

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R056-19**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 288.

1. A clear and concise explanation of the need for the adopted regulation.

The primary impetus for amending the agency's regulations was the passage of Senate Bill 135, which authorizes collective bargaining for certain classified employees in the Executive Department. To this end, the regulations integrate the handling of cases into one unified system, no matter whether the source of a given case is the state or a local government. Accordingly, many sections of the current administrative rules have minor language changes to accommodate the existing rule also being applied to cases involving the state. Additionally, Senate Bill 135 has two features unique to the state, and which do not apply to local governments; namely the optional use of preliminary investigations and hearing officers. Sections 5 and 6 provide for these unique rules.

Besides the primary impetus mentioned above, the regulation also changes procedural deadlines for certain documents filed with the Board. This past March the Nevada Supreme Court made major changes to the Nevada Rules of Civil Procedure. Among these changes were the deadlines for the submission of certain documents, such as answers, motions, oppositions to motions, replies, etc. This regulation changes the procedural deadlines to make them coincide with deadlines of similar documents filed with a court, which is helpful since most of the attorneys practicing before the Board also practice in court. These changes are found in 13 different sections of the regulation.

A change to the EMRB's statute in 2017 increased the size of the Board from three to five members and allows certain types of cases to be heard by a panel of three Board members, thus increasing the capacity of the Board to hear cases and thereby reduce the time in which to hear a given case. This regulation provides for a few minor changes to the use of panels gained through the experience of using them these past two years and particularly provides for rules for substitutions on a panel whenever a panel member may be absent or when there is a vacancy on the Board.

Section 21 adds an element to items required to be included in any prehearing statement by requiring a statement as to whether there are any pending or anticipated administrative, judicial or other proceedings related to the case filed with the EMRB. This requirement will avoid any misunderstanding as to whether the EMRB case should be stayed under the limited deferral doctrine while other proceedings are active, thus eliminating the cancellation of a scheduled hearing for which attorneys may have already prepared.

Other sections allow for the increased use of technology through such means as the video-conferencing of hearings; the furnishing of documentary exhibits electronically instead of through the creation of exhibit books; and by providing that pleadings and motions filed electronically do not need to comply with certain requirements prescribed for written documents filed with the Board.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of this summary.

Copies of the proposed regulation, notice of workshop and notices of intent to act upon the regulations were sent by U.S. mail and/or email to the state and local governments, as well as labor organizations and employee organizations who filed an annual report with the agency, to the agency's list of attorneys who have appeared before the Board, to persons who were known to have an interest in the subject of the Government Employee-Management Relations Board (EMRB) as well as to any persons who had specifically requested such notice. These documents were also made available at the website of the EMRB, www.emrb.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Government Employee-Management Relations Board
3300 W. Sahara Ave., Suite 260
Las Vegas, NV 89102

Department of Business & Industry
3300 W. Sahara Ave., Fourth Floor
Las Vegas, NV 89102

Department of Business & Industry
1830 College Parkway, Suite 100
Carson City, NV 89706

Nevada State Library
201 S. Carson Street #100
Carson City, NV 89703

Department of Administration
Public Meeting Notice Web Site:
<http://notice.nv.gov>

Employee-Management Relations Board Web Site:
<http://emrb.state.nv.us>

Two workshops were held. The first workshop was held on July 10, 2019 and the minutes of that meeting, attached hereto as Exhibit A, contain a summary of the discussion held regarding the proposed regulation. No written responses were received subsequent to the workshop.

A second workshop was held on October 29, 2019 and the minutes of that meeting, attached hereto as Exhibit B, contain a summary of the discussion held regarding the proposed regulation.

On November 14, 2019, the Commissioner issued the Notice of Intent to Act Upon a Regulation.

A public hearing was then held on December 17, 2019, and the minutes of that public hearing, attached hereto as Exhibit C, contain a summary of the discussion held regarding the proposed regulation.

