

STATE OF NEVADA

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Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

July 10, 2024

**MINUTES OF THE MEETING OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**
(Meeting No. 24-10)

A meeting of the Board sitting *en banc* and of Panel A of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Wednesday, July 10, 2024 at 8:45 a.m. The meeting was held in the Carl Dodge Conference Room, located in the EMRB Office located on the fourth floor of the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, NV 89102. The meeting was also held virtually via WebEx.

The following Board members were present:

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

Also present:

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

Members of the Public Present:

Andrea Kelly, Humboldt County School District
Support Staff Organization
Billie Jo Hogan, Lyon County School District
Josh Reid, Attorney General's Office
Steve Sorensen, Attorney General's Office
Matthew Lee, Labor Relations Unit
Janice Willhite, Labor Relations Unit
Stacy Dunlap, Labor Relations Unit
Sherry Olson, NSHE
Nathan Ring, Esq., Reese Ring Velto
Tom Donaldson, Dyer Lawrence
Anthony Hall, Simons Hall Johnston
Joel W. Locke, Esq., Allison Mackenzie
Carolyn Renner, Esq., Maupin, Cox & LeGoy

Lalo Macias, AFSCME
EJ Serrano, AFSCME
Virginia Doran, NSEA
Alan Gumm, NSEA
Dawn Huckaby, Lyon County School District
Susan Herron

The agenda:

The Board Sitting *En Banc*

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

1. Opening Items

The meeting was called to order by Chair Eckersley on Wednesday, July 10, 2024 at 8:45 a.m. On roll call all members were present. Thus, a quorum was present. The Pledge of Allegiance was recited followed by a moment of silence.

2. Public Comment

Commissioner Snyder stated that he received written public comment from employees of the Washoe County School District and that he had already distributed the public comment to the Board. He also stated that the public comment would be attached to the minutes for this meeting.

3. Approval of the Minutes

The Board approved the minutes of the meeting held June 10-11, 2024, as presented. The Board also approved the minutes of the meeting held June 27, 2024, as presented.

Panel A

(Eckersley, Masters, Williams)

The following 1 item was for consideration by Panel A:

4. Case 2021-005

Las Vegas Police Protective Association v. City of Las Vegas

The Panel deliberated on the Joint Status Report but took no action at this time. The next report will be due at the end of November 2024.

The Board Sitting *En Banc*

The following 17 items are for consideration by the full Board:

5. **Case 2023-032**
North Las Vegas Police Supervisors' Association, Inc. v. City of North Las Vegas and City of North Las Vegas v. North Las Vegas Police Supervisors' Association, Inc.
Upon motion, the Board granted the Stipulation and Order to Dismiss With Prejudice, as presented.
6. **Case 2023-028**
AFSCME, Local 4041 v. State of Nevada, Department of Employment, Training and Rehabilitation
Upon motion, the Board granted the Stipulation to Dismiss, as presented.
7. **Case 2020-020**
AFSCME, Local 4041 & Shari Kassebaum v. State of Nevada et al.
The Board deliberated on the Joint Status Report but took no action at this time. The next report will be due the end of September, which will need to address steps taken to attempt to obtain a hearing date and reasons why a hearing date has not yet been obtained.
8. **Case 2023-019**
AFSCME, Local 4041 v. State of Nevada, Department of Veterans Services, Southern Nevada State Veterans Home
The Board took up this item and the following item at the same time. The Board then deliberated on the Joint Status Report filed for both cases and (1) consolidated the cases pursuant to NAC 288.275; (2) stayed the consolidated case pending the arbitration of an underlying grievance; and (3) that the next Joint Status Report will be in three months at a date set by the Commissioner or within three days of receipt of the arbitrator's decision.
9. **Case 2023-029**
AFSCME, Local 4041 v. State of Nevada. State of Nevada, Department of Veterans Services, Southern Nevada State Veterans Home
The Board took up this item and the previous item at the same time. Please see the minutes for agenda item 8 for action taken on this case.
10. **Setting of Future Board Meeting Dates**
The Board reviewed the calendar for the last quarter of calendar year 2024, and upon motion, set the following dates for Board meetings: October 3-4, 2024; October 9, 2024; November 18-19, 2024; and December 9-11, 2024.
11. **Case 2024-006**
Lyon County Education Association v. Lyon County School District
Upon motion, the Board ordered a settlement conference and granted a hearing in the case. The case was then randomly assigned to Panel A. The hearing will be held October 3-4, 2024.

