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6 *Attorneys for Respondent*
7 *Washoe County School District*

FILED
February 20, 2024
State of Nevada
E.M.R.B.
3:38 p.m.

8
9 **BEFORE THE STATE OF NEVADA**
10 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

11 ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS,
12
Complainant,
13
vs.
14 WASHOE COUNTY SCHOOL DISTRICT,
15
Respondent.
16
17

Case No.: 2024-001
Panel:

18 **RESPONDENT’S MOTION TO DISMISS COMPLAINANT’S**
19 **FIRST AMENDED COMPLAINT**

20 **COMES NOW**, Respondent Washoe County School District (“WCSD”), by and through
21 its undersigned counsel of record, and hereby files its Motion to Dismiss Complainant’s First
22 Amended Complaint (the “Motion”) requesting that the State of Nevada Government Employee-
23 Management Relations Board (the “Board”) dismiss Complainant Association of Professional-
24 Technical Administrators’ (“APTA”) First Amended Complaint (the “Amended Complaint”).

25 **I. INTRODUCTION**

26 APTA’s First Amended Complaint impermissibly invites the EMRB to exceed its
27 jurisdiction and resolve an intra-corporate dispute that falls within the exclusive jurisdiction of the
28 courts of general jurisdiction pursuant to NRS 82.216. It is beyond dispute that APTA did in request

1 and WCSD did in fact approve a voluntary withdrawal pursuant to NAC 288.145. That action
2 deprived the EMRB of jurisdiction over this dispute, it deprived APTA of standing to bring this
3 dispute, and unless and until APTA seeks relief from a court of general jurisdiction to invalidate
4 that decision, any proceedings by the EMRB are improper. Accordingly, the Frist Amended
5 Complaint should be dismissed in its entirety.

6 **II. FACTS AND RELEVANT PROCEDURAL HISTORY**

7 On December 27, 2023, Association of Professional-Technical Administrators (“APTA”),
8 by and through a majority of its executive Board Members and officers, sent a voluntary withdrawal
9 notice to WCSD. Those individuals that signed the voluntary withdrawal notice included: Adriana
10 Publico, Tony McMillen, Lisa McNeill, and Naveed Frank.

11 On January 8, 2024, APTA confirmed that the four (4) above-mentioned individuals as a
12 majority of the APTA Executive Board, requested voluntary withdrawal of APTA as the bargaining
13 representative pursuant to NAC 288.145. See January 8, 2024, email thread attached hereto as
14 **Exhibit A**. The request acknowledged Dr. Colon’s dispute and sought confirmation as to whether
15 “the four of you, as the majority of the APTA Executive Board, requested voluntary withdrawal of
16 APTA as the bargaining representative pursuant to NAC 288.145.” *Id.* All four (4) of the members
17 of APTA’s executive board (Adriana Publico, Tony McMillen, Naveed Frank, and Lisa McNeill)
18 all responded affirmatively to that email. *Id.*

19 Any concerns regarding the validity of this action were also resolved when the Washoe
20 County School District Board of Trustees (“Board”) reviewed the evidence submitted by Ms.
21 Publico which showed this action was consistent with the will of the vast majority of the APTA
22 employees. See Ballot and results dated January 3, 2024, attached hereto as **Exhibit B**.¹

23 On January 9, 2024, the Board accepted the voluntary withdrawal of APTA.
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27 ¹ As a percentage of those who voted, 146 out of 154, or 94.8% voted in favor of forming their own
28 employee organization. For context, the number of yes votes comprises 64.04% of the total number
of APTA employees, a significant majority.

1 More specifically, the Board voted unanimously to recognize the voluntarily withdraw of
2 APTA as the exclusive bargaining representative and therefore, the Board withdrew recognition of
3 the Association of Professional and Technical Administrators as the bargaining representative for
4 its employees per NAC 288.145.

5 On January 9, 2024, the Board also voted to recognize the Washoe Professional Technical
6 Association (“WPTA”) as the exclusive bargaining representative for the professional-technical
7 employees that were previously were members of APTA consistent with NRS 288.160.

8 More specifically, the Board voted unanimously that the Washoe Professional Technical
9 Association will be the exclusive bargaining representative for Professional-Technical employees
10 at the Washoe County School District Pro-Tech, per NRS 288.160. Accordingly, APTA is no
11 longer a recognized employee organization with WCSD.

12 WCSD continues to work collaboratively with the members of the other employee
13 organizations to determine whether there is a community of interest between the employees of those
14 organizations and the school psychologists.

15 **III. STANDARD FOR A MOTION TO DISMISS**

16 NAC 288.375 provides that the Board may dismiss a matter for any of the following
17 reasons:

- 18 1. If the Board determines that no probable cause exists for the complaint,
19 or if the complaint has been settled and notice of the settlement has been
20 received by the Board.
- 21 2. Unless there is a clear showing of special circumstances or extreme
22 prejudice, if the parties have not exhausted their contractual remedies,
23 including all rights to arbitration.
- 24 3. If the complainant, within a reasonable time, fails to prosecute its
25 complaint.
- 26 4. If, without good cause shown, an applicant, petitioner or complainant
27 fails to appear at the time and place set for hearing by the Board.
- 28 5. If an applicant, petitioner or complainant files a spurious or frivolous
complaint or a complaint which presents only issues that have been
previously decided by the Board.

Under longstanding Nevada law, dismissal is appropriate when the factual averments
contained in a plaintiff’s complaint, accepted as true, are legally insufficient to establish the essential
elements of a claim. *See, e.g., Sanchez v. Wal-Mart Stores*, 125 Nev. 818, 823, 221 P.3d 1276, 1280

1 (2009) (to withstand a motion to dismiss, the averments contained in a plaintiff’s complaint “must be
2 legally sufficient to constitute the elements of the claim asserted.”); *Nevada Power Co. v. Haggerty*,
3 115 Nev. 353, 358, 989 P.2d 870, 873 (1999) (to avoid dismissal, a plaintiff must “set[] forth
4 allegations sufficient to establish the elements of a right to relief”); *Johnson v. Travelers Ins. Co.*, 89
5 Nev. 467, 472, 515 P.2d 68, 71 (1973) (to survive a motion to dismiss, a “complaint must . . . allege
6 facts sufficient to establish all necessary elements of the claim for relief.”). Only “fair” inferences
7 from the complaint must be accepted as true. *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d
8 966, 967 (1997).

9 IV. THE EMRB HAS NO JURISDICTION OVER VOLUNTARY WITHDRAWAL

10 APTA goes to great lengths to attempt to argue the EMRB has authority and jurisdiction
11 over this dispute because of all of the effects the voluntary withdrawal had. However, APTA’s
12 argument is fatally flawed because it fails to acknowledge that the fundamental basis for each and
13 every one of its claims is the voluntary withdrawal.

14 NAC 288.145(1) expressly provides that “a local government employer may withdraw
15 recognition of an employee organization if the employee organization: (a) Voluntarily withdraws
16 in writing as the bargaining representative. . . .” NAC 288.145(2) goes on to clarify that “a local
17 government employer must request a hearing before the Board and receive the written permission
18 of the Board before withdrawing recognition of an employee organization **for any reason other**
19 **than voluntary withdrawal.**” NAC 288.145(2) (emphasis added).

20 The facts of this case are simple, Adriana Publico, Tony McMillen, Naveed Frank, and Lisa
21 McNeill, as a majority of the officers and members of the Executive Board of APTA submitted a
22 notice of voluntary withdrawal to the WCSD, and the WCSD approved that voluntary withdrawal.

23 WCSD properly refused (and indeed was required to refuse) to bargain with APTA because
24 it is no longer a recognized employee organization. The EMRB has issued a decision that is directly
25 on point with this issue. See *Deborah Boland, M. D., A Local Government Employee and Member*
26 *of the Umc Physicians' Bargaining Unit of Nevada Service Employees Union, Seiu Local 1107,*
27 *AFL-CIO, Clc Et. Al., Complainants Nevada Service Employees Union,*, Item No. 802, 2015 WL
28 1324423, at *6–8 (March 23, 2015). In *Boland* the EMRB reasoned that “[u]pon UMC's acceptance

1 of Local 1107's withdrawal, Local 1107 ceased to be the recognized bargaining agent. Thereafter
2 UMC **was not obligated or permitted under the Act to continue negotiations** with Local 1107.”
3 *Id.* (emphasis added). WCSD accepted APTA’s notice of voluntary withdrawal on January 9, 2024.
4 At that time, APTA ceased to be the recognized bargaining agent and WCSD is not obligated, nor
5 even *permitted* to continue negotiations with APTA.

6 Similarly, WCSD objected to the request for information (“RFI”) from APTA because
7 APTA is no longer a recognized employee organization. NRS 288.180(2) provides that “the
8 employee organization . . . may request reasonable information concerning any subject matter
9 included in the scope of mandatory bargaining which it deems **necessary for and relevant to the**
10 **negotiations.**” *See* NRS 288.180(2) (emphasis added).

11 In this case, there are no negotiations because APTA is no longer a recognized employee
12 organization with the WCSD. In contravention of the above statute, APTA has sent WCSD an RFI,
13 when it knows there are no negotiations for which the RFI could be relevant to. In fact, APTA
14 knows that the parties attended a temporary restraining order hearing on February 14, 2024, at 10:00
15 a.m. before Second Judicial District Court Judge David Hardy in Case No. CV24-00282.
16 Accordingly, any suggestion by APTA that its RFI is somehow proper is inconsistent with reality
17 and an improper use of NRS 288.180. Indeed, unrecognized third parties who do not represent any
18 role in representing the interests of WCSD employees cannot send WCSD RFI’s and compel
19 WCSD to answer.

20 WCSD’s alleged failure to remit dues, if it occurred at all, would similarly be a direct result
21 of the voluntary withdrawal of recognition. It would be improper for WCSD to approve a voluntary
22 withdrawal of recognition by an employee organization, and then turn around and continue to
23 deduct dues from the paychecks of the employees that employee organization previously
24 represented. In the same vain as the arguments above, if the voluntary withdrawal of recognition
25 was proper, this action was also wholly appropriate under the circumstances.

26 Accordingly, the vast majority of the complained of activities are resolved as being wholly
27 proper in the event the voluntary withdrawal was proper and valid. Because the EMRB has no role
28 in the oversight or approval of voluntary withdrawals, there is no basis for the EMRB to assert

1 jurisdiction over this dispute. Instead, as explained below, the determination of whether the notice
2 of voluntary withdrawal was valid is an intra-corporate dispute that must be resolved by the district
3 court.

4 **V. THE EMRB HAS NO JURISDICTION OVER AN INTRA-CORPORATE DISPUTE**

5 The determination of whether the notice of voluntary withdrawal submitted by Adriana
6 Publico, Tony McMillen, Naveed Frank, and Lisa McNeill, was valid is a question that lies within
7 the exclusive jurisdiction of a court of general jurisdiction. APTA is a non-profit corporation whose
8 corporate governance is controlled by NRS Chapter 82. NRS 82.216 is titled “[a]uthority of
9 directors and representatives of corporation.” NRS 82.216(1) contains the exclusive remedy and
10 authorizes a private right of action to be brought “by a director or a member entitled to vote for the
11 election of directors . . . against the officers or directors of the corporation for violation of their
12 authority.” Thus, there is a clear statutory basis for the exclusive remedy APTA has for a claim
13 that its officers and/or directors violated their authority, and such a claim has nothing to do with the
14 EMRB. More importantly, such a claim is between APTA’s members and WCSD is not a party to
15 such a dispute. There can be no further proceedings by the EMRB on the issue of the validity of
16 the notice of withdrawal because that is clearly an intra-corporate dispute governed by NRS
17 82.216(1), a provision over which the EMRB has no jurisdiction. Importantly, WCSD is not a party
18 to that intra-corporate dispute and it is improper for APTA to attempt to utilize the EMRB to force
19 WCSD to defend an action APTA has brought in the wrong forum.

20 Whether these four (4) representatives of APTA actually had authority to submit the notice
21 of voluntary withdrawal is an intra-corporate dispute between APTA and its current and former
22 members of its Executive Board. APTA’s allegations in its Opposition amount to allegations that
23 the notice of voluntary withdrawal submitted by four (4) executive board members was ultra vires.
24 Indeed, Nevada’s statutes governing nonprofit corporations contain an express provision allowing
25 a lawsuit to be filed where there is a dispute over the authority of representatives of the nonprofit
26 corporation or for acting beyond their authority. *See* NRS 82.216(1). Accordingly, any such
27 dispute regarding the potential propriety of the action of submitting the notice of voluntary
28

1 withdrawal notice is a dispute between the members of the executive board of APTA and needs to
2 be filed in state court and should not be decided by the EMRB.

