

STATE OF NEVADA

JOE LOMBARDO
Governor

Members of the Board
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



DR. KRISTOPHER SANCHEZ
Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

December 10, 2024

**MINUTES OF THE MEETING OF THE GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**
(Meeting No. 24-17)

A meeting of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Monday, December 9, 2024 at 8:15 a.m. The meeting was held in the Carl Dodge Conference Room, which is located in the EMRB Office 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 Teams.

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

Members of the Public Present:

Andrew Clark, Esq., Littler Mendelson
Paul Cotsonis, Esq., Reese Ring Velto
Nick Crosby, Esq., Marquis Aurbach
Dylan Lawter, Esq., Christensen James & Martin
Adam Levine, Esq., Daniel Marks & Associates
Nathan Ring, Esq., Reese Ring Velto
Judy Sanderlin, Fisher Phillips
Bradley Schrager, Esq., Bravo Schrager
Jonathan Allen-Ricksecker, FOP Lodge 21
Jeremy Bean, Warden, High Desert State Prison
Bernadette Francis, GGRM Law
Michael Greci, FOP Lodge 21
Kevin Jacobo-Giron
Michael Lee, FOP Lodge 21

Matthew Leong, FOP Lodge 21
Brandon Marcano, FOP Lodge 21
Larry Nava, FOP Lodge 21
Brenda Pappas, CCWRD
Dshamba Prater, FOP, Lodge 21
Donald Southworth, Dept. of Corrections
David Stoft, CCWRD
Tara Teegarden, CCWRD
Michael Thompson, FOP Lodge 21
Richard Wesling, FOP Lodge 21
Russell Wright, FOP Lodge 21

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 roll call all members of Panel A were present. Thus, a quorum was present. The pledge of allegiance was recited followed by a moment of silence.

2. Public Comment

Jonathan Allen-Ricksecker read from his written public comment, a copy of which is attached.

Brandon Marcano read from his written public comment, a copy of which is attached.

Corrections Officer Michael Greci stated he is a search and escort officer. As such, he noted that the biggest problem is a lack of radios. In addition, they cannot determine from the computer system the custody/classification levels of the inmates. Management also has mixed protective custody inmates with the general population, which results in more instances of force needing to be used. He further stated he had previously worked at the prison in Ely and that High Desert State Prison is not set up for maximum security inmates. One example is that the shower cages are not safe, allowing inmates to retrieve home-made weapons and go after the officers.

Corrections Officer Larry Nava stated he has been with the department for five years and complained that there is no canine unit, despite his efforts which have found both the necessary dogs and funds to accomplish this.

Corrections Officer Michael Lee stated that an inmate propelled liquids on him recently. He also stated he previously had worked at the Clark County Detention Center. He noted that although High Desert State Prison is now a maximum security prison it is not run like one – and that this is at the expense of the safety of the officers. He further noted that the radios do not work and that there is a lack of training.

Corrections Officer Michael Thompson stated he is the Vice-President of FOP Lodge 21 and as such he has a decent amount of communication with the administrators at High Desert State Prison. He also stated that since the exchange of prisoners it has become a circus at the prison. He further noted that the lack of radios, stating that the movement of inmates is not itself the issue but, rather, it is the lack of radios and the safety problems resulting therefrom. He believes that the department is negligent in this respect.

Corrections Officer Russell Wright stated he works at High Desert State Prison and that another issue is poor communication with the supervisory staff. He also stated that the computers are outdated.

3. Approval of the Minutes

Upon motion, the Board approved the minutes for the meeting of November 6-8, 2024, as presented.

Panel C

(Smith, Masters, Williams)

The following 1 item was for consideration by Panel C:

4. Case 2024-010

Nevada Service Employees Union v. Clark County

Pursuant to NAC 288.271(2)(c), Board Member Tammara Williams was randomly assigned to substitute for Board Member Michael A. Urban, Esq., who recused himself from the matter. Upon motion, the Panel granted the Stipulation to Dismiss, as presented.

The Board Sitting *En Banc*

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

5. Case 2024-024

Nevada Service Employees Union v. Clark County

Upon motion, the Board granted the Stipulation to Dismiss, as presented.