- 12. Case 2024-017**
Humboldt County Support Staff Organization, Olga Mejia and Andrea Kelly v. Humboldt County School District, Pam Barber and Dave Jensen
Upon motion, the Board ordered a settlement conference and granted a hearing in the case. The case was then randomly assigned to Panel D. The hearing will be held November 18-19, 2024.
- 13. Commissioner Letter of Resignation**
Commissioner Snyder presented his letter of resignation and stated that the signed version will be given to the Board Secretary.
- 14. Commissioner Job Announcement**
Commissioner Snyder stated that job announcement was revised as discussed at the last meeting by adding the section entitled "Selection Process." He further stated that salary listed on page 1 has been increased by 11% as that is the raise that was given as of July 1, 2024 to all employees pursuant to Assembly Bill 522 of the last legislative session. Upon motion, the Board approved the job announcement with one change to list October 9, 2024 as the date set for interviews. Commissioner Snyder then stated that in addition to posting the job announcement on the State's job vacancies website for unclassified jobs and sending the job announcement to everyone on the EMRB's mailing lists, he also has agreements for the Labor and Employment Section of the State Bar of Nevada and two management trade groups to also post the position and send blast e-mails to their members.
- 15. Case 2024-020**
In re: Petition of American Federation of State, County & Municipal Employees, Local 4041
Commissioner Snyder presented the audit report for the request for election filed by AFSCME, Local 4041. The audit report shows that the petitioner has met the requirements of NRS 288.525(1) and specifically that the audit shows support of 33.2%, which exceeds the minimum threshold of 30% for an election to be called.

Commissioner Snyder then went through the provisions of the election plan and associated documents. Upon motion, the Board ordered that an election be held and adopted the election plan and associated documents with the changes agreed to by the parties for Section 2.05 concerning campaigning.
- 16. Case 2024-015**
Susan Herron v. Incline Village General Improvement District
The Board deliberated on Respondent's Motion to Dismiss, and upon motion, denied the motion to dismiss and granted a hearing to be held in due course.
- 17. Case CV24-01409 in Second Judicial District**
Association of Professional-Technical Administrators v. State of Nevada Government Employee-Management Relations Board; and Washoe County School District

Chair Eckersley reported that he had approved the EMRB participating in the Petition for Judicial Review in the above-entitled case.

18. Possible Board Training Topics

Commissioner Snyder stated that the action plan related to the agency's strategic plan makes this the time to request possible training topics for Board members and thus he was open to suggestions from the Board at this time. Some of the Board members expressed interest in having hearing officers provide their tips on how they conduct hearings. Commissioner Snyder stated he will work to get such training arranged.

19. Election of Chair and Vice Chair

Upon motion, and pursuant to NRS 288.090, the Board elected Brent Eckersley as Chair and Michael Smith as Vice-Chair for Fiscal Year 2025.

20. Additional Period of Public Comment

No public comment was offered.

21. Adjournment

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

Respectfully submitted,


Bruce K. Snyder,
EMRB Commissioner

EMRB

From: Publico, Adriana <APublico@WashoeSchools.net>
Sent: Monday, July 08, 2024 11:33 AM
To: EMRB
Cc: Barclay, Scott; McMillen, Tony; McNeill, Lisa
Subject: Public Comment Regarding Item 17 on EMRB July 10, 2024 (24-10) Meeting Agenda
Attachments: Attachment A Written Withdrawal by APTA - ProTechs.pdf; Attachment A Written Withdrawal by APTA - School Psychologists.pdf

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To the Nevada Employee-Management Relations Board:

We the undersigned leadership of the Washoe Professional Technical Association (WPTA) and School Psychologist Association of Washoe (SPAW) would like to ensure that the EMRB is aware that the Association of Professional-Technical Administrators (APTA) no longer represents any Washoe County School District employees. Up until January 2024, APTA represented both the Professional Technical employees and the School Psychologists employed by the Washoe County School District. In January 2024, the Washoe County School District Board of Trustees (WCSD BOT) recognized WPTA as the exclusive bargaining agent of the Professional Technical employees and in June 2024 the WCSD BOT recognized SPAW as the exclusive bargaining agent of the School Psychologists. These withdrawals from APTA were voluntary and were made with the overwhelming support of Professional Technical employees and School Psychologists.

Here are the relevant ballot results, excerpted from WCSD BOT Meeting Materials:

From the January 9, 2024 WCSD BOT Meeting Materials:

1. Are you in favor of Pro-Techs leaving APTA and forming their own employee organization (association)? *

Yes

No

As of January 3, at the close of voting, of 183 non-confidential Professional-Technical Employees, 146 (80%) voted Yes and 5 (3%) voted No.

All APTA-Eligible Employees	Total #	# Yes Votes	# No Votes	% Yes Vote
Non-Confidential ProTechs	183	146	5	79.78%
School Psychologists	45	0	3	0.00%
Combined Total	228	146	8	64.04%

From the June 25, 2024 WCSD BOT Meeting Materials:

Option 1

The psychologist department will pursue steps to create a new, psychologist only association.