3 **VI. APTA LACKS STANDING TO BRING THIS COMPLAINT**

4 APTA’s factual allegation that “APTA is the recognized bargaining unit for the school
5 psychologists and technical administrators at the District” is absurd. First Am. Compl. at 2:4–5.
6 APTA claims to continue to represent the interests of the professional-technical employees, despite
7 the fact that those employees have formed a new employee organization, WPTA, ratified a new
8 collective bargaining agreement with WCSD, and have no continuing involvement with APTA.
9 Furthermore, APTA claiming it continues to be recognized by WCSD, despite clear an
10 unambiguous evidence to the contrary, is a misrepresentation. As of January 9, 2024, WCSD
11 approved the voluntary withdrawal of APTA pursuant to NAC 288.145. APTA is free to present
12 arguments to a court of general jurisdiction pursuant to NRS 82.216 that such an action was a
13 violation of their authority. However, unless and until a court invalidates or otherwise alters the
14 validity of the January 9, 2024 approval, APTA has no standing to proceed with this Complaint.²
15 APTA is not a recognized employee organization under NRS Chapter 288. Consequently, APTA
16 has no standing to proceed on behalf of the professional-technical employees, because it clearly no
17 longer represents those employees. Instead, APTA’s only basis for standing is to pretend the
18 January 9, 2024 voluntary withdrawal never occurred. APTA’s lack of standing serves as an
19 independent basis for the EMRB to dismiss this Complaint. Furthermore, no representative has
20 authority to appear on behalf of APTA as an organization, regardless of which group of employees
21 it is, because APTA is not a recognized employee organization that represents the interests of any
22 employees of WCSD.

23 **VII. APTA’S ALLEGATIONS REGARDING A “RIVAL” ARE UNFOUNDED**

24
25 _____
26 ² There are two (2) ways APTA could get standing, but APTA has refused to do either of them.
27 First, APTA could bring an action in district court to have the action by a majority of the executive
28 board members and officers invalid pursuant to NRS 82.216. Second, APTA could apply to be the
recognized bargaining unit for just the school psychologists pursuant to NRS 288.160. However, as
of the date of this filing APTA has failed to do either of these things and thus still lacks standing.

1 APTA's attempts to paint the dispute surrounding its own voluntary withdrawal as a petition
2 by another employee organization are without merit. NAC 288.146 that specifies the deadlines
3 within which a different "employee organization may challenge recognition of another employee
4 organization. . . ." NAC 288.146(2). This is plainly inapplicable here as there was no different
5 employee organization seeking to take over APTA. Instead, a majority of APTA's officers and its
6 Executive Board notified WCSD of its request to voluntary withdraw pursuant to NAC 288.145.
7 Subsequently, it is WCSD's understanding that those professional technical members who used to
8 be members of APTA have been frozen out³ of APTA's operations. These are hardly the actions
9 of an Association that believes it continues to represent the designated members of APTA, which
10 includes the professional-technical employees. Indeed, this position is detached from reality
11 because the professional-technical employees, under the new employee organization WPTA have
12 now negotiated, ratified, and approved a different collective bargaining agreement that will govern
13 the professional-technical employees moving forward.

14 Additionally, there is no timeframe within which a recognized employee organization is
15 permitted to voluntarily withdraw as the exclusive bargaining representative. *See* NAC 288.145.
16 Indeed, the EMRB has expressly permitted such a withdrawal where the parties failed to complete
17 negotiations on a successor agreement. *See Deborah Boland, M. D., A Local Government Employee*
18 *and Member of the Umc Physicians' Bargaining Unit of Nevada Service Employees Union, Seiu*
19 *Local 1107, AFL-CIO, Clc Et. Al., Complainants Nevada Service Employees Union, , Item No. 802,*
20 *2015 WL 1324423, at *6–8 (March 23, 2015) (reasoning that "[u]pon UMC's acceptance of Local*
21 *1107's withdrawal, Local 1107 ceased to be the recognized bargaining agent. Thereafter UMC was*
22 *not obligated or permitted under the Act to continue negotiations with Local 1107.").*

23
24
25 ³ This is a lose-lose situation for APTA. This action from APTA demonstrates they are acting
26 consistently with an understanding that the notice of voluntary withdrawal occurred and was proper.
27 If the notice of voluntary withdrawal is invalid, and APTA still serves as the bargaining
28 representative for professional-technical employees, it has committed an unfair labor practice by
violating its duty of representation by freezing professional-technical employees out of its
operations.

1 Indeed, in its decision the EMRB recognized that “[a] voluntary withdrawal by a bargaining
2 agent, by itself, is not contrary to the Act. NAC 288.145(1)(a) contemplates that there may be
3 circumstances where an employee organization might voluntarily withdraw its status as the
4 recognized bargaining agent. A voluntary withdrawal represents the only circumstance in which
5 an employer may withdraw recognition without first seeking the approval of this Board.” *Id.* By
6 approving the withdrawal, despite the fact that the parties had tried and failed to negotiate a
7 successor agreement, the EMRB explicitly acknowledged that none of the time bars that apply to
8 petitions for withdrawal by the employer, or by a rival employee association apply to voluntary
9 withdrawal notices from the employee organization itself. *Id.*

10 NAC 288.146 explicitly only applies to a situation where there is a “petition by another
11 employee organization.” No such petition is present here. Indeed, in *Boland*, the EMRB expressly
12 recognized that a withdrawal by an employee organization can be based in part on “tension”
13 between factions of the bargaining organization’s members. *Boland*, Item No. 802, 2015 WL
14 1324423 at *7. Consequently, and consistent with NAC 288.145(2) WCSD was not required to
15 seek written permission from the Board because the reason was voluntary withdrawal, which is
16 expressly exempted from the written permission requirement. NAC 288.145(2).

17 **VIII. PROCEEDING WITH THIS COMPLAINT WILL BE FRUITLESS**

18 WCSD based its withdrawal of recognition on the notice of voluntary withdrawal from a
19 majority of the officers of APTA and a majority of the APTA Executive Board. However, even if
20 APTA is able to persuade a district court to invalidate that action,⁴ it will end up being irrelevant
21 because it is clear that the professional technical employees, who make up over eighty (80%) of the
22 bargaining unit⁵ are determined to leave APTA. Indeed, WCSD’s understanding of the results of
23 the vote by the members is staggering. Of those employees who voted, 94.8% of them voted to
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25 _____
26 ⁴ Notably, in the event the voluntary withdrawal notice is somehow invalidated by a district court,
27 WCSD could just petition the EMRB under NRS 288.160(3)(c) for failing “to be supported by a
28 majority of the local government employees in the bargaining unit. . . .” relying on the evidence
contained within Exhibit B and the result would be the same.

⁵ WCSD obtained this number by relying on the figures presented by Adriana Publico to the WCSD
Board of Trustees. WCSD believes those numbers are reasonably relied upon.

1 leave APTA. Ex. B. Of the total number of employees who are covered by the APTA bargaining
2 unit (e.g. those that could have voted), 64.04% of those employees voted to leave. Ex. B. It is
3 beyond dispute that the professional-technical employees that were previously represented by
4 APTA are now represented by WPTA, have a new collective bargaining agreement, and have no
5 interest in allowing APTA to negotiate regarding the terms and conditions of their employment.
6 The majority of the APTA executive board submitted a notice of voluntary withdrawal on behalf
7 of APTA as an act of self-determination consistent with the overwhelming will of their membership
8 as evidenced by the vote. It would be improper for WCSD or the EMRB to stand in the way of
9 these employees choosing to organize in the best manner they see fit.

10 **III. CONCLUSION**

11 Based on the foregoing, WCSD requests that the Court dismiss APTA’s First Amended
12 Complaint. WCSD further seeks its attorneys’ fees and costs in connection with the preparation of
13 the instant Motion as the underlying First Amended Complaint is frivolous and without merit.

14 DATED: February 20, 2024

15 BY: /s/ Anthony L. Hall
16 ANTHONY L. HALL, ESQ.
17 Nevada Bar No. 5977
18 AHall@SHJNevada.com
19 JONATHAN A. MCGUIRE, ESQ.
20 Nevada Bar No. 15280
21 JMcGuire@SHJNevada.com
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CERTIFICATE OF SERVICE

I, Terri Tribble, declare:

I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Simons Hall Johnston PC. My business address is 690 Sierra Rose Dr., Reno, NV 89511. I am over the age of 18 years and not a party to this action.

On the below date, I served the foregoing **RESPONDENT’S MOTION TO DISMISS COMPLAINANT’S FIRST AMENDED COMPLAINT** by causing the document to be served via email, addressed as follows:

Ronald J. Dreher
P.O. Box 6494
Reno, NV 89513
ron@dreherlaw.net

Attorney for Complainant
ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on February 20, 2024.

/s/ Terri Tribble
Employee of Simons Hall Johnston

EXHIBIT A

EXHIBIT A

From: Frank, Naveed <Naveed.Frank@WashoeSchools.net>

Sent: Monday, January 8, 2024 12:03 PM

To: Spotts, Anthony <ASpotts@WashoeSchools.net>; Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>

Subject: RE: WPTA

Yes!

Thank you so much.

Naveed Frank

Accountant, Capital Project
14101 Old Virginia Road
Reno, NV 89521

From: Spotts, Anthony <ASpotts@WashoeSchools.net>

Sent: Monday, January 8, 2024 11:51 AM

To: Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>

Subject: WPTA

Importance: High

Good afternoon,

The Board of Trustees received a letter from Dr. Shannon Colon, APTA President, on January 7, 2024, challenging the Agenda Item for the Board Meeting on January 9, 2024 where the Board is to vote on the voluntary withdrawal of APTA as the bargaining representative for Professional-Technical (Pro-Tech) employees. Dr. Colon asserts that the notice provided by the four of you to voluntarily withdraw APTA as the bargaining representative was not approved by a majority of the APTA Executive Board. Her assertions appear to be incorrect since the written withdrawal that we received from the 4 of you, on its face, seems to confirm that a majority of the APTA Executive Board took this action.

As a result, the District would like confirmation that the four of you, as the majority of the APTA Executive Board, requested voluntary withdrawal of APTA as the bargaining representative pursuant to NAC 288.145. If this is correct, a simple yes or confirmed is all that we need at this time.

We would like to have this confirmation by the end of the day today, if possible.

Anthony Spotts (he/him)
Interim Director of Labor Relations
Labor Relations Division
425 E. 9th Street, Building A-120
(775) 348-3843 (office)
ASpotts@Washoeschools.net



*Department of Talent &
Professional Growth Systems*

"The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you to face the fall alone." – A. Bartlett Giamatti

From: aspotts@washoeschools.net
To: [McNeill, Lisa](#); [Publico, Adriana](#); [McMillen, Tony](#); [Frank, Naveed](#)
Subject: RE: WPTA
Attachments: [image001.png](#)
[image002.png](#)

Thank you.

Anthony Spotts (he/him)
Interim Director of Labor Relations
Labor Relations Division
425 E. 9th Street, Building A-120
(775) 348-3843 (office)
ASpotts@Washoeschools.net



“The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you to face the fall alone.” – A. Bartlett Giamatti

From: McNeill, Lisa <LMcNeill@WashoeSchools.net>
Sent: Monday, January 8, 2024 12:36 PM
To: Spotts, Anthony <ASpotts@WashoeSchools.net>; Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>
Subject: RE: WPTA

Hi Anthony, Yes. Thanks, Lisa

From: Spotts, Anthony <ASpotts@WashoeSchools.net>
Sent: Monday, January 8, 2024 12:13 PM
To: Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: RE: WPTA

Thank you.

Anthony Spotts (he/him)
Interim Director of Labor Relations
Labor Relations Division
425 E. 9th Street, Building A-120

(775) 348-3843 (office)
ASpotts@Washoeschools.net



“The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you to face the fall alone.” – A. Bartlett Giamatti

From: Publico, Adriana <APublico@WashoeSchools.net>
Sent: Monday, January 8, 2024 12:12 PM
To: McMillen, Tony <TMcMillen@washoeschools.net>; Spotts, Anthony <ASpotts@WashoeSchools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: Re: WPTA

Yes

Get [Outlook for iOS](#)

From: McMillen, Tony <TMcMillen@washoeschools.net>
Sent: Monday, January 8, 2024 12:08:24 PM
To: Spotts, Anthony <ASpotts@WashoeSchools.net>; Publico, Adriana <APublico@WashoeSchools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: RE: WPTA

Yes

Thanks,

Tony McMillen, P.E., CCM

Director Construction and Project Management
Washoe County School District Facilities
775-742-4908

From: Spotts, Anthony <ASpotts@WashoeSchools.net>
Sent: Monday, January 8, 2024 11:51 AM
To: Publico, Adriana <APublico@WashoeSchools.net>; McMillen, Tony <TMcMillen@washoeschools.net>; Frank, Naveed <Naveed.Frank@WashoeSchools.net>; McNeill, Lisa <LMcNeill@WashoeSchools.net>
Subject: WPTA
Importance: High

Good afternoon,

The Board of Trustees received a letter from Dr. Shannon Colon, APTA President, on January 7, 2024, challenging the Agenda Item for the Board Meeting on January 9, 2024 where the Board is to vote on the voluntary withdrawal of APTA as the bargaining representative for Professional-Technical (Pro-Tech) employees. Dr. Colon asserts that the notice provided by the four of you to voluntarily withdraw APTA as the bargaining representative was not approved by a majority of the APTA Executive Board. Her assertions appear to be incorrect since the written withdrawal that we received from the 4 of you, on its face, seems to confirm that a majority of the APTA Executive Board took this action.