A copy of the summary of the public response to the proposed regulation may be obtained from the Government Employee-Management Relations Board, 3300 W. Sahara Avenue, Suite 260, Las Vegas, Nevada 89102 or via email to emrb@business.nv.gov.

3. The number of persons who:

(a) Attended each hearing:

July 10, 2019 Workshop #1: 14 in Las Vegas and 6 in Carson City via teleconference (not including EMRB Board members and staff)

October 29, 2019 Workshop #2: 11 in Las Vegas and 10 in Carson City (not including EMRB Board members and staff)

December 17, 2019 Public Hearing: 12 in Las Vegas and 9 in Carson City (not including EMRB Board members and staff)

(b) Testified at each hearing (not including EMRB Board members and staff):

July 10, 2019 Workshop #1: 8

October 29, 2019 Workshop #2: 9

December 17, 2019 Public Hearing: 1

(c) Submitted to the agency written comments: None.

- 4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.**

Please see Exhibit D, attached.

- 5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public, namely via mailings to the state and local governments, along with labor organizations and employee organizations who have filed an annual report with the agency. Comments were also solicited from attorneys who practice before the agency plus from others who were known to have an interest in the subject of the Government Employee-Management Relations Board as well as to any persons who had specifically requested such notice. Comments were received at the workshops. The minutes of both workshops and the public hearing, as well as the small business impact statement and the summary may be obtained as instructed in the response to question #2.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The agency did change the regulation based upon comments received. The purpose of the first workshop was to solicit ideas from the user community. At that time there was intentionally no draft yet prepared of the proposed regulation. The agency used the ideas generated at this first workshop to draft the language. The purpose of the second workshop was to hear from the user community as to what they believe needed to be changed with respect to the draft regulation as prepared by the Legislative Counsel Bureau (LCB). Five suggested changes were made at this second workshop. Two related to changing the number of days for a document to be filed. One clarified that Category I peace officers also work at NSHE. One added a standard for the Board to use when making a decision based upon a hearing officer's recommendation. Finally, a section was added to provide notice and a waiting period to see if a second or third labor organization should

also be included on a representation election ballot at the state level. The agency presented those suggestions to the LCB, who then prepared a revised proposed regulation addressing the suggestions made at the second public workshop. This revised proposed regulation was posted in accordance with law and presented to the Board at the public hearing, which elicited no further changes from the public or user community. Please see the minutes of the public hearing (Exhibit C attached hereto) for further comments.

7. The established economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

The agency has concluded that the proposed regulations will neither impose a direct and significant economic burden upon small businesses nor directly restrict the formation, operation or expansion of small businesses. On the contrary, the proposed regulations have several features that may minimize the impact of the law firms that represent clients who appear before the agency.

Most notably, the proposed regulations integrate the handling of cases into one system, no matter whether a given case is related to the state government or local governments. This is important to attorneys practicing before the Board as a number of attorneys may represent both clients at the state and local levels.

As to particular sections of the proposed regulation, Sections 5 and 6 provide rules for implementing two optional processes involving prohibited practice complaints at the State level. Section 5 allows for a preliminary investigation to be conducted, which could save law firms costs associated with conducting a separate investigation. Section 6 allows for the use of hearing officers, which might expedite the hearing of claims in certain situations.

Sections 11, 12, 14, 19, 21, 23, 24, 29, 30, 33, 34, 36 and 37 change procedural deadlines for the certain documents filed with the Board to make them coincide with deadlines of similar documents filed with a court under the Nevada Rules of Civil Procedure. This will help law firms in that the deadlines for the EMRB will be the same as attorneys routinely encounter in court.

Section 21 adds an element to items required to be included in any prehearing statement by requiring a statement as to whether there are any pending or anticipated administrative, judicial or other proceedings related to the case filed with the EMRB. Although this is an added requirement, it will avoid any misunderstanding as to whether the EMRB case should be stayed under the limited deferral doctrine while other proceedings are active, thus eliminating the cancellation of a scheduled hearing for which attorneys may have already prepared.