6. Case 2024-018

Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

The Board has previously granted a hearing. The case was randomly assigned to Panel C. The Board then set the hearing for March 13-14, 2025.

(cont'd on next page)

7. **Consolidated Case 2024-029 (with Case 2023-020)**
In Re: Clark County Education Association's Petition for Declaratory Order (consolidated with Clark County School District v. Clark County Education Association)

The Board has previously granted a hearing for the last week in January. The Commissioner announced that he was designating the case as one of statewide significance, which would have the effect of keeping the case before the full Board.

Upon motion, the Board granted the Proposed Stipulation, with one exception; namely crossing out the first sentence on page 3 of the proposed stipulation. The Board then set January 30-31, 2025 for hearing and deliberating on any and all motions. The Board also set March 31 to April 2, 2025 as the dates for the hearing.

8. **Case 2024-015**
Susan Herron v. Incline Village General Improvement District

Upon morion, the Board granted a hearing for the case, which was then randomly assigned to Panel A. The Board then set the hearing for April 28-30, 2025.

9. **Case 2024-022**
Shelia Leijon v. Incline Village General Improvement District

Upon morion, the Board granted a hearing for the case, which was then randomly assigned to Panel B. The Board then set the hearing for March 4-6, 2025.

10. **Case 2024-032**
Education Support Employees Association v. Clark County School District

Upon morion, the Board granted a hearing for the case, which was then randomly assigned to Panel D. The Board then set the hearing for January 29-30, 2025.

Panel A

(Eckersley, Masters, Williams)

The following 2 items were for consideration by Panel A:

11. **Case 2021-005**
Las Vegas Police Protective Association v. City of Las Vegas

The Board took no action at this time on the Joint Status Report. The next report will be due February 28, 2025.

12. **Case 2024-014**
Clark County Defenders Union v. Clark County

Panel A deliberated on the hearing previously held, and upon motion, decided as follows: (1) that both parties engaged in bad faith bargaining; (2) that the Board's order needs to be posted on a bulletin board where the public defenders work and on a bulletin board where the County Commission notices are posted; (3) that the employee organization needs to send a copy of the order to each of its members; (4) that the County management needs to send a copy of the order to each of the County

Commissioners; (5) that the parties shall refrain from engaging in such behavior in the future; (6) that the Respondent shall forward a copy of the order to the fact-finder; and (7) that all other requested relief is denied.

The Board Sitting *En Banc*

The following 4 items were for consideration by the full Board:

13. Case 2024-030

Nevada Service Employees Union v. Clark County Water Reclamation District

Board Member Urban recused himself from this case. The Board deliberated on Respondent Clark County Water Reclamation District's Motion to Dismiss the Nevada Service Employee Union's Complaint and Respondent's Request for Attorney Fees and Costs, and upon motion, came to the following decision: (1) to grant the motion to dismiss with prejudice and (2) to deny all other requested relief.

14. Case 2024-031

Fraternal Order of Police Nevada C.O. Lodge 21 v. Executive Department of the State of Nevada and its Department of Corrections

The Board deliberated on Respondent's Motion to Dismiss Complainant's Complaint, and upon motion, came to the following decision: (1) to grant the motion to dismiss without prejudice and (2) to deny all other requested relief.

15. Additional Period of Public Comment

No public comment was offered.

16. Adjournment

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

Respectfully submitted,

Bruce K. Snyder,
EMRB Commissioner

Case 2024-031 For Possible Action Fraternal Order of Police Nevada C.O. Lodge 21 v. Executive Department of the State of Nevada and its Department of Corrections Deliberation and decision on Respondent's Motion to Dismiss Complainant's Complaint

12 09 2024 EMRB Public Comment Item No. 14 - Case 2024-031

For the record My name is Jonathan Reid Allen-Ricksecker, I am a NDOC Correctional Officer assigned to High Desert State Prison, where I have been assigned since the prison's opening in the fall of September of 2000; I currently serve as the "Chairperson of Trustees" on (FOP) Nevada C.O. Lodge 21's Executive Board.