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Anthony Spotts (he/him)
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EXHIBIT B

EXHIBIT B

Washoe Professional Technical Association

Ballot and Results

Beginning December 19, 2023, Professional-Technical Employees were asked to vote on the following question:

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%

Dues-paying APTA Members	Total #	# Yes Votes	# No Votes	% Yes Vote
Non-Confidential ProTechs	119	103	4	86.55%
School Psychologists	44	0	2	0.00%
Combined Total	163	103	6	63.19%

1 Ronald J. Dreher
2 NV Bar No. 15726
3 P.O. Box 6494
4 Reno, NV 89513
5 Telephone: (775) 846-9804
6 dreherlaw@outlook.com
7 *Attorney for Complainant*

8 **BEFORE THE STATE OF NEVADA**

9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 ASSOCIATION OF PROFESSIONAL-
11 TECHNICAL ADMINISTRATORS,

Case No.: 2024-001

12 Complainant,

13 vs.

14 WASHOE COUNTY SCHOOL
15 DISTRICT

16 Respondent.
_____ /

17 **OPPOSITION TO MOTION TO DISMISS FIRST AMENDED COMPLAINT**

18 **COMES NOW**, Complainant, ASSOCIATION OF PROFESSIONAL-TECHNICAL
19 ADMINISTRATORS, (hereinafter “APTA”), by and through its undersigned counsel, and
20 hereby files its Opposition to Motion to Dismiss First Amended Complaint filed by Respondent
21 WASHOE COUNTY SCHOOL DISTRICT (hereinafter “District”) on February 20, 2024, and
22 moves the Employee Management-Relations Board, (“Board”), to deny the Motion in its
23 entirety.
24

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MEMORANDUM OF POINTS AND AUTHORITIES

I. THE PARTIES

APTA is an employee organization as defined in NRS 288.040. It is the recognized bargaining unit for the school psychologists and technical administrators at the District.

The District is a local government employer under NRS 288.060, a political subdivision of the State of Nevada which oversees and supervises Washoe County School psychologists and technical administrators and is the regulating authority with regard to policy.

The parties entered into contract negotiations in January 2023 in an attempt to reach a successor agreement. After having met and negotiated during four (4) sessions, APTA declared impasse as is its right under NRS 288.217. The District and APTA then met and jointly chose an arbitrator to hear the interest arbitration as prescribed in NRS 288.200 and NRS 288.217.

The parties had previously filed competing complaints with the Board alleging multiple prohibited practices had been committed by the opposing party. The EMRB and the parties entered into a joint stipulation to attempt to hold a hearing and have the EMRB rule on these allegations prior to the scheduled interest arbitration. The hearing in front of the EMRB was scheduled to be heard on January 30-31, 2024.

On January 9, 2024, the District unilaterally, and without APTA's authorization, withdrew recognition of APTA as the recognized bargaining unit for all APTA members. Subsequent to this, the District recognized a rival employee organization, Washoe Professional-Technical Administrators as the recognized bargaining unit for professional-technical employees, a portion of APTA membership, and unilaterally withdrew all labor organization recognition for the remaining APTA members, the school psychologists.

On January 10, 2024, the District filed a motion with the EMRB to vacate the hearing scheduled for January 30-31, 2024. This motion was granted on February 27, 2024.

1 The actions taken by the District on and after January 9, 2024, violated multiple statutes
2 under NRS Chapter 288, the NRS Chapter that regulates the interactions between government
3 and public employees and over which the EMRB has exclusive jurisdiction. *See Umc*
4 *Physicians' Bargaining v. Nev. Serv. Emples. Union, Seiu Local 1107*, 494 P.3d 903 (Nev. 2021)
5 (Unpublished); *City of Mesquite v. Eighth Judicial Dist. Court of Nev.*, 135 Nev. 240, 244, 445
6 P.3d 1244, 1248 (2019). In response to these violations, APTA filed a prohibited practice
7 complaint with the EMRB on January 24, 2024, and an amended complaint, (“FAC”), and
8 motion to expedite hearing on January 25, 2024. The motion to expedite the hearing was granted
9 on February 27, 2024, and a hearing was set for April 18, 2024.

11 II. LEGAL AUTHORITY

12 Under NAC 288.145(1)(a) it is permissible for a local government employer to
13 withdraw recognition of an employee organization if the organization “[v]oluntarily withdraws
14 in writing as the bargaining representative.” Furthermore, NAC 288.145(2) provides that the
15 local government employer that wishes to withdraw recognition for any reason other than
16 voluntary withdrawal by an employee organization, “must request a hearing before the Board
17 and receive the written permission of the Board before withdrawing recognition of an employee
18 organization.”
19
20

21 The Nevada Supreme Court has established that the “EMRB has exclusive original
22 jurisdiction over any unfair labor practice arising under [NRS Chapter 288].” *City of Mesquite*,
23 135 Nev. at 244, P.3d at 1248. This includes “exclusive original jurisdiction over any unfair
24 labor practice arising under the [Employee Management Relations Act].” *Id.*; *Rosequist v. Int'l*
25 *Ass'n of Firefighters Local 1908*, 118 Nev. 444, 447-49, 49 P.3d 651, 653-54 (2002).

26
27 ///
28

1 **III. LEGAL ARGUMENT**

2 **a. Jurisdiction**

3 APTA is alleging that the District has committed unfair labor practices under NRS
4 288.150, NRS 288.180, NRS 288.270, NAC 288.145 and NAC 288.146. (FAC at pp. 5-15). It
5 is undisputed that these chapters of NRS and NAC are under the exclusive jurisdiction of the
6 Board, and as such, there is no question that APTA’s allegations are within the jurisdiction of
7 the Board. *Rosequist*, 118 Nev. at 447-49, 49 P.3d at 653-54; *City of Mesquite*, 135 Nev. at 244,
8 P.3d at 1248; N.R.S. 288.110.

9 **b. Withdrawal of APTA’s recognition was illegal**

10 Black’s Law Dictionary defines voluntary as “[d]one by design” and “[u]nconstrained
11 by interference; not impelled by outside influence.” *Voluntary*, Black’s Law Dictionary (10th
12 ed. 2014).

13 In late 2022, due to the longstanding issues the District has created between the
14 professional-technical members and the school psychologists, APTA reached out to the District
15 in an attempt to form two bargaining units under APTA, one for school psychologists and one
16 for professional-technical employees. The District, on March 14, 2023, after APTA proposed a
17 memorandum of understanding to create two bargaining units under APTA, refused this
18 proposition saying that the members in APTA had a community of interest that required them
19 to remain as one bargaining unit. Knowing that the two groups within APTA believed they
20 should be in separate bargaining units, in the 2023 negotiation sessions the District proposed
21 an 18% cost of living increase for the professional-technical employees and a 3% cost of living
22 increase for school psychologists. Despite negotiations being confidential, Superintendent
23 Susan Enfield published these pay proposals to the entire APTA membership to create even
24 more discord within the group. When APTA declared impasse, many of the professional-
25
26
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1 technical members expressed a renewed interest in having their own bargaining unit under
2 APTA. In order to understand the number of members that may be in favor of the professional-
3 technical members forming their own bargaining unit, all eight members of the APTA executive
4 board approved a vote being conducted of the membership to determine the creation of another
5 bargaining unit while leaving APTA as the recognized bargaining unit for school psychologists.
6
7 On January 3, 2024, at the completion of the membership vote counting supervised by EMRB
8 Commissioner Bruce Snyder, the APTA executive board agreed to further discuss the possible
9 voluntary withdrawal of the professional-technical members from APTA and how to handle
10 APTA's legal obligations. No decision was made at this time, nor was any vote ever taken to
11 approve or disapprove the professional-technical members of APTA carving out of the
12 association.
13

14 On Friday January 4, 2023, the nonprofessional-technical members of the APTA
15 executive board discovered that the four members of the APTA executive board, Adriana
16 Publico, Tony McMillen, Lisa McNeill, and Naveed Frank, had colluded with District legal
17 counsel Neil Rombardo, Kevin Pick, Anthony Hall and Jonathan McGuire to create a rival
18 organization for professional-technical members and remove all recognition of APTA. District
19 general and contracted counsel, fully aware that APTA is represented by counsel, knowingly
20 and willingly circumvented APTA's counsel and secretly met with and counseled the four
21 APTA executive board members on the manner and method to remove APTA's recognition as
22 the bargaining unit. Clearly demonstrating, that the District's counsel conspired with the
23 professional-technical members of APTA to complete the District's goal of "union busting"
24 and leaving school psychologists without representation in violation of NRS 288.270 and NAC
25 288.145.
26
27
28

1 On December 27, 2023, the date in which the District is claiming it received a “voluntary
2 withdrawal” of APTA as the recognized bargaining unit from a supposed majority of APTA’s
3 board members, APTA’s executive board was made up of eight (8) voting members. (Ex. 1.)
4 These members included three school psychologists, four professional-technical members, and
5 one ex-officio member. *Id.* In its Motion, the District asserts that it had a “majority” of these
6 Board Members, then only names four of them, Adriano Publico, Naveed Frank, Lisa McNeill
7 and Tony McMillen as having supported this “voluntary” withdrawal. Clearly and
8 unmistakably, four out of eight is not a majority, no matter what type of math the District tries
9 to use. Furthermore, the District cannot, and has never, produced any evidence of a vote by
10 APTA’s executive board or any meeting minutes authorizing these four former APTA board
11 members to act on APTA’s behalf and withdraw recognition of APTA as the recognized
12 bargaining unit. The District has not, and cannot do this because this vote never happened, and
13 these four former board members were never authorized by APTA to act on its behalf and
14 withdraw recognition.
15
16

17 The agenda for the January 9, 2024, District board of trustees, (“BOT”), meeting
18 contained a recommendation from the Interim Superintendent, drafted by District Chief General
19 Counsel Rombardo, which stated in part the BOT should move “to recognize that a majority of
20 employees in the APTA bargaining unit have voted to voluntarily withdraw APTA as the
21 bargaining representative; that the Professional-Technical employees do not share a community
22 of interests with the School Psychologists; and that the Washoe Professional Technical
23 Association be the exclusive bargaining representative for Professional-Technical employees
24 at the Washoe County School District Pro-Tech.” (Ex. 2.) However, the APTA Executive Board
25 has never voted to voluntarily withdraw its recognition of any of its members. In response to
26 this agenda item and its false statements, APTA ex-officio voting Board Member Ron P.
27
28

1 Dreher, who obtained this position after an APTA membership vote in July 2022, wrote a letter
2 to each of the BOT members vehemently disagreeing with the removal of APTA as the
3 recognized bargaining representative for the professional-technical employees (Ex. 3.) In this
4 letter Mr. Dreher stated that **“This agenda item and the information contained therein have
5 not be authorized or approved to be presented to this Board by APTA’s executive board.”**

6 *Id.* (emphasis in original.)
7

8 On January 7, 2024, APTA President Dr. Shannon Colon emailed BOT President Beth
9 Smith advising her that,

10 **“The information that has been placed on the agenda has not been
11 approved by the executive board of APTA. It was placed on the
12 agenda, again without authorization or approval of the APTA
13 executive board, apparently on December 26, 2023, and appears to
14 have been brought forward by WCSD General Counsel Neil
15 Rombardo. Again, this item was not requested by the executive
16 board of APTA, nor was it approved by the executive board or
quorum of APTA. Adriana Publico, Tony McMillen, Naveed Frank
and Lisa McNeill were not authorized by the executive board of
APTA to bring the request to the BOT.”**

17 (Ex. 4.) (emphasis in original.) Dr. Colon posted this same letter as public comment on the
18 January 9, 2024, BOT meeting notes and it was provided to all members of the BOT. *Id.*

19 Moreover, the District does not even try to pretend that, despite APTA not voluntarily
20 withdrawing its recognition as the bargaining unit for any of its members, it had received
21 permission from this Board to remove recognition as required by NAC 288.145(2).
22

23 NAC 288.146 and the contract bar doctrine allow for two periods when a rival
24 organization may, by showing that an employee organization is not supported by a majority of
25 its members, move for recognition by the employer. These periods are between the time that the
26 employee organization notices the employer of its intent to begin negotiations and when
27 negotiations actually begin, and for a 30-day period during the life of the current collective
28

1 bargaining agreement. N.R.S. 288.146(2); *Douglas County Support Staff Organization/NSEA*,
2 EMRB Item No. 313 (1993).