Other sections allow for the increased use of technology. For example, Section 27 provides for rules for the use of video-conferencing for hearings while Section 31

allows for the furnishing of documentary exhibits electronically instead of through the creation of exhibit books. Likewise, Section 18 provides that pleadings and motions filed electronically do not need to comply with certain requirements prescribed for written documents filed with the Board.

Neither will there be any adverse effects on the public. This is for the same reasons as stated above.

(b) Both immediate and long-term effects.

There will be no immediate or long-term adverse effects on the businesses that the EMRB regulates. For the reasons stated in #7a above, the proposed regulations will have both immediate and long-term beneficial effects on those businesses.

There will be no immediate or long-term adverse effects on the public. For the reasons stated in #7a above, the proposed regulations will have both immediate and long-term beneficial effects on the public in that any cases filed have the potential of being handled more both more quickly and with features that will simplify the process.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or local governmental agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee or increase an existing fee.

EXHIBIT A

STATE OF NEVADA



STEVE SISOLAK
Governor

MICHAEL BROWN
Director

Members of the Board

BRUCE K. SNYDER
Commissioner

BRENT C. ECKERSLEY, ESQ., Chair
SANDRA MASTERS, Vice-Chair
CAM WALKER, Board Member
GARY COTTINO, Board Member
VACANCY, Board Member

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

3300 W. Sahara Avenue, Suite 260, Las Vegas, Nevada 89102
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

July 17, 2019

**MINUTES OF THE WORKSHOP TO SOLICIT COMMENTS FOR NEW REGULATIONS
OR CHANGES TO EXISTING REGULATIONS OF THE EMRB**

A workshop of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Wednesday, July 10, 2019, at the hour of 2:00 p.m. in the Nevada Room¹ at the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102. The workshop was also video conferenced to the Department of Business and Industry Director’s Office, 1830 College Parkway, Suite 100, Carson City, Nevada 89706.

The workshop was conducted by EMRB Commissioner Bruce K. Snyder. Also present representing the EMRB were Gary Cottino, Board Member; Marisu Romualdez Abellar, Executive Assistant and Board Secretary; and Donald Bordelove, Esq., Deputy Attorney General.

Present in Las Vegas from the public were:

<u>Name</u>	<u>Representing</u>
Lleta Brown	Office of the Labor Commissioner
Brian Brundage	Nevada Highway Patrol Association (NHPA)
Carter Bundy	American Federation of State, County and Municipal Employees (AFSCME)
Deonne Contine	Dept. of Administration/DHRM
Tom Donaldson	NHPA
Ricky Gourrier	NHPA
Casey Humphries	Nevada Game Wardens Association (NGWA)

¹ The meeting was noticed for the Tahoe Room. However, the meeting was moved to the Nevada Room in anticipation of an expected large number of attendees. Clear and conspicuous signage was placed on the floor directing attendees to the Nevada Room.

Victor Jordan	NGWA
Jeannine Lake	AFSCME
Peter Long	Division of Human Resource Management
Rick McCann	Nevada Association of Public Safety Officers (NAPSO)
Marcel F. Schaerer	Dept. of Business and Industry
Harry J. Schiffman	AFSCME
Kathleen Vonk	Nevada State Law Enforcement Officers Association (NSLEOA)

Present in Carson City from the public were:

<u>Name</u>	<u>Representing</u>
Eddie Ableser	NHPA
Ron Dreher	WCSPPOA, RPPA, WSPA, RAPG, APTA
Kent Ervin	Nevada Faculty Alliance
Kevin Ranft	AFSCME, Local 4041
Jordan Walsh	Holland & Hart
Allen Wooldridge	NHPA

The meeting was called to order at 2:05 p.m. by Commissioner Snyder.