I am here to submit Public Comment for Item No. 14 - Case 2024-031 . I would like to thank the EMRB for the opportunity to address this issue this morning.

The case centers around the NDOC's refusal to negotiate the "**Safety of the employee.**" As required and enumerated as a mandatory bargaining subject under NRS 288.150(2)(r). This negotiation between the NDOC should have to occur prior to implementing a transfer of maximum custody inmates housed at Ely State Prison (ESP) to High Desert State Prison (HDSP) and Protective Custody inmates housed at HDSP to ESP.

Under the Occupational Safety and Health Act of 1970, which Nevada adopted in NRS Chapter 618 and other such standards contained within said chapter "...Employers are responsible for providing safe and healthful workplaces for their employees."

In 2012, an OSHA Area Director in Mississippi within a settlement case against The GEO Group INC, a correctional and detention organization said it best; "**Prisons may be an inherently dangerous workplaces, but the employer is still required to take every reasonable precaution to protect correctional officers and other staff against safety and health hazards, including assaults.**"

In this case just like the current issue before the EMRB; The NDOC put workers at risk of injury and or death from known and well-recognized hazards in order to complete an arbitrary timeline by failing **prior to the move** to address and or abate multiple and specific workplace hazards. The NDOC failed to engage in a meaningful dialog and or negotiate with FOP regarding elements of an effective workplace violence prevention program in respect to adopting **Administrative controls** including a job site hazard assessment, evaluation of existing controls, implementing new post orders, polices, and procedures and incident reviews. Other administrative controls would have included implementing an effective system to identify and warn staff of known hazards, threats, and dangers from specific inmates with documented histories of violence behavior toward staff and ensuring and providing accessible systems to line staff such as functional computer workstations. NDOC failed to address concerns about ineffective and unsafe **Engineering controls** such

as protective barriers, protective food flap boxes, effective and secured shower and recreational yard cages, security equipment, intercoms, and other known structural defects and deficiencies. The NDOC failed to engage in a meaningful dialogue and or negotiation with FOP regarding effective **Personal protective equipment** including the lack there of, including stab vest, helmets, puncture resistant gloves, gas masks, and SCBA gear. The NDOC failed prior to moving the inmates to adequately address safety concerns regarding competing necessary **training** to staff, (many of which are new hires,) that is specific and relevant to included training in subject matter such as: operations, procedural, tactics, riot control, self-defense, edged weapons, and the proper deployment and utilization of certain protective security and safety equipment. The NDOC failed to engage in a meaningful dialog with FOP in respect to concerns about inadequate **security staffing** in specific area's within each institute which has a significant negative impact to the mental and physical well-being of staff.

Other known deficiencies prior to the move included; failing to maintain, repair and or replace malfunctioning equipment such the main institutional radio system at HDSP along with the handheld radios and corresponding batteries; and or acquiring and maintaining a sufficient quantity of functional handheld radios for the staff on shift. Significant failures and lapses in safety concerns include: missing padlocks, malfunctioning cell doors and inoperable or broken food flaps; inoperable housing unit purge systems that remove smoke from fires and chemical agents ; failures to provide necessary and adequate safety training to staff; failing to acquire effective protective equipment and gear including less lethal platforms such as Tasers, Pepper Ball Launchers, and percussion and or chemical grenades. Similarly, the NDOC prior to the move unnecessarily exposed employees to workplace violence and since the move has willfully continued not to implement adequate, reasonable, and effective safety measures to protect employees and or reduce and or eliminate the likelihood of physical violent assaults against employees by inmates. Inmates have contrived methods to defeat certain less lethal force systems while engaging in deadly attacks against others; and for strictly political reasons the NDOC has willfully refused and continues to refuse to incorporate effective counter measures including lethal force options to deter and protect staff in key areas despite numerous pre- and post- move incidents of violent assaults, batteries, and multiple homicides by the same maximum custody inmates currently being housed at HDSP.