3 APTA advised that District on January 10, 2023, of its intent to negotiate a successor
4 agreement, and the first negotiation session was held on May 31, 2023. (Ex. 5.) The parties are
5 still engaged in negotiations and are in fact still in the process of scheduling an interest
6 arbitration. Thus, had a vote been taken and shown that APTA was not supported by a majority
7 of its members, the available “window” for the District to have recognized a rival organization
8 under NAC 288.146(2)(a) ended on May 31, 2023.

10 Additionally, the current collective bargaining agreement had an effective date of July
11 1, 2021, and an expiration date of June 30, 2023. Given the window provided for in NAC
12 288.146(2)(b), had there been a vote showing that APTA was not supported by a majority of its
13 members, the District had a 30-day period between October 31, 2022, and November 30, 2022,
14 in which to remove recognition.

16 Yet even though the two “windows” when a rival organization could have been
17 recognized by the District were obviously closed, and no vote had been held by APTA
18 membership to determine if APTA was still supported by a majority of its members, the District,
19 by the actions and inactions of District’s General and contracted counsel, conspired with the
20 above named former APTA board members and created a rival organization. This was done
21 with the sole purpose of removing not only the recognition of APTA as the recognized
22 bargaining unit for professional-technical employees, **but for all members of APTA**. (Ex. 6.)

24 There is no question that APTA held a vote between December 19, 2023, and January
25 3, 2024, regarding the desire of some of APTA’s members to “carve out” of APTA and create
26 a new organization. All eight members of the APTA executive board unanimously voted on and
27 agreed that this vote should occur. The specific question asked during this vote was “Are you in
28

1 favor of Pro-Techs leaving APTA and forming their own employer organization (association)?”
2 (Motion Ex. 2.) This language unambiguously demonstrates that the APTA members were not
3 voting on whether they support APTA, but rather whether they would approve a carve out of
4 professional technical members. *Id.* Undisputedly, this carve out was meant only to remove
5 professional-technical employees from APTA, not to remove recognition of APTA as the
6 recognized bargaining unit for all APTA members or to cause APTA to cease to exist. *Id.*
7

8 This was again reflected in the email from Adriana Publico on December 27, 2023, in
9 which she unambiguously defined what was being requested by these rogue officers when she
10 emailed Superintendent Kristen McNeil and stated, “[w]e the undersigned, the Professional-
11 Technical Representatives of the Association of Professional & Technical Administrators’
12 (APTA) Executive Board, **voluntarily withdraw APTA as the exclusive bargaining**
13 **representative for Washoe County School District’s (WCSD) Professional-Technical**
14 **Employees** per NAC 288.145.” (emphasis added.) The District’s Chief General Counsel
15 Rombardo then added to the BOT agenda additional language, outside of the unauthorized
16 request made by the four former APTA board members, which included that the BOT would
17 move “to recognize that a majority of employees in the APTA bargaining unit have voted to
18 voluntarily withdraw APTA as the bargaining representative.” (Ex. 2.) There is no question that
19 the vote taken by APTA never authorized the voluntary withdraw of APTA as the recognized
20 bargaining unit, that the four former APTA members did not have authorization to voluntarily
21 withdraw recognition, or that the District’s BOT never received a voluntary withdraw from
22 APTA or permission of this Board prior to removing its recognition of APTA.
23
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25

26 As noted above, upon discovering what the District was attempting to do, that is
27 unilaterally and without authorization withdraw all recognition of APTA, Dr. Colon and Ron P.
28 Dreher raised objections and notified the District that APTA did not approve of, nor had APTA

1 authorized, the voluntary withdrawal of any of its members. (Exs. 3-4.) Realizing that its game
2 was up and that it had not received a voluntary withdrawal from APTA, the District attempted
3 to fabricate this “voluntary” withdrawal by drafting the language of the withdrawal to the rogue
4 former APTA board members in the hopes that this would lend support to its illegal actions.
5 (Motion Ex. A.) As noted by the Black’s Law Dictionary definition, an action is not voluntary
6 if it is “impelled by outside influence.” It is clear that the District, through its representative,
7 Interim Labor Relations manager Anthony Spotts, fabricated the “consent” of APTA members
8 to justify its illegal withdrawal of recognition. Not only are these efforts illegal, but they are
9 also unethical and **must be sanctioned by this Board.**

11 Given that the withdrawal of recognition of APTA violated NAC 288.145, NAC 288.146
12 and NRS 288.160, APTA is still the recognized bargaining unit for its members and has standing
13 to bring its Complaint. The District did not, and cannot, produce any APTA executive board
14 meeting notes that authorized these members to withdraw recognition of APTA for any of its
15 members, and the actions taken by these four members is equivalent to a *coup d’état* that the
16 District saw as an opportunity to remove recognition from all APTA’s members. Thus, this is
17 clearly not an intra-corporate dispute, and is instead an attempt to destroy an employee
18 organization which violates multiple sections of NRS Chapter 288 and NAC Chapter 288.
19

21 Therefore, despite the objections made by APTA; the clear and unambiguous proof that
22 APTA had not approved the removal of any of its members from APTA under the language that
23 was being voted on by the BOT; the fact that the District did not receive permission from this
24 Board prior to removing recognition of APTA in violation of NAC 288.145(2); that no vote had
25 been organized or sanctioned to remove recognition of APTA as the recognized bargaining unit;
26 that the District fabricated the “voluntary” withdraw of APTA as the recognized bargaining unit;
27 that NAC 288.146 and the contract bar doctrine do not permit removal by a rival organization
28

1 during negotiations through the interest arbitration process, the BOT voted to withdrawal
2 recognition of APTA and to recognize a rival bargaining unit. Following this illegal recognition,
3 the District has filed this Motion in an effort to avoid holding a hearing regarding the prohibited
4 practices allegations brought by APTA.

5 **IV. CONCLUSION**

6
7 Based on the foregoing, the Board must deny the District's Motion to Dismiss in its
8 entirety, order a hearing on these matters and, given the egregious actions of the District,
9 sanction its attorney's and award all costs and attorney's fees to APTA pursuant to NAC
10 288.373(2)(b) and/or NRS 288.110.

11
12 DATED this 1st day of March, 2024.

13
14 /s/ Ronald J. Dreher
15 Ronald J. Dreher
16 NV Bar No. 15726
17 P.O. Box 6494
18 Reno, NV 89513
19 Telephone: (775) 846-9804
20 dreherlaw@outlook.com
21 *Attorney for Complainant*
22
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CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Association of Professional/Technical Administrators and that on this date I served a true and correct copy of the preceding document addressed to the following:

Anthony Hall, Esq.
Nevada Bar No. 5977
AHall@SHJNevada.com
Jonathan McGuire, Esq.
Nevada Bar No. 15280
JMcGuire@SHJNevada.com
Simons Hall Johnston, PC
690 Sierra Rose Dr.
Reno, Nevada 89511
Telephone: (775) 785-0088
Attorneys for Respondent - WCSD

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 1st day of March, 2024.

/s/ Ronald J. Dreher
Ronald J. Dreher
NV Bar No. 15726
P.O. Box 6494
Reno, NV 89513
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dreherlaw@outlook.com
Attorney for Complainant

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CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Association of Professional/Technical Administrators and that on this date I served a true and correct copy of the preceding document addressed to the following:

Bruce Snyder, Esq.
Commissioner, EMRB
bsnyder@business.nv.gov
3300 W. Sahara Avenue
Suite 260
Las Vegas, NV 89102
bsnyder@business.nv.gov

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 1st day of March, 2024.

/s/ Ronald J. Dreher
Ronald J. Dreher
NV Bar No. 15726
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
dreherlaw@outlook.com
Attorney for Complainant

EXHIBIT INDEX

Exhibit Number	Document Name	Number of Pages
1	APTA 2023 EMRB filing and bylaws	12
2	WCSD Board of Trustees January 9, 2024, agenda item 5.06	3
3	Letters to WCSD Board of Trustee Members from Ron P. Dreher	21
4	Letter to WCSD Board of Trustees from Dr. Shannon Colon	3
5	January 10, 2023, notice of intent to negotiate	1
6	January 10, 2024, letter from Anthony Spotts	1

EXHIBIT 1

EXHIBIT 1

STATE OF NEVADA

GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

2022 EMPLOYEE ORGANIZATION ANNUAL REPORT FORM

Part One: Employee Organization Information

Association of Professional & Technical Administrators

Official Name of Employee Organization

APTA

Please list any abbreviated name or nickname that the organization sometimes uses in identifying itself

NONE

150

Website Address

Current Number of Members

Part Two: Contact Information

Please identify the person who is to be contacted for all official communications (excepting those communications related to a case before the Board for which an attorney has filed an appearance) and then list that person's contact information.

Ronald Dreher

Attorney

Name of Contact Person

Title of Contact Person

P.O. Box 6494, Reno, NV 89513

Mailing Address

775-846-9804

NONE

Telephone Number

Fax Number

dreherlaw@outlook.com

natalscar@protonmail.com (APTA President Shannon Colon)

E-Mail Address

Other (please specify)

Part Three: Officers

Please list the name and title of all current officers of your employee organization.

Dr. Shannon Colon

President

Name

Title

Adriana Publico

Vice-President

Name

Title

Anthony McMillen

Past-President

Name

Title

Jennifer Mitterer

Secretary

Name

Title

Mary DeLorme

Psychologist Representative

Name

Title

Lisa McNeill

Pro-Tech Representative

Name

Title

Naveed Frank

Treasurer

Name

Title

Ronald P. Dreher

Ex-officio Board Member

Part Four: Professional Representatives

Please list the following information for each professional representative retained by your employee organization to administer its various activities (e.g., attorneys, business agents, etc.).

Ronald J. Dreher	Attorney
Name	Title
Ronald P. Dreher	Labor Representative
Name	Title
Name	Title

Part Five: Bargaining Units

Please list all bargaining units within your employee organization (not listed here) that is recognized by a local government within the State of Nevada and attach a new CBA if the CBA was negotiated after the last report filed in November 2022.

Description of Bargaining Unit	Local Government	No. Employees in Bargaining Unit (1)	CBA Expires (mm/yy) (2)
Supervisory, Administrators	Yes	237	06/23
	-A successor agreement has not been reached as of the date of this filing.		

Notes: (1) Number of employees includes the total number in the bargaining unit (members and non-members).
 (2) If the collective bargaining agreement (CBA) has already expired, then record the month and year it expired, even though it may still be in effect.

Part Six: Attachments to Annual Filing

Collective Bargaining Agreements

For each collective bargaining agreement (CBA) identified in Part Five above, please include a copy of the CBA as an attachment to this annual filing. If a CBA covers more than one bargaining unit, you need only submit one copy of that CBA. Please check this box to signify that you have included copies of any and all CBA's as an attachment to this filing.

Constitution and By-laws

You must include a copy of your Constitution and By-Laws (if you did not submit one in 2021) OR a copy of any changes since then as an attachment to this annual filing. Please check this box to signify that you have included a copy to this filing.

Part Seven: Certification

I certify that the information provided on all parts of this form is correct to the best of my knowledge.

Ronald J. Dreher	Attorney
Printed Name	Title
	10/26/2023
Signature	Date

ASSOCIATION of PROFESSIONAL & TECHNICAL ADMINISTRATORS
CONSTITUTION AND BY-LAWS

(8/23- Revision)

ARTICLE I

Name and Purpose

Section 1. The name of this Association shall be the Association of Professional & Technical Administrators

Section 2. The purposes of the Association are as follows:

- A. To promote and improve the educational welfare of the children of Washoe County.
- B. To improve the image of and increase the public understanding of the roles of Pro-Techs and School Psychologists.
- C. To encourage professional activity, growth, cooperation and study among Pro-Techs and School Psychologists.
- D. To assure the equal, fair, and just treatment of all Pro-Techs and School Psychologists as they perform their duties.
- E. To serve as the collective negotiations' representative of its members for purposes of improving terms and conditions of employment in consonance with the principles of the laws of the State of Nevada.
- F. To work in cooperation with other districts, state, and national Professional and Technical organizations.
- G. To ensure representation to the Washoe County School District Insurance Committee.