1. Public Comment.

No public comment was offered.

1. Solicitation of Comments and Suggestions on Rules Relating to the Recent Revisions to the Nevada Rules of Civil Procedure.

Commissioner Snyder mentioned that the Nevada Supreme Court recently adopted major revisions to the Nevada Rules of Civil Procedure and that perhaps some of those changes might also be beneficial for the EMRB to adopt.

Commissioner Snyder first brought up the issue of serving complaints by other than the current practice, which is by certified mail. This might include allowing a respondent to accept service by e-mail. No comments were offered by those in attendance.

The second item would be for the EMRB to adopt the methodology for counting days as to when documents other than the complaint are due. Commissioner Snyder mentioned that the NRCP adopted a date counting methodology based upon multiples of seven days and which has also excluded the three additional days for mailing. In response Tom Donaldson stated that consistency is beneficial and the EMRB adopting the same rules as the NRCP for date counting would be helpful to practitioners. There seemed to be general agreement in the room in regard to this comment.

Commissioner Snyder then asked if there were any other ideas that the EMRB might consider based upon revisions to the NRCP. No comments were offered by those in attendance.

2. Solicitation of Comments and Suggestions on Rules Relating to the Operation of Panels.

Commissioner Snyder stated that legislation passed in 2017 increased the size of the Board from three five members and that the legislation also allows for much of the work of the Board to be conducted in panels of three members. He opined that overall the panels have worked well and that the use of panels has eliminated the backlog previously experienced by the agency. However, the agency's use of panels since then has led it to encounter issues when a member of a panel is absent or the agency has a vacancy on the Board, as the law requires all three members of a panel to be present for business to be conducted.

Commissioner Snyder mentioned that when a case is filed it is randomly assigned to an initial panel until such time as a hearing is granted, at which time the case is randomly reassigned to a hearing panel. He stated that one option to rectify the issues just discussed would be to eliminate the use of initial panels and to have the entire Board resolve motions and other preliminary matters, thus better ensuring that a quorum would always be available. Rick McCann asked if this was the pleasure of the Board. In response Commissioner Snyder stated that this was his pleasure and that doing so would eliminate about 90% of the issues. Rick McCann stated that he thought using the full Board for preliminary matters would be acceptable and that he has no problem with the idea in order to keep the cases moving forward.

Commissioner Snyder mentioned that there is a provision for a substitute to be randomly selected for an absent member, provided the parties consent to a substitute. He then asked whether the rules should be changed to allow for substitutes without the need for such consent. Gary Cottino agreed with the idea of using substitutes without agreement of the parties. Carter Bundy inquired as to whether the substitutes are themselves already on the Board, at which time Commissioner Snyder stated that they were. Ron Dreher asked whether the substitute is just the substitute for that day or for the remainder of any action taken on the case. Commissioner Snyder responded that it was the latter, giving an example recently encountered.

Commissioner Snyder then asked if there were any other ideas for improving the use of panels. No comments were offered by those in attendance.

3. Solicitation of Comments and Suggestions on Rules Relating to the Adoption of SB 135.

Commissioner Snyder mentioned that there will likely be a number of attorneys who currently practice before the EMRB who might also in the future be practicing with respect to state employees or labor organizations. It is thus his intent to have one set of rules for the processing of cases, no matter the parties involved. He also stated that a number of changes were made to SB 135 to accommodate this. Commissioner Snyder then gave examples that from NAC 288.200 through NAC 288.420 there are a number of instances in the agency's existing rules where it mentions local governments and that the agency thus proposed to eliminate the word "local" and add a definition that the word

“government” means both local governments and the Executive Department of the state government, using the same definitions as found in SB 135. Additionally, unions at the state level are called labor organizations while unions at the local level are called employee organizations and that this would also need to be addressed. Commissioner Snyder then asked for comments on this proposal.