Option 2

The school psychologist department will seek to join the principal's association.

All APTA eligible employees	Total number	# of option 1 votes	# of option 2 votes
School psychologists	41	28	0

I am attaching Written Withdrawal notices from groups, also from the WCSD BOT Meeting Materials.

Feel free to contact us if you have any clarifying questions. I have an all-day meeting on July 10, but Tony McMillen should be available and possibly in attendance during the EMRB meetings that day.

Thank you,

Adriana Publico, WPTA President, Former APTA Vice President
Scott Barclay, SPAW President and APTA Past President
Tony McMillen, WPTA and APTA Past President
Lisa McNeill, Former WPTA and APTA ProTech Representative

From: [Publico, Adriana](#)
To: [Smith, Elizabeth A](#); [McNeill, Kristen M](#)
Cc: [McMillen, Tony](#); [McNeill, Lisa](#); [Frank, Naveed](#); [Rombardo, Neil](#)
Subject: Voluntary Withdrawal Notice
Date: Wednesday, December 27, 2023 1:56:26 PM

President Smith and Interim Superintendent McNeill,

We the undersigned, the Professional-Technical Representatives of the Association of Professional & Technical Administrators' (APTA) Executive Board, voluntarily withdraw APTA as the exclusive bargaining representative for Washoe County School District's (WCSD) Professional-Technical Employees per NAC 288.145.

APTA is currently the exclusive bargaining representative for 228 WCSD employees, numbering 183 non-confidential Professional-Technical employees and 45 School Psychologists. The majority of affected employees have voted in favor of leaving APTA to form a separate employee organization to serve as the exclusive bargaining representative for the Professional-Technical employees.

The vote counts as of 12/26/23 are listed below:

All APTA-Eligible Employees	Total #	# Yes Votes	% Yes Vote
Non-Confidential ProTechs	183	124	67.8%
School Psychologists	45	0	0%
Combined Total	228	124	54.4%

Dues-paying APTA Members	Total #	# Yes Votes	% Yes Vote
Non-Confidential ProTechs	122	97	79.5%
School Psychologists	44	0	0.0%
Combined Total	166	97	58.4%

Please reach out if you have any questions or require any additional information.

Sincerely,

Adriana Publico, APTA Vice President
 Tony McMillen, APTA Past President
 Lisa McNeill, APTA Pro-Tech Representative
 Naveed Frank, APTA Treasurer

June 18, 2024

Board of Trustees

Washoe County School District

Reno, NV.

To President Smith and Interim Superintendent McNeill,

We the members and eligible members, school psychologists, voluntarily withdrawal from the Association of Professional and Technical Administrators (APTA), the exclusive bargaining unit representative with the Washoe County School District (WCSD) per NAC 288.145.

The members of the school psychologist department participated in the following vote:

In response to Dr. McNeill's email, the recent EMRB rulings, and the fact that APTA is not recognized by WCSD, how would you like to proceed as a department:

Option 1

The psychologists may seek to join one of the other recognized associations **OR** the psychologists may decide to remain unorganized **OR** psychologists can form a new union.

Option 2

Support current board members and lawyers of "APTA" to attempt to regain WCSD's recognition as a collective bargaining unit.

All APTA eligible employees	Total number	# of option 1 votes	# of option 2 votes
School psychologists	41	34	2

Current WCSD employees are currently unorganized, comprised of 41 school psychologists. Of these employees, 32 have voted in favor of leaving APTA to form a separate employee organization to serve as the exclusive bargaining representative for the school psychologists.

A further vote was sent to the members and eligible members, the school psychologists, with the following results:

Formal Open Vote to Create New Association or Join Existing

In response to the poll that members recently completed, this is an official vote on how you want our department to proceed.

Option 1

The psychologist department will pursue steps to create a new, psychologist only association.

Option 2

The school psychologist department will seek to join the principal's association.

All APTA eligible employees	Total number	# of option 1 votes	# of option 2 votes
School psychologists	41	28	0

NAC 288.145 - Withdrawal of recognition of organization by local government employer

1. In addition to the reasons set forth in subsection 3 of NRS 288.160, a local government employer may withdraw recognition of an employee organization if the employee organization:

(a) Voluntarily withdraws in writing as the bargaining representative; or

(b) Fails to notify the employer pursuant to NRS 288.180 that it desires to negotiate.

2. Except as otherwise provided in NAC 288.146, a local government employer must request a hearing before the Board and receive the written permission of the Board before withdrawing recognition of an employee organization for any reason other than voluntary withdrawal.

Nev. Admin. Code § 288.145

Sincerely,

SPAW President