ARTICLE II

Membership

Section 1. Membership in the Association shall be two classes:

- A. Active
- B. Associate

Section 2. Active membership is open to all Pro-Techs and School Psychologists employed by the Washoe County School Board of Trustees, except for those Pro-Techs and School Psychologists who are excluded by the laws of the State of Nevada for collective bargaining.

Section 3. Associate membership is open to Pro-Techs and School Psychologists who are designated as confidential employees by the Washoe County School District.

Section 4. Membership in this Association is dependent upon the payment of membership dues. Dues are set by the Executive Board with the approval of the membership demonstrated by a secret ballot with a simple majority. Dues money is to be used for the following expenditures: Professional Development, Public Relations, Advocate, Collective Bargaining and Miscellaneous. One dollar (\$1.00) per month per member is allocated for the Association's student scholarship program. An additional one dollar (\$1.00) per member per month is allocated for the Association's member scholarship program.

Section 5. The Association shall operate on a fiscal year basis, from July 1 to June 30 of the succeeding year.

ARTICLE III

Officers and Their Duties

Section 1. The officers of this organization shall be the President, Vice-President / President Elect, Secretary, Treasurer, Immediate Past President, Pro-Tech Representative, Psychologist Representative, and Insurance Committee Representative.

Section 2. The duties of the officers shall be generally defined as and may also be distributed at the discretion of the Board:

A. The President shall preside at all meetings and be the official representative of the organization, for all leadership, central office, or otherwise undefined district or state level committees or meetings.

B. The Vice-President/President Elect shall perform the duties of the President during the absence of the President. The Vice-President/President Elect shall coordinate and be the liaison to all Association committees, at the discretion of the President, maintain and develop the organization's website, and provide at minimum quarterly newsletters (digitally or otherwise) to all members regarding non-confidential association activities and events. The Vice President/President Elect shall serve as President the immediate following year(s).

C. The Secretary shall develop formal meeting agendas, coordinate meetings, keep the minutes of the meetings, maintain all correspondence, be responsible for updating the website with general membership meeting notes, preserving closed meeting session notes to a designated private server/location to be determined by the Executive Board, and organizing social events at least twice annually.

D. The Treasurer will prepare an annual budget, and collect, record, and disburse all monies of the Association. The Treasurer shall keep an accurate record of all financial transactions. A financial report shall be provided at each Executive Board and general membership meeting. The treasurer shall coordinate all financial obligations, tax filings, liability insurance, be responsible for investigating researching CD updates, developing/submitting scholarship nominations and leading the scholarship committee, and along with the president coordinate when change of officers take place, at the designated financial institution.

E. The Immediate Past-President shall assist with the organization as the President directs, advise the President on past practices, and participate in all Executive Board meetings.

F. The Pro-Tech Representative will act as the first point of contact and liaison for all ProTech members of the Association, including being the first point of contact for grievances,

and to present any such concerns to the Executive Board, outlining which parts of the contract may

have been violated and/or to help pro-tech members navigate the Problem-Solving process outlined in the current bargaining agreement.

G. The Psychologist Representative will act as liaison for all Psychologist members of the Association, including being the first point of contact for grievances, and to present any such concerns to the Executive Board, outlining which parts of the contract may have been violated and/or to help psychologist members navigate the Problem-Solving process outlined in the current bargaining agreement.

H. The Insurance Committee Representative shall give voice and keep records for the APTA Executive Board in all matters pertaining to the Washoe County School District Insurance Committee.

I. Officers will support unity and solidarity in the Association's endeavors.

ARTICLE IV

Executive Board.

Section 1. The Executive Board shall consist of the five elected officers, and one elected Representative from each: the Pro-Techs and the School Psychologists.

1a. Ron P. Dreher was appointed board member ex-officio in July 2022. As board member ex-officio he retains voting rights and the ability to represent the board on matters as deemed relevant by the board, but is not a regular sitting member of the board.

Section 2. All matters of policy shall be decided by the Executive Board.

Section 3. The Executive Board shall have the power to approve those members appointed by the President to fill vacancies.

Section 4. The Executive Board shall establish a calendar of monthly meetings, except for the month of July.

Section 5. The Executive board shall determine the time and place of all general membership meetings. There shall be a minimum of one general membership meeting per year. Any other general membership meetings shall be held at the discretion of the Executive Board or at the request of a minimum of 25% of the general membership.

A. Agenda items will be accepted from the general membership or the Executive Board.

Section 6. The Executive Board may establish committees as may be necessary to accomplish the purposes of the Association. No committee, standing or otherwise, shall have the authority to bind or obligate this Association.

Section 7. The Executive Board shall be responsible for preparing and approving a budget to be distributed by school mail, email or at a general membership meeting.

Section 8. The Executive Board shall be responsible for appointing an APTA member as the Insurance Committee Representative.

ARTICLE V

Elections & Negotiations

Section 1. Elections A. Term of Office:

- I. The President, Vice President/President-Elect, and Immediate Past President shall serve for a one (1) year term. The member filling the role of Vice President/President-Elect should rotate from year to year from Pro-Tech to School Psychologist ensuring a balance between the groups.
 - II. The Secretary and the Treasurer shall serve two (2) year terms and be elected in even numbered fiscal years. To provide a balance of representation, the position shall come one from each group.
 - III. The representatives shall serve two (2) year terms and be elected in odd-numbered fiscal years.
 - IV. The Insurance Committee Representative shall serve a three (3) year term at the onset of the appointment by the Executive Board, not to serve more than one term consecutively.
 - V. All other terms of office shall begin on July 1st and end on June 30th of the following year.
- B. All active members seeking nomination for office shall be elected by individual ballot returned by mail, email, or during a general membership meeting, with the Executive Board soliciting nominations for upcoming elections at least 30 days in advance of the end of the fiscal year, barring unforeseen circumstances.
 - C. Each active member shall have one (1) vote in membership meetings and elections. Only active members shall be entitled to vote and hold elective office in the Association. D. Late ballots will not be accepted after the deadline.
 - E. The election process shall be completed by May 30th-of each year-to comply with the annual Nevada Secretary of State-filing.-In the event of an emergency that prevents the elections to occur by May 30th, the Executive Board may extend the deadline for elections to be held.
 - F. Each member of the Executive Board, and/or any other Committee working on behalf of the Board, must disclose any potential conflicts of interest acting as a member of APTA, including, but not limited to, any close familial or relationship within three degrees, and/or in any other scenario where they may appear to be a conflict of interest. Each member of the Executive Board will maintain confidentiality to the highest degree of any information shared at/around Committee discussions, emails, or conversations.

Section 2. Negotiation Committee

For each year where a bargaining session is scheduled to commence, the Executive Board shall solicit member priorities and concerns for the Negotiation Committee to consider for the following bargaining session.

A. The Negotiation Committee shall consist of equal representation of both Pro-Techs and School Psychologists with members nominated informally by the Executive Board, then formally voted on by a majority vote of the President and the Executive Board. Of the members of the Negotiation Committee, no more than one shall be from the Executive Board. The Negotiation Committee will be responsible for appointing or electing a lead negotiator, typically union counsel, to act as lead negotiator in all bargaining sessions.

B. The Negotiation Committee shall have sole authority to bargain in good faith and negotiate with the district, with any tentative agreement initially presented to the board, then sent to the general membership for approval by a simple majority vote. In the event of a tie on the Negotiation Committee, whether to accept/deny a proposed tentative agreement to present to the Executive Board and the general membership, the lead negotiator, who is not a Pro-Tech or psychologist, will act as the tiebreaker.

C. To ensure continuity and equal representation of Pro-Techs and Psychologists on the Negotiation Committee, at least one reserve member of each group shall have access to all bargaining documentation and automatically fill in/substitute another member who has fallen ill, resigned, and either temporarily or permanently, for any other reason, can no longer serve on the Negotiation Committee, and have one vote on the committee.

D. The Negotiation Committee shall meet with the district negotiation team a minimum of four times, as defined by state and/or federal regulations to bargain in good faith to come up with a resolution. After four sessions, the Negotiation Committee maintains the ability to declare impasse and present the information to the board.

Section 3. Removal and Resignation of Officers

A. Any officer may be removed with cause by a vote of the general membership with cause such as but not limited to:

- 1) Non-attendance of meetings,
- 2) Not performing the duties of the office

B. An officer may resign by giving written notice to the President or Secretary of the Executive Board. Such resignation shall take effect on the date of receipt of such notice or date specified therein.

Vacancies

A. A vacancy of any office shall be filled temporarily by appointment of the President with a ratifying vote of the Executive Board until the next scheduled election for that office.

ARTICLE VI AMENDMENTS

Section 1.

Amendments to this constitution may be proposed in writing by The Executive Board or any member of the Association.

Section 2. The Secretary shall submit proposed amendments to the active members at least three days before amendments are presented for a vote.

Section 3. Adoption of proposed amendments shall be by written ballot and shall require a two-thirds ($2/3$) affirmative vote of those members voting, with a minimum 50% of the membership voting on each amendment question.

Section 4. Amendments shall become effective immediately upon adoption.

POLICY AND PROCEDURES

Section 1. Active members -The amount of the monthly deduction is determined by voting members. Members on a Sabbatical shall pay 50% of this rate.

Section 2. Associate members - The amount of the monthly deduction is determined by voting members.

Section 3. Dues may be paid in one of the following ways:

- A. Monthly payroll deduction, per the current negotiated agreement.
- B. One annual payment, payable to the treasurer of APTA.

Section 4. Members who wish to withdraw from the Association must submit a written request to the President at least ninety days in advance before their dues will be stopped.

Section 5. Any Pro-Tech or Psychologist who wishes to join the Association must be a full dues paying member in good standing for six months before they can request the use of the Association's legal representative for consultation, representation, or as a representative in personal disciplinary or grievance issues. The Association will provide association representation during this six-month period.

EXHIBIT 2

EXHIBIT 2



Agenda Item 5.06

TITLE: DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE THE VOLUNTARY WITHDRAWAL OF THE ASSOCIATION OF PROFESSIONAL & TECHNICAL ADMINISTRATORS (APTA) AS THE BARGAINING REPRESENTATIVE FOR PROFESSIONAL TECHNICAL (PRO-TECH) EMPLOYEES AND TO RECOGNIZE THE WASHOE PROFESSIONAL TECHNICAL ASSOCIATION (WPTA) AS THE EXCLUSIVE BARGAINING REPRESENTATIVE FOR PRO-TECH EMPLOYEES IN THE WASHOE COUNTY SCHOOL DISTRICT (FOR POSSIBLE ACTION)

FROM: Neil A. Rombardo, Chief General Counsel

PRESENTER(S) & PRESENTATION TIME/CONSENT:

Adriana Publico, APTA Vice President, future WPTA Vice President
Neil A. Rombardo, Chief General Counsel
Kevin A. Pick, General Counsel
Anthony Spotts, Interim Director, Labor Relations
(10 minutes)

DATE REPORT WRITTEN: December 26, 2023

PURPOSE/SUMMARY: The Professional-Technical (Pro-Tech) Employees of Washoe County School District are seeking the Board to recognize the majority vote of employees in the Association of Professional & Technical Administrators (APTA) bargaining unit to voluntarily withdraw from the Association of Professional and Technical Administrators (APTA) as the bargaining representative for Pro-Tech employees within the unit and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District.

This request is made pursuant to [Nevada Administrative Code \(NAC\) 288.145\(1\)\(a\)](#), [Nevada Revised Statutes \(NRS\) 288.160\(1\)\(a-c\)](#), and [NRS 288.170\(1\)](#), and is done in accordance with the majority vote of employees within this unit.

FINANCIAL: Recognizing a new bargaining representative for Professional-Technical employees does increase costs of negotiations to the District.

BACKGROUND INFORMATION: All Pro-Tech Employees and School Psychologists are currently recognized as a single bargaining unit represented by APTA. A majority of the employees in APTA successfully voted to withdraw from APTA as the recognized bargain representative and to recognize a new bargaining representative for Pro-Tech employees.

Pursuant to NAC 288.145(1)(a), a majority of the employees in APTA successfully voted to withdraw from APTA as the recognized bargaining representative and to recognize WPTA as the new bargaining representative for Pro-Tech employees.

Pursuant to NRS 288.160(1), the WPTA has applied for recognition as the exclusive bargaining representative for all Pro-Tech employees. WPTA has presented a copy of its constitution and bylaws, a roster of its officers, a no-strike pledge, a list of Pro-Tech positions, and the results of a vote demonstrating that it represents a majority of those employees classified by the District as Pro-Tech employees.

NRS 288.170 charges the employer to determine, after consultation with the employee organization(s), which employees constitute an appropriate unit for negotiating. The criterion for making this determination is the community of interest among the employees concerned. This group of positions shares a community of interest, in that they are all classified in the salary schedule as Pro-Tech employees in this District, with the exception of confidential positions, which are precluded by law from participating in a bargaining unit.

If this unit is established, and WPTA is recognized, the parties will begin negotiations on the mandatory subjects of bargaining under NRS 288.150. The current APTA contract will be honored for Pro-Tech employees until a new agreement is ratified by the parties.

PREVIOUS ACTION:

Date: April 12, 2005

Related Action: The Board of Trustees approved the recognition of Washoe School Principals Association and determination of bargaining unit within the Washoe County School District.

ATTACHMENTS:

- Attachment A – Written Withdrawal by APTA
- Attachment B – WPTA Constitution and Bylaws
- Attachment C – WPTA Roster of Officers
- Attachment D – WPTA No Strike Pledge
- Attachment E – Professional-Technical Positions
- Attachment F – Ballot and Results

STRATEGIC PLAN: This agenda item supports Pillar D of the Washoe County School District Strategic Plan, "Culture of Excellence & Accountability."

BOARD POLICY:

[Board Policy 4110 – Talent Acquisition](#)

LEGAL: The recognition and determination of bargaining unit processes are prescribed in NRS 288, as described above.

If the Board does not find that this group of employees should be a separate bargaining unit, WPTA may appeal that decision to the Employee Management Relations Board (EMRB). The decision of the EMRB is binding.

If the Board does not recognize WPTA, either the District or the Association may request the EMRB to conduct an election to determine whether WPTA represents a majority of the bargaining unit employees. Again, the decision of the EMRB is binding.

INTERIM SUPERINTENDENT'S RECOMMENDATION:

The Board moves to recognize that a majority of employees in the APTA bargaining unit have voted to voluntarily withdraw APTA as the bargaining representative; that the Professional-Technical employees do not share a community of interests with the School Psychologists; and that the Washoe Professional Technical Association be the exclusive bargaining representative for Professional-Technical employees at the Washoe County School District Pro-Tech.

EXHIBIT 3

EXHIBIT 3

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:22

To:colleen.westlake@washoeschools.net <colleen.westlake@washoeschools.net>

Cc:ron dreher <nrs289@aol.com>

 1 attachments (19 KB)

Ron P. Dreher APTA BOT letter to trustee Colleen Westlake to postpone agenda item 5.06 scheduled for January 9, 2024.docx 01072024.docx;

PLEASE SEE THE ATTACHED LETTER - URGENT - REQUEST FOR AN IMMEDIATE MEETING TO DISCUSS JANUARY 9, 2024 AGENDA ITEM 5.06

Colleen Westlake, Trustee
2024
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7,

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Trustee Westlake;

My name is Ron P. Dreher. I am a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA’s executive board.** It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

In the alternative, it is possible for president Smith to amend the requested “Interim Superintendent recommendation”. As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo. Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509
775-830-8877

Cc: file
Shannon Colon, president APTA

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:43

To: Joseph.Rodriguez@washoeschools.net <joseph.rodriguez@washoeschools.net>

Cc: ron dreher <nrs289@aol.com>

 1 attachments (19 KB)

Ron P. Dreher APTA BOT letter to trustee Joe Rodriguez to postpne agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx;

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONINE AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Joe Rodriguez, Trustee
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7, 2024

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Trustee Rodriguez;

My name is Ron P. Dreher. As a voter and as the past president of the Reno Police Protective Association and past president and former lobbyist for the Peace Officers Research Association of Nevada I have been representing associations and unions in Nevada for many years. I am now and have been a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA’s executive board.** It is premature for the BOT to vote on

this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

In the alternative, it is possible for president Smith to amend the requested “Interim Superintendent recommendation”. As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

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The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

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Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,

APTA Representative

2502 Thomas Jefferson Dr.

Reno, NV 89509

775-830-8877

Cc: file
Shannon Colon, president APTA

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nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:51

To:DNicolet@washoeschools.net <DNicolet@washoeschools.net>

Cc:ron dreher <nrs289@aol.com>

 1 attachments (19 KB)

Ron P. Dreher APTA BOT letter to trustee Dianne Nicolet to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx;

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Dianne Nicolet, Vice president
2024

January 7,

Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

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The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

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Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,

APTA Representative

2502 Thomas Jefferson Dr.

Reno, NV 89509

775-830-8877

Cc: file

Shannon Colon, president APTA

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 17:59

To: Alex.woodley@washoeschools.net <Alex.woodley@washoeschools.net>

Cc: ron dreher <nrs289@aol.com>

 1 attachments (18 KB)

Ron P. Dreher APTA BOT letter to trustee Alex Woodley to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx;

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Alex Woodley, Trustee
2024
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7,

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Trustee Woodley;

Good evening Alex. Ron P. Dreher here. I know that you are a new member with the WCSD Board of Trustees. I also know that you know my past and what I have done over the years as a representative for RAPG, RPPA and RAPSE. As you know, I am also a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA's**

executive board. It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

In the alternative, it is possible for president Smith to amend the requested “Interim Superintendent recommendation”. As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo.

Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,
APTA Representative
2502 Thomas Jefferson Dr.
Reno, NV 89509

775-830-8877

Cc: file
Shannon Colon, president APTA

Request for an immediate meeting to request your support for postponing the voted on Agenda Item 5.06 for Tuesday, January 9, 2024

nrs289@aol.com <nrs289@aol.com>

Sun 1/7/2024 18:13

To: Adam Mayberry <adam.mayberry@washoeschools.net>

Cc: ron dreher <nrs289@aol.com>

 1 attachments (19 KB)

Ron P. Dreher APTA BOT letter to trustee Adam Mayberry to postpone agenda item 5.06 scheduled for January 9, 2024.docx
01072024.docx;

PLEASE SEE THE ATTACHED URGENT LETTER REQUESTING YOUR SUPPORT FOR POSTPONING AGENDA ITEM 5.06 SCHEDULED FOR THE JANUARY 9, 2024, BOARD OF TRUSTEE MEETING.

Adam R. Mayberry, Trustee
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7, 2024

Re: Request your support to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Trustee Mayberry;

My name is Ron P. Dreher. As you may remember I have been representing associations and unions in Nevada for many years. I am also a legal representative of APTA, and I am requesting that you support postponing the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA’s executive board.** It is premature for the BOT

to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately.

In the alternative, it is possible for president Smith to amend the requested “Interim Superintendent recommendation”. As such if the Board proceeds to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo. Again, this item was NOT REQUESTED, NOR WAS IT APPROVED by the

executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you prior to Tuesday, January 9, 2024, to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

Your support in this matter is requested and highly appreciated.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

/s/ Ron P. Dreher

Ron P. Dreher,

APTA Representative

2502 Thomas Jefferson Dr.

Reno, NV 89509

775-830-8877

Cc: file
Shannon Colon, president APTA

**Urgent message regarding Agenda Item 5.06 scheduled for January 9, 2024 -
Request immediate meeting to discuss this matter.**

nrs289@aol.com <nrs289@aol.com>

Sat 1/6/2024 19:07

To: Elizabeth.smith@washoeschools.net <Elizabeth.smith@washoeschools.net>

Cc: ron dreher <nrs289@aol.com>

 1 attachments (18 KB)

Ron P. Dreher APTA BOT letter to president Beth Smith to postpone agenda item 5.06 scheduled for January 9, 2024.docx
010062024.docx;

PLEASE SEE THE ATTACHED LETTER

URGENT

Elizabeth “Beth” Smith, President
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 6, 2024

Re: Request to immediately postpone taking action on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear President Smith;

My name is Ron P. Dreher, as you are my elected Trustee for District 10, and as I am also a legal representative of APTA, I am requesting that you postpone the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all of the relevant information on this item. **This agenda item and the information contained therein have not be authorized or approved to be presented to this Board by APTA’s executive board.**

It is premature for the BOT to vote on this item especially since the executive board of APTA has not authorized or approved of this matter. I am writing this letter to you to educate you about this agenda item and asking you to pull this item from the Agenda immediately. Should the Board proceed to vote to take action on this item instead of postponing this matter to another date, APTA executive board could move to support the following language the recommendation by the Interim Superintendent and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school

psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if the majority of professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether or not APTA is or is not supported by a majority of its membership.**

In fact, the vote was to see if the members/non members of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **NOT** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

The executive board of APTA has **NOT VOTED OR APPROVED** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the Agenda has NOT been approved by the executive board of APTA. It was placed on the agenda, again without authorization or approval of the APTA executive board, apparently on December 26, 2023, and was seemingly brought forward by WCSD General Counsel Neil Rombardo. Again, this item was NOT REQUESTED, by the executive board of APTA, NOR WAS IT APPROVED by the executive board of APTA. Adriana Publico, Tony McMillen, Naveed Frank and Lisa McNeill WERE NOT authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was not the sanctioned vote of the APTA membership. Please note that the unsanctioned vote information presented in the agenda is from December 26, 2023. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carve out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you to cover the reasons why this matter should be pulled from the Agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA’s executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school

psychologists.

Please contact me at 775-830-8877 to arrange for an immediate meeting to discuss this matter.

Sincerely,

Ron P. Dreher,
2502 Thomas Jefferson Dr.
Reno, NV 89509

775-830-8877

Cc file

EXHIBIT 4

EXHIBIT 4

Board of Trustees, January 2024
Washoe County School District
Board of Trustees
425 E. 9th Street
Reno, NV

January 7, 2024

Re: Request to immediately postpone acting on Agenda Item 5.06 on January 9, 2024, and to schedule an immediate meeting with me and legal representatives of APTA executive board to discuss this item.

Board of Trustees Agenda Item 5.06 – “Discussion and possible action to recognize the voluntary withdrawal of the Association of Professional & Technical Administrators (APTA) as the bargaining representative for the Professional Technical (Pro-Tech) employees and to recognize the Washoe Professional Technical Association (WPTA) as the exclusive bargaining representative for Pro-Tech employees in the Washoe County School District (For Possible Action).”

Dear Board of Trustees of the Washoe County School District,

As indicated in my previous email and written documentation, as you all are aware by now, I am Dr. Shannon C. Colón, a school psychologist and employee of our district, and the president of APTA. I am writing again to ensure that all of you receive this submission, on behalf of myself and fellow executive board members, Mary DeLorme, Jennifer Mitterer, and Ron Dreher Sr., I am requesting that you postpone the vote for the above noted agenda item unless and until the Board of Trustees thoroughly have conducted a separate hearing to consider all the relevant information on this item.

I have observed and listened at board meetings, and through correspondence given to me, how your board has engaged with WEA president Calen Evans. Each of you have treated him with the respect, compassion, and duty owed to his position, whereas my attempts to engage with each of you, since last year, have been rebuffed and I, and other members of APTA's executive board have been discarded or ignored. I have unfortunately been a victim of and witnessed how soon to be former superintendent Dr. Enfield has cancelled contractually bound meetings to meet with this board, but instead worked with others to engage in collaborative problem solving and decision making. And unfortunately, it appears as though this appears to continue to happen with this board.

On behalf of my fellow psychologists and professional technical employees I have consistently acted with integrity and engaged in advocacy for all of the members we represent, but the same respect has not been given to us, so consequently I come to you as a constituent of this county, the president of APTA, and an ethical human being, to implore you to thoughtfully consider the next steps before taking any actions that may have long term known, and unforeseen consequences.

This agenda item and the information contained therein has not been authorized or approved to be presented to this Board by APTA's executive board, or even a quorum of the board. It is premature for the Board to vote on this item, especially since the executive board of APTA has not authorized or approved this matter. I am writing this letter to you to inform you about this agenda item and ask you to pull this item from the agenda immediately. Should the Board proceed to vote to act on this item instead of postponing this matter to another date, the APTA executive board could move to support the following language the recommendation by the Interim Superintendent and support amending the language to state the following:

“The Board moves to recognize that the professional-technical members in APTA have voted to voluntarily carve out from APTA and to form a new association consisting only of professional-technical employees as this group does not share a community of interests with the school psychologists; that the Washoe Professional Technical Association be the exclusive bargaining representatives for the professional-technical employees at the Washoe County School District; and that APTA shall remain the exclusive bargaining representative for the school psychologists.”

The executive board of APTA conducted an authorized vote sanctioned by its executive board to see if most professional-technical employees wanted to voluntarily leave and carve out of APTA to seek recognition for a new employee association for the pro-tech employees. The sanctioned vote occurred for several weeks and was concluded on January 3, 2024. **The vote had nothing to do with whether APTA is or is not supported by most of its membership.**

In fact, the vote was to see if the members/nonmembers of APTA wanted the professional-technical members of APTA to voluntarily leave or “carve out” of APTA and seek recognition from the Board of Trustees to have a new association exclusively made up of professional-technical members. To be very clear, the purpose of the vote was **not** whether APTA was supported as the exclusive bargaining representative for the members of APTA.

Again, I reiterate, the executive board of APTA has **not voted or approved** the voluntary withdrawal of APTA as the recognized bargaining unit representative of the professional-technical members of APTA or to have this agenda item put on the BOT agenda for January 9, 2024.

The information that has been placed on the agenda has not been approved by the executive board of APTA. It was placed on the agenda, again without authorization or approval of the APTA executive board, apparently on December 26, 2023, and appears to have been brought forward by WCSD General Counsel Neil Rombardo. Again, this item was not requested by the executive board of APTA, nor was it approved by the executive board or quorum of APTA. Adriana

Publico, Tony McMillen, Naveed Frank and Lisa McNeill were not authorized by the executive board of APTA to bring the request to the BOT.

The information in **Agenda Item 5.06 documents contains false information** as the vote information contained in the agenda item was **not the valid and approved sanctioned vote** of the APTA membership. Please note that **the unsanctioned/invalid vote information presented in the agenda** from 12/26/23 was a vote sent by Adriana Publico, who in her capacity, was not authorized to do so, according to our bylaws. The sanctioned vote by the APTA executive board was concluded on January 3, 2024. As of this date the APTA executive board has not voted on the results, nor has it voted on bringing the information to the Board of Trustees to seek recognition for the professional-technical members to voluntarily carve out of APTA to form a new professional-technical association and to seek recognition from the BOT in accordance with NAC 288.145.

The saving grace in this regard is this matter can be resolved simply by assuring that the voluntarily carving out of the professional-technical members will not affect APTA as the recognized bargaining representative for school psychologists. That is what the vote was about and accordingly, that is how to resolve this matter legally.

I am requesting to have an immediate in person meeting with you to cover the reasons why this matter should be pulled from the agenda and to postpone taking on this item until it is discussed and vetted in detail with the parties to ensure that any action taken is legally undertaken. Or, in the alternative, as I stated above APTA's executive board could move to discuss with you amending the requested vote to ensure that what the pro-tech members voted on is approved. This would allow the professional-technical members to voluntarily carve out of APTA to form a new association while ensuring that APTA remain in place as the exclusive bargaining representative for school psychologists.

Please contact me at 360-888-5242 or my personal email given, or school district email, to arrange for an immediate meeting to discuss this matter.

Sincerely,

Dr. Shannon C. Colón

Mary DeLorme

Jennifer Mitterer

Ron P. Dreher Sr.

EXHIBIT 5

EXHIBIT 5

DREHER LAW

Labor Advocacy

PLEASE CONFIRM RECEIPT

January 14, 2022

via email

Kristin McNeill, Superintendent
Washoe County School District
425 E. 9th Street
Reno, NV 89520-3425

Re: Notice of intent to negotiate a successor agreement – 2022-2023 Contract Negotiations – Association of Professional-Technical Administrators (APTA) and Washoe County School District (District).

Dear Superintendent McNeill,

Pursuant to Nevada Revised Statutes 288.180, the Association of Professional-Technical Administrators (APTA) as the recognized bargaining agent for the Technical and Professional members of the District, submits this letter putting the District on notice that we intend to negotiate a successor agreement to the current collective bargaining agreement. The successor agreement will include proposals as outlined in NRS 288.150 including but not limited to wages, hours and conditions of employment.

Please contact me at 775-846-9804 should you have any questions regarding this. Please advise tentative dates after February 1, 2022, the District will be available to initiate these negotiations.

As the District is aware, APTA is currently at impasse for the subsequent 2021-2022 successor agreement. As such, and if the District is agreeable to do so, we will agree to postpone the 2022 negotiations until the 2021 negotiations are resolved.

Sincerely,



Ronald J. Dreher
Attorney and Chief Negotiator for APTA

Cc: file
Andy Haycock, President – APTA – by email
APTA Board of Directors – by email
Emily Ellison, Human Resource Manager – by email
John Listinsky, Labor Relations Manager – by email

EXHIBIT 6

EXHIBIT 6

**Department of Talent & Professional Growth Systems
Labor Relations Division**



Dr. Kristina Mason, Chief Talent Officer
Anthony Spotts, Interim Director of Labor Relations
P.O. Box 30425, Reno, NV 89520-3425
Phone (775) 348-0330/Facsimile (775) 333-5011
LaborRelations@washoeschools.net

January 10, 2024

VIA EMAIL TO ron@dreherlaw.net

Ronald J. Dreher, Esq.
Dreher Law
P.O. Box 6494
Reno, NV 89513

Dear Ron:

We are in receipt of your notice dated January 8, 2024, of intent to open negotiations on behalf of the Association of Professional-Technical Administrators (APTA) for the 2024-2025 school year.

This letter is to state that the Washoe County School District (District) has withdrawn recognition of APTA as the bargaining representative for District employees. As such, the District is not obligated to recognize your request to open negotiations as you no longer represent a recognized group.

Sincerely,

Anthony Spotts
Interim Director of Labor Relations

Cc: Kristen McNeill, Ed.D., Interim Superintendent
Neil Rombardo, Esq., Chief General Counsel
Kevin Pick, Esq., General Counsel
Anthony Hall, Esq., WCSD Chief Negotiator

1 ANTHONY L. HALL, ESQ.
Nevada Bar No. 5977
2 AHall@SHJNevada.com
3 JONATHAN A. MCGUIRE, ESQ.
Nevada Bar No. 15280
4 JMcGuire@SHJNevada.com
SIMONS HALL JOHNSTON PC
690 Sierra Rose Dr.,
5 Reno, Nevada 89511
Telephone: (775) 785-0088

6 *Attorneys for Respondent*
7 *Washoe County School District*

FILED
March 14, 2024
State of Nevada
E.M.R.B.
1:17 p.m.

8
9 **BEFORE THE STATE OF NEVADA**
10 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

11 ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS,
12
Complainant,
13
vs.
14 WASHOE COUNTY SCHOOL DISTRICT,
15
Respondent.
16
17

Case No.: 2024-001
Panel:

18 **RESPONDENT’S REPLY IN SUPPORT OF MOTION TO DISMISS**
19 **COMPLAINANT’S FIRST AMENDED COMPLAINT**

20 Respondent Washoe County School District (“WCSD”), by and through its undersigned
21 counsel of record, and hereby submits this Reply in Support of Motion to Dismiss Complainant’s
22 First Amended Complaint (the “Motion”).

23 **I. INTRODUCTION**

24 APTA’s Opposition is largely a restatement of APTA’s First Amended Complaint, and it
25 fails to respond to many of the arguments raised in the Motion to Dismiss. As explained below, it
26 is clear that the EMRB has no jurisdiction to proceed or resolve complicated questions of intra-
27 corporate law. APTA fails to make a cogent argument to explain how it can proceed before the
28 EMRB even though it lacks standing to do so. None of APTA’s arguments regarding NAC 288.146

1 or the contract bar doctrine are responsive to the analysis the District set forth in the Motion.
2 Additionally, APTA has failed to respond to the District’s arguments regarding the fruitless nature
3 of proceeding to a hearing anyway. Accordingly, this Motion should be granted, and the Complaint
4 should be dismissed.

5 **II. THE EMRB HAS NO JURISDICTION OVER VOLUNTARY WITHDRAWAL**

6 APTA makes a critical admission that should remove any doubt from this Board’s mind that
7 it lacks the authority to resolve this dispute. APTA claims in its Opposition that “these four former
8 board members were never authorized by APTA to act on its behalf and withdraw recognition.”
9 Opp. at 6:15–17. This statement evidences a series of critical admissions that make it clear why
10 the EMRB has no jurisdiction to proceed. This is the key dispute between APTA’s current and
11 former board members: whether those four (4) boards members had authority to submit the notice
12 of voluntary withdrawal. As explained in the Motion, APTA has a statutory remedy available to it
13 to have this determination made by a district court of competent jurisdiction, but APTA refused to
14 exercise this remedy. *See* NRS 82.216. Instead of exercising this right, APTA is improperly
15 inviting the EMRB to exceed its jurisdiction and resolve this intra-corporate dispute. Respectfully,
16 the EMRB has no business or expertise in non-profit governance, interpreting provisions of NRS
17 Chapter 82, or determining whether certain acts were within or outside the express or implied
18 powers of officers or board members or corporations. This statement also acknowledges that the
19 four (4) board members in question are “*former* board members” and are no longer members of
20 APTA. This should dispel the misrepresentation APTA has repeatedly claimed that it continues to
21 represent the professional-technical employees who are now represented by a different employee
22 organization, Washoe Professional Technical Association (“WPTA”).

23 APTA has failed to cite a single piece of legal authority that would stand for the proposition
24 that the four (4) officers and executive board members acted without authority or exceeded their
25 authority by submitting the notice of voluntary withdrawal. Absent a source of legal authority for
26 this proposition, APTA’s Complaint must be dismissed in its totality.

27 APTA’s argument boils down to the fact that its own voluntary withdrawal was not
28 *voluntary*, because somehow the District “fabricate[d]” the request for voluntary withdrawal from

1 the four (4) **officers and** executive board members. APTA’s entire argument is based on pure
2 fantasy. APTA has no basis to allege anyone at the District placed any undue influence or pressure
3 on the four (4) officers and executive board members to submit this notice of voluntary withdrawal.
4 To the contrary, the Board has the email from the District to the four (4) officers and executive
5 board members, and the Board can review it themselves. *See* Mot. at Ex. A.

6 APTA’s allegation that the District legal counsel had “colluded” with the four (4) officers
7 and executive board members is unsupported and indisputably inaccurate. It appears as though
8 APTA is trying to use this allegation to disqualify Mr. Hall and Mr. McGuire from being able to
9 serve as counsel in this particular dispute. However, Mr. Hall has not had any communications
10 with these four (4) officers and executive board members except those communications Mr. Dreher
11 was present for in conjunction with the negotiations between the District and APTA. *See*
12 Declaration of Anthony Hall attached hereto as **Exhibit C**. Furthermore, Mr. McGuire has not had
13 any communications whatsoever with these four (4) officers and executive board members prior to
14 January 10, 2024—long after the voluntary withdrawal had been submitted and approved. *See*
15 Declaration of Jonathan McGuire attached hereto as **Exhibit D**.

16 APTA has repeatedly asserted that APTA’s executive board is made up of eight (8)
17 members. This is a misrepresentation. APTA’s Bylaws regarding the Executive Board expressly
18 provide that “[t]he Executive Board shall consist of the five elected officers, and one elected
19 Representative from each: the Pro-Techs and the School Psychologists.” *See* Opp. at Ex. 1 at
20 Article IV, Section 1. Reading that description in its totality unambiguously indicates APTA’s
21 executive board contains five (5) elected officers, (1) Pro-Tech representative, and (1) School
22 Psychologist representative, totaling seven (7) board members. *Id.* The section then goes on to
23 describe Ron P. Dreher (APTA’s counsel’s father) as a “board member ex-officio” but expressly
24 states that he “**is not a regular sitting member of the board.**” *Id.* at Section 1a (emphasis added).
25 Accordingly, the express language of the Bylaws demonstrates that the APTA Executive Board
26 only has seven (7) members, and a majority of those members submitted a notice of voluntary
27 withdrawal.

1 APTA’s argument regarding the membership voting for a carveout is immaterial. At no
2 time has the District attempted to rely upon the membership vote as forming the basis for the notice
3 of voluntary withdrawal. Instead, the District has always relied upon communications from the
4 four (4) officers and executive board members. The incontrovertible evidence that these four (4)
5 officers and executive board members submitted the voluntary withdrawal is confirmed by Exhibit
6 A to the Motion. As the District has explained, the vote of the membership did nothing except
7 convince the District that the leaders were acting consistent with the expressed frustrations of their
8 membership.

9 APTA’s recitation of the vote of the membership makes two telling admissions. First,
10 APTA admits that even after the vote was taken and the results were clear an unambiguous, APTA
11 met on January 2, 2024, but “[n]o decision was made. . . .” Opp. at 5:6–13. In other words, even
12 though at that time APTA knew the vast majority of its members wanted to leave APTA, APTA
13 did nothing to effectuate this. It seems likely that the frustrations from APTA’s unwillingness to
14 allow the professional-technical employees to leave may have been a contributing factor to the four
15 (4) executive board members submitting a notice of voluntary withdrawal to the District rather than
16 anything the District did. Second, APTA admits that the December 27, 2023, email from Ms.
17 Publico to the District was a request for a voluntary withdrawal “per NAC 288.145.” Opp. at 9:15.
18 APTA can point to no authority that would permit a carve out to occur pursuant to NAC 288.145.
19 Indeed, that section deals only with voluntary withdrawal. Thus, to the extent there was any
20 ambiguity regarding what was being requested, the clear and deliberate citation to that
21 administrative code section should eliminate any doubt surrounding what the scope of the ask was.

22 The parties have extensively briefed the issue of APTA’s voluntary withdrawal before both
23 the EMRB and before the District Court. For the first time, in this Opposition, APTA finally
24 acknowledges that Exhibit A to the Motion is a notice of voluntary withdrawal. *See* Opp. at 10:1–
25 11. APTA’s only argument is to claim that this email is a “fabrication” and was improper outside
26 influence. *Id.* The plain text of the District’s January 8, 2024, email clearly and indisputably
27 disproves this allegation. *See* Mot. at Ex. A.

28

1 In relevant part, the January 8, 2024, email alerts the four (4) officers and executive board
2 members to the fact that Dr. Shannon Colon has challenged the agenda item. *Id.* The District
3 explained its position that it believed Dr. Colon was incorrect because the written withdrawal
4 confirms a majority of the APTA executive board took this action. *Id.* However, to eliminate any
5 doubt, the District sought confirmation that “that the four of you, as the majority of the APTA
6 Executive Board, requested voluntary withdrawal of APTA as the bargaining representative
7 pursuant to NAC 288.145.” *Id.* All four (4) officers and executive board members responded
8 affirmatively.¹ *Id.* There is nothing contained in this exhibit that would suggest it was a
9 “fabrication” rather than the District making positively certain that it correctly understood APTA’s
10 request, which the January 8, 2024 email and the responses thereto confirm it did. APTA’s
11 unsubstantiated allegation that the District somehow impelled these individuals to make this
12 decision through undue influence is rebutted by the plain text of the email itself.

13 APTA’s arguments regarding the evidence the District cannot produce only further confirm
14 that this is an intra-corporate dispute that is beyond the EMRB’s jurisdiction. APTA claims the
15 District does not have “executive board meeting notes.” However, APTA has not provided the
16 EMRB with any authority to suggest that such notes are required. In fact, APTA has not even
17 attempted to cite the relevant cases and precedents surrounding the proper authority of an officer or
18 executive board member of a nonprofit corporation. Which raises another complex issue, whether
19 the decision to submit a voluntary withdrawal was a decision to be made by the executive board
20 members or the officers of APTA. As discussed at length in the motion to vacate, the strong
21 implication from the bylaws is that this decision belonged to the officers and not the executive
22 board. *See* Reply in Support of Motion to Vacate Hearing at 5:20–6:19 in Consolidated Case No.
23 2023-015. Indeed, the EMRB asserting jurisdiction over this intra-corporate dispute is going to
24 raise a plethora of legal issues that the EMRB is poorly suited to resolve. Indeed, in all likelihood,
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26
27 ¹ APTA’s First Amended Complaint is a dishonest attempt to not discuss this important clarification
28 email.

1 by proceeding with a hearing on this matter, the EMRB will create a surplus of appealable issues
2 that will need to be resolved by a district court on a petition for judicial review.

3 **III. APTA LACKS STANDING TO BRING THIS COMPLAINT**

4 It is beyond dispute that the notice of voluntary withdrawal was submitted, that it was
5 approved by the Board of Trustees, and that the professional-technical employees that were
6 previously represented by APTA are now under a new collective bargaining agreement and
7 represented by WPTA. Unless and until APTA obtains a judgment from a court of competent
8 jurisdiction invalidating that corporate act or until APTA submits the documents required by NRS
9 288.160, it is not a recognized employee organization of the District. Accordingly, APTA as a
10 nonprofit corporation and Mr. Dreher as its attorney have no standing to come before this Board
11 and pursue this Complaint. The EMRB cannot waive a magic wand and permit APTA to proceed
12 before it on the basis that the EMRB might later invalidate the voluntary withdrawal and thus
13 provide APTA with a basis for standing. This is a prior question to permitting a hearing from
14 occurring and serves as an independent basis to dismiss the Complaint.

15 **IV. NEITHER NAC 288.146 NOR THE CONTRACT BAR DOCTRINE ARE
16 IMPLICATED BY APTA'S NOTICE OF VOLUNTARY WITHDRAWAL**

17 APTA's arguments regarding NAC 288.146 and the contract bar doctrine fail to engage
18 substantively with any of the arguments the District has made regarding their lack of application.
19 APTA cannot escape the fact that four (4) of its officers and executive board members submitted a
20 request to voluntary withdraw pursuant to NAC 288.145. *See* Mot. at Ex. A. Thus, there was no
21 rival organization, rather it was APTA itself that submitted the notice of voluntary withdrawal.
22 Additionally, there is no timeline within which APTA could have submitted the notice of voluntary
23 withdrawal, thus all of APTA's arguments in this section are moot. *See* NAC 288.145; *see also* *See*
24 *Deborah Boland, M. D., A Local Government Employee and Member of the Umc Physicians'*
25 *Bargaining Unit of Nevada Service Employees Union, Seiu Local 1107, AFL-CIO, Clc Et. Al.,*
26 *Complainants Nevada Service Employees Union, Item No. 802, 2015 WL 1324423, at *6-8*
27 *(March 23, 2015).*

1 APTA's characterization of NAC 288.146 as creating a "'window' for the District to have
2 *recognized* a rival organization" is incorrect. Opp. at 8:8-9. NAC 288.146 sets the deadline within
3 which another employee organization can challenge the recognition of a different employee
4 organization. The petition contemplated by NAC 288.146 is to withdraw recognition, not to
5 recognize a new employee organization. Furthermore, NAC 288.146 is plainly inapplicable here
6 because the request for voluntary withdrawal came from four (4) officers and executive board
7 members of APTA. This is confirmed by the email attached to the Motion to Dismiss that stated
8 "the four of you, as the majority of the APTA Executive Board, requested voluntary withdrawal of
9 APTA as the bargaining representative pursuant to NAC 288.145." See Mot. at Ex. A. Thus, NAC
10 288.146 is inapplicable to these facts.

11 APTA's reliance on the contract bar doctrine is similarly misplaced because it does not
12 apply to notices of voluntary withdrawal. Indeed, the same case APTA cites explains:

13 during the term of an existing labor agreement of up to three (3) years duration
14 and during negotiations for a successor agreement (through factfinding and/or
15 binding arbitration), recognition of an incumbent employee organization may
16 not be withdrawn or challenged by a rival organization, except pursuant to NRS
17 288.160(3) [**unless the incumbent employee organization voluntarily
withdraws as bargaining representative** or fails to notify the employer
pursuant to NRS 288.180(1) that it desires to negotiate - see NAC 288.145].

18 *Douglas County Support Staff Organization/nsea, Petitioner Nevada Classified School Employees*
19 *Association, Chapter 6, Respondent, Item No. 313, 1993 WL 13718114, at *5 (May 13, 1993).*
20 Consequently, the contract bar doctrine has no application to APTA's notice of voluntary
21 withdrawal.

22 **V. PROCEEDING WITH THIS COMPLAINT WILL BE FRUITLESS**

23 APTA failed to make any meaningful response to the District's arguments regarding this
24 Complaint being a waste of resources due to the inevitable nature of the result. It continues to be
25 improper for APTA and/or the EMRB to interfere with the right of the professional-technical
26 employees to organize themselves in a manner they see fit.

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CERTIFICATE OF SERVICE

I, Terri Tribble, declare:

I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Simons Hall Johnston PC. My business address is 690 Sierra Rose Dr., Reno, NV 89511. I am over the age of 18 years and not a party to this action.

On the below date, I served the foregoing **RESPONDENT’S REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINANT’S FIRST AMENDED COMPLAINT** by causing the document to be served via email, addressed as follows:

Ronald J. Dreher
P.O. Box 6494
Reno, NV 89513
ron@dreherlaw.net

Attorney for Complainant
ASSOCIATION OF PROFESSIONAL-
TECHNICAL ADMINISTRATORS

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on March 14, 2024.

/s/ Terri Tribble
Employee of Simons Hall Johnston

EXHIBIT C

EXHIBIT C

1 ANTHONY L. HALL, ESQ.
Nevada Bar No. 5977
2 AHall@SHJNevada.com
JONATHAN A. MCGUIRE, ESQ.
3 Nevada Bar No. 15280
JMcGuire@SHJNevada.com
4 SIMONS HALL JOHNSTON PC
690 Sierra Rose Dr.,
5 Reno, Nevada 89511
Telephone: (775) 785-0088

6 *Attorneys for Respondent*
7 *Washoe County School District*

8 **BEFORE THE STATE OF NEVADA**
9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 ASSOCIATION OF PROFESSIONAL-
11 TECHNICAL ADMINISTRATORS,

12 Complainant,

13 vs.

14 WASHOE COUNTY SCHOOL DISTRICT,

15 Respondent.
16
17

Case No.: 2024-001

Panel:

18 **DECLARATION OF ANTHONY HALL IN SUPPORT OF**
19 **REPLY IN SUPPORT OF RESPONDENT’S MOTION TO DISMISS**
20 **COMPLAINANT’S FIRST AMENDED COMPLAINT**

21 I, Anthony Hall, being duly sworn, depose and state under penalty of perjury the following:

22 1. I am over the age of 18 and I make this declaration under the penalty of perjury under
23 the laws of the United States and the State of Nevada. I have personal knowledge of the facts set
24 forth in this Declaration, and if I am called as a witness, I would and could testify competently as to
25 each fact set forth herein.

26 2. I submit this Declaration in support of Respondent’s Reply in Support of Respondent’s
27 Motion to Dismiss Complainant’s First Amended Complaint, to which this Declaration is attached as
28 an exhibit.

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3. I am an attorney duly licensed to practice law in the State of Nevada. I am a partner at Simons Hall Johnston PC, and I am counsel for the Defendants in the above-captioned matter.

4. Prior to January 10, 2024, I have not had any communications with Adriana Publico, Tony McMillen, Lisa McNeill, or Naveed Frank, except for those communications Mr. Dreher was present for in conjunction with the labor negotiations between the District and APTA.

I, Anthony L. Hall, Esq., do hereby swear under penalty of perjury under the laws of the State of Nevada and the United States of America that the foregoing assertions are true and correct to the best of my knowledge.

DATED this 14th day of March 2024.

/s/ Anthony L. Hall
Anthony L. Hall, Esq.

EXHIBIT D

EXHIBIT D

1 ANTHONY L. HALL, ESQ.
Nevada Bar No. 5977
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3 JONATHAN A. MCGUIRE, ESQ.
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6 *Attorneys for Respondent*
7 *Washoe County School District*

8 **BEFORE THE STATE OF NEVADA**
9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 ASSOCIATION OF PROFESSIONAL-
11 TECHNICAL ADMINISTRATORS,

12 Complainant,

13 vs.

14 WASHOE COUNTY SCHOOL DISTRICT,

15 Respondent.
16
17

Case No.: 2024-001

Panel:

18 **DECLARATION OF JONATHAN MCGUIRE IN SUPPORT OF**
19 **REPLY IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS**
20 **COMPLAINANT'S FIRST AMENDED COMPLAINT**

21 I, Jonathan McGuire, being duly sworn, depose and state under penalty of perjury the
22 following:

23 1. I am over the age of 18 and I make this declaration under the penalty of perjury under
24 the laws of the United States and the State of Nevada. I have personal knowledge of the facts set
25 forth in this Declaration, and if I am called as a witness, I would and could testify competently as to
26 each fact set forth herein.
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2. I submit this Declaration in support of Respondent’s Reply in Support of Respondent’s Motion to Dismiss Complainant’s First Amended Complaint, to which this Declaration is attached as an exhibit.

3. I am an attorney duly licensed to practice law in the State of Nevada. I am an associate attorney at Simons Hall Johnston PC, and I am counsel for the Defendants in the above-captioned matter.

4. I have not had any communications whatsoever with Adriana Publico, Tony McMillen, Lisa McNeill, or Naveed Frank, prior to January 10, 2024.

I, Jonathan A. McGuire, Esq., do hereby swear under penalty of perjury under the laws of the State of Nevada and the United States of America that the foregoing assertions are true and correct to the best of my knowledge.

DATED this 14th day of March 2024.

/s/ Jonathan A. McGuire
Jonathan A. McGuire, Esq.