Thereupon Rick McCann echoed what was previously said about the NRCP, in that consistency would be good in that cases would be handled the same way.

Ron Dreher asked what employees are considered to be state government under SB 135, at which time Commissioner Snyder stated that it included the classified employees ultimately reporting either to the Governor or to NSHE’s Board of Regents. He further stated that the rules would copy the definitions found in SB 135. Kent Ervin asked who actually would be considered the employer with respect to NSHE employees. Commissioner Snyder stated the bill has the tension of the Governor’s Office or designee negotiating collective bargaining agreements and that the bargaining units are horizontal units, crossing over between the traditional executive branch and higher education. Kent Ervin mentioned that the Board of Regents has adopted rules regarding collective bargaining for state employees. Commissioner Snyder mentioned that there will likely end up a case or cases before the Board resolving issues such as those just raised.

Commissioner Snyder then raised the second issue with respect to SB 135; namely the provision in Section 27 that allows the EMRB to conduct a preliminary investigation of a complaint filed with the agency that involves the state government or state employees. Commissioner Snyder mentioned that the EMRB has never conducted investigations in its 50-year history but has instead acted more like an impartial court. He stated that perhaps this would be useful when a pro se client files a complaint with the agency. Questions to consider include under what conditions, if any, should the EMRB conduct investigations? Who should determine whether an investigation is to be conducted? Who should conduct the investigation? How should an investigation be conducted? What input should the parties have in the process? Should the parties be allowed to comment on the report produced by the investigation?

Tom Donaldson said this might be similar to what is now done through formal pleadings with the issue of probable cause. Rick McCann stated he envisions how this would be done with staff and whether staff would want this as they would then have an investigative interest in the case. He further stated that using this would be useful in the instance of a pro se client. He also stated that this seems to be a discretionary tool.

Ron Dreher inquired about the staff required to do investigations. He questioned how an investigation could be done in a case involving allegations of bad faith bargaining. This would be contrasted with a discipline/discharge case.

Commissioner Snyder stated that the EMRB differs from the NLRB as the NLRB investigates allegations and then prosecutes the cases. In contrast the EMRB has

always acted more like a court. Carter Bundy stated this provision seems to be more like a motion to dismiss and that the investigation would just determine whether an initial threshold had been met. Mr. Bundy offered to submit something in writing in this regard, at which time Commissioner Snyder stated he welcomed any written comments on any subject brought up at the workshop.

Commissioner Snyder then raised the third issue with respect to SB 135; namely to the provision in Section 28 that allows the EMRB to use the option of a hearing officer to hear disputes involving the Executive Department and/or a labor organization. He stated that the EMRB has never used a hearing officer. Questions to consider include under what conditions, if any, should the EMRB use a hearing officer in lieu of having the case heard directly by the full Board or a hearing panel? If used, how is a hearing officer to be selected and assigned to a case? How should the hearing be conducted? How is the hearing officer's decision reported back to the full Board or a panel? Should the parties be allowed to file objections to the report, and if so, how is this to be done? Should oral argument on any objections be allowed when the report is on the agenda for the full Board or a panel?

Deonne Contine stated that the hearings and appeals division has a special division that hears disputes other than workers compensation cases. Tom Donaldson stated that this is the group that currently hears disputes involving state employees for such things as termination and retaliation cases. He also stated that currently the services of the hearing officer are at no cost. Ms. Contine opined that there should be some planning should the EMRB decide to often use this option. Peter Long stated that the hearing officers are appointed by the Governor and are independent and would not be part of any of the bargaining units.

Peter Long stated this option might be useful should the Board be backlogged due to an increase in the volume of work. Rick McCann stated he does not have a problem with the use of hearing officers for disciplinary matters but not for issues like bad faith bargaining that involve interpretation of the statute. The issue really is what to do with the final product of the hearing officer.

Donald Bordelove stated the EMRB might want to copy regulations of another agency like the Tax Commission. Tom Donaldson stated the hearing officer office gives a list of names which are then stricken by the parties.

Ron Dreher asked why have a hearing officer first of all? He stated this could slow down the process because the parties can dispute the report of the hearing officer and create a situation where the Board would still need to hear the case *de novo*. He also stated that perhaps the EMRB could create a list of hearing officers, which could then be picked by the parties. He further stated that the EMRB has worked hard to expedite the process and that this could set things back by making the process more cumbersome.

Commissioner Snyder stated he was not originally a fan of this provision as the Board has always heard cases. However, it may be useful as a safety valve. Peter Long stated this provision appears to be limited to prohibited practice cases.

Ron Dreher stated that maybe the EMRB could develop a list of hearing officers from individuals who live in Nevada instead of using lists that include people from out-of-state.

Carter Bundy stated that Section 28 is permissive and not mandatory and, secondly, that the Board is not required to conduct a *de novo* hearing but may just consist of reviewing the record created by the hearing officer.

Commissioner Snyder stated he believed that any record and/or report created by a hearing officer would be reviewed by the Board, along with any written objections filed by the parties. This could then be followed by oral argument.

Commissioner Snyder then raised the fourth issue with respect to SB 135; namely the recognition of a labor organization as the exclusive representative of a bargaining unit, as detailed in sections 30 through 33. Commissioner Snyder mentioned that NAC 288.110 and NAC 288.120 are the current agency rules for elections at the local government level. Questions to consider are should these rules be revised to include the State or should a separate group of rules instead be drafted? If the latter, what rules are recommended for inclusion to clarify or expound upon the law as stated in Sections 30 through 33? Also, SB 135 states that a labor organization seeking recognition is to submit a membership list or other evidence that it is authorized to represent either a minimum of 30 percent or 50 percent of the employees within a bargaining unit. What rules should be adopted related to the verification of the information submitted?

Carter Bundy stated he would provide written information from other jurisdictions about verifying authorization cards.

Tom Donaldson stated the process in Sections 30 through 33 is different from current practice for local governments and thus the rules should be separate and different.

Eddie Ableser stated many of the employees are already members of their association and asked if evidence other than cards could be submitted, such as a membership list, which would be ideal to include in the rules. Rick McCann stated at the local government level the statute does not require cards.

Note: The discussion then briefly went off topic concerning the upcoming report from Human Resource Management and what might constitute a supervisor, especially with regard to law enforcement personnel. In the end Commissioner Snyder stated any decisions would need to be made by the Board.

Finally, Commissioner Snyder mentioned the last issue with respect to SB 135; namely the provision in Section 53(4), which states that the Board, after conducting hearings to determine which job classifications are within the scope of each of the 11 bargaining

units defined in Section 29, is to then adopt regulations to this effect, based upon a recommendation that any decisions in this regard by the Board would need to end up in a regulation. The list of job classifications, and their assignment to the bargaining units, is required to be encapsulated in the administrative rules. Questions to consider include how should the creation of new job classifications be resolved? How should the split of a job classification into two or more job classifications be resolved? How should the combination of two or more job classifications into one job classification be resolved? How should the elimination of a job classification be resolved?

Peter Long suggested that the EMRB not have a regulation listing all the job classifications as it would be outdated soon thereafter, since the list of job classifications is constantly changing. Instead, something less specific would be better than something that is more specific.

Commissioner Snyder stated that a collective bargaining agreement he had personal experience with had provisions in the agreement for handling situations such as the questions posed here.

Gary Cottino mentioned the issue of job families and how they might be useful in this regard. Peter Long stated that the state does have occupational groups but opined that this might not be useful in this instance as they don't match the proposed 11 bargaining units.

Peter Long stated that the regulation should just state that there is a list that would be updated by Human Resource Management and kept by the EMRB.

Rick McCann stated the law only requires the adoption of regulations and does not state anything more specific than that.

Commissioner Snyder asked how a new job classification should be assigned to a particular bargaining unit. Rick McCann stated that the regulations in this regard should follow the decisions of the EMRB about the process to be used. Carter Bundy stated that notification and the ability to object would be important.

4. Proposed Additions or Revisions for Other Than the Above Reasons.

Commissioner Snyder asked if anyone had any ideas for additions or changes to the agency's regulations for other than the three reasons stated above. He did mention that Marisu Romualdez Abellar, Board Secretary and Executive Assistant, had mentioned that rules should be adopted for the electronic submission of exhibits in lieu of submitting them in binders, due to the Board members and staff now having notebook computers. For instance, the attorneys could each submit a flash drive at the beginning of a hearing, at which time the exhibits could then be loaded onto the notebook computers.

No comments were offered by those in attendance.

5. Additional Period of Public Comment.

Carter Bundy asked whether the audio of the workshop would be placed on the agency's website. Board Secretary Romualdez Abellar stated that the file would be too large but that the EMRB would work with him to get him a copy. Commissioner Snyder mentioned that the minutes of the meeting would be on the website.

Commissioner Snyder then explained the process going forward which would consist of (1) drafting actual proposed language; (2) having that language reviewed by the Deputy Director; (3) submission of the draft language to the LCB for formal drafting; (4) holding a second public workshop on the formal draft; (5) holding of a public hearing by the Board; (6) Board approval; and (7) submission of the proposal to the Legislative Commission for their review and potential final adoption.

Commissioner Snyder then asked if Deonne Contine and/or Peter Long would like to say anything, as they represent the State of Nevada in the process. Deonne Contine stated that they are working on a process to get information out to the employees and that they are creating a list of those who would like that information. She suggested that those interested should forward their contact information to her. She also stated that they would update that information about once a month.

No other public comment was offered. The workshop thus adjourned at 3:40 p.m.

Respectfully submitted,



Bruce K. Snyder,
Commissioner, Government Employee-Management Relations Board

EXHIBIT B

STATE OF NEVADA

STEVE SISOLAK
Governor

Members of the Board

BRENT C. ECKERSLEY, Chair
SANDRA MASTERS, Vice-Chair
CAM WALKER, Board Member
GARY COTTINO, Board Member
BRETT HARRIS, ESQ., Board Member



TERRY REYNOLDS
Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

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EMRB
1969-2019

**MINUTES OF THE SECOND WORKSHOP TO SOLICIT COMMENTS FOR NEW
REGULATIONS OR CHANGES TO EXISTING REGULATIONS – PROPOSED
REGULATION R056-19**

A workshop of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, October 29, 2019, at the hour of 2:00 p.m. at the Nevada State Business Center, 3300 W. Sahara Avenue, Fourth Floor, Nevada Room, Las Vegas, Nevada 89102. The meeting was video-conferenced to the Department of Business and Industry Director's Office, 1830 College Parkway, Suite 100, Carson City, Nevada 89706.

The meeting was conducted by EMRB Commissioner Bruce K. Snyder, who called the workshop to order at 2:00 p.m.

Also present representing the EMRB were: Gary Cottino, Board Member
Marisu Romualdez Abellar, Board Secretary
Chris Roske, Administrative Assistant II
Donald Bordelove, Esq., Deputy Attorney General

Present from the public in Las Vegas were: Kasey Beasley, City of North Las Vegas
Carter Bundy, AFSCME
Scott Davis, Clark County District Attorney's Office
Nick DiFranco, IUOE, Local 12
Ricky Gourrier, NHPA
Ashley Jenkins, AFSCME
Paul Klein, NHPA
Richard Lile, IUOE, Local 501
Rick McCann, NAPSO
Carl Sierra, IUOE, Local 12
Kathy Vonk, NSLEOA

Present in Carson City were:

Barry Baker, IUOE, Local 3
Deonne Contine, Department of Administration
Tom Donