is earlier.
10. **Case 2023-020**
Clark County School District v. Clark County Education Association
Chrystal Herrera stated that this case should be heard on an expedited basis given its significance. Bradley Schragger stated that an answer is not yet due in the case and that the Respondent has due process rights which must be recognized. Ms. Herrera thereupon stated that an answer is not required for the Board to decide to set a hearing. She also stated that facts will be considered by the District Court when the companion case is heard on August 22nd. Mr. Schragger stated that the Respondent will likely be filing a motion to dismiss and thus that would need to first be resolved before any hearing on the matter.

The Board deliberated on the case and the issues listed in the agenda and, upon motion, imposed a stay in the case pending resolution of District Court case A-23-874996-C and further ordered the parties to file a Joint Status Report within three days of the entry of any order in the case.
11. **Decision on Consolidating Cases Listed Above**
The attorneys of record for cases 6 through 10 listed above appeared before the Board and gave their reasons as to why some of those cases should/should not be consolidated pursuant to NAC 288.275. Specifically, Frank Flaherty stated that case 2023-009 was different than the other cases for several reasons: (1) it involves an intervenor; (2) it does not directly concern bargaining over a successor agreement as do the other cases; and (3) many of the witnesses would be different. He also stated that ESEA would be prejudiced by having to pay him to sit through several days of

consolidated cases when only one case would pertain to ESEA. Steve Sorensen agreed except to state that 20230-020 was unique enough that it should not be consolidated. Ms. Herrera stated the cases were unique enough to not be consolidated and also stated that 2023-020 should be granted priority. She further noted that the prehearing statements for 2023-018 has not yet been filed and that a new case, 2023-021, was recently filed that is not on this agenda. Mr. Sorensen stated that 2023-021 could be considered for consolidation at a future meeting but that it is not on today's agenda.

The Board then deliberated on the matter, and upon motion, decided to consolidate the following cases: 2023-010, 2023-014 and 2023-018. Commissioner Snyder stated that the cases would be set for hearing for November 7-9, 2023. The consolidated cases were then randomly assigned to Panel C.

12. Case 2023-013

Rosa Myers v. City of Reno & Reno Fire Department

The Board deliberated on the Motion to Dismiss Prohibited Practices Complaint, and came to no decision on the pending motion. The Board further directed the Commissioner to contact the parties to ask them to file documents relevant to any underlying grievance, including documents related to the status of any such grievances.

13. Assignment of Job Classifications to New State Units

Commissioner Snyder stated that Senate Bill 166 created four new state supervisory bargaining units. He then proceeded to outline the process used in 2019 for assigning specific job classifications to each of the original eleven bargaining units and proposed that the same process be used pursuant to NRS 288.515(2) for the four new bargaining units. Accordingly, the State's recommendations would be published tomorrow, which would give any labor organization the right to object to any of those recommendations by September 5, 2023. Any objections would then be resolved by the Board on September 20, 2023. Upon motion, the Board approved the plan as presented.

14. Report on Regulations Workshop #1

Commissioner Snyder reported on the comments received at the regulations workshop held on August 10th. Based on those comments, the Board, upon motion, decided against removing items 1, 2, 5, 6, and 10 on the initial list of regulations to be removed. The Commissioner stated that the next step would be to get the Legislative Counsel Bureau to formalize the draft.

15. Additional Period of Public Comment

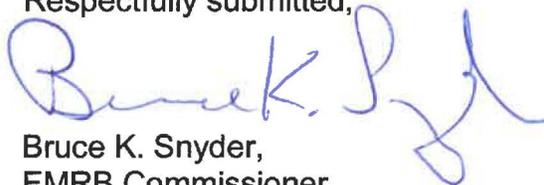
No public comment was offered.

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16. Adjournment

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bruce K. Snyder", is written over the typed name.

Bruce K. Snyder,
EMRB Commissioner