The State of Nevada and the NDOC management at all levels are aware of numerous past and present incidents of acts of workplace committed by inmates many within the "**close**" or "**maximum**" custody classification who routinely verbally abuse staff, physically injure and at times commit felonious assaults & batteries on officers, stabbings, and or routinely propel substances such as urine and or fecal matter on staff. The NDOC still

refuses to take effective measures to prevent and or deter these types of incidents. The NDOC routinely fails administerially to discipline violent inmates and the Attorney General's Office routinely fails to prosecute such felonious acts of workplace violence.

Thank you for your time and consideration.

Jonathan R. Allen-Rickskecker

Chairperson of Trustee's

FOP NV C.O. Lodge 21

Allenrickseckerfop21@yahoo.com

My name is Brandon Marcano and I am in charge of the FOP union lodge 21 uniform store. I have been a corrections officer at High Desert State Prison for 11 years. NDOC loves to tell the news safety and security is paramount, however any officer that works for the department knows that's the furthest from the truth.

FOP made NDOC aware of many safety and security challenges we would face by making HDSP a max prison. HDSP is not equipped to handle these inmates unless some major changes occurred. They failed to acknowledge these concerns and continued to do the transition to max anyway. Since we became max officers are being propelled on multiple times a day, inmates are kicking out of the shower and yard cages because they are not reinforced, many radios do not work and we do not have a radio for every officer, inmates are starting fires at an alarming rate, kicking open food flaps, blocking the locks on their food flaps and doors so they can open them anytime they want. These inmates aren't making small shanks anymore which are inmate made knives. They are making machetes which causes another challenge especially because we do not have a deadly force option anymore. Lack of training is another huge issue, NDOC states that staff have been trained for max inmates. Very little staff has had this training and from what I am hearing, this training is a joke. HDSP is also staffing the highest risk units with rookies, these units should be staffed with seasoned officers. Personal protective equipment is pretty much none existent. If a unit actually has latex gloves it's like hitting the lottery. Not to mention every officer should be issued a gas mask and a stab vest.

NDOC consistently cuts corners and violates policies which puts officers in jeopardy. Associate Wardens are paid to be in standby status as the administrative officer of the day, to respond to incidents and are refusing to drive out to HDSP and management these incidents.

NDOC caters to these problematic inmates and gives them whatever they want after they commit these heinous acts. Such as extra food, phones, TVs, and much more. NDOC is running this department like a children's daycare and not a max prison.

My current unit is a max segregation unit. In layman's terms they are the worst of the worst. Every time I come to work, there are broken windows, captured food flaps, fires, inmates propelling on staff, the unit not being properly staffed per operational procedure 326, and radios do not work. My other unit officers on all 3 shifts including myself have been reporting these issues to supervisors, Associate Wardens, Warden, Deputy Directors and the Director. NOTHING has been done to fix any of these issues. What happened to SAFETY AND SECURITY IS PARAMOUNT?

I would like to share a specific incident that I was involved in. 2 weeks ago, a few minutes into my shift 4 inmates started lighting fires on the tier. They were doing so by taking batteries and their state issued blankets to get the flame started, then they would continue to add items to the fire so it would get bigger. Let me highlight that these 4 inmates have had broken food flaps that did not close for over 5 weeks which I would report every time I came to work. When my floor officer went to put out these fires in front of their cell doors, they threw unknown liquids at him hitting him in the face, shirt, pants and boots. Shortly after the fires were out they started the fires up again. The exact same thing occurred. My floor officer went to put out the fires and they threw unknown liquids at him again. In prison we call this propelling, and the unknown liquids generally consist of urine and feces. My unit filled up with smoke every time. Each unit has a purge system. When you activate the purge system it is supposed to suck out all the smoke and or contaminants in the air and cycle fresh air in the unit. Majority of the units at HDSP the purge systems are broken. This led to my floor officer and myself getting smoke inhalation. Which we did a C1 packet for and went to Concentra, which we are both still currently being treated for.

HVAC doesn't work

NDOC failed to bargain all these safety concerns that FOP brought to their attention. Violating our collective bargaining agreement and NRS 288 Resulting in multiple staff injuries, which could have been avoided.

I appreciate all of you taking the time to hear about these safety concerns and I hope you all have a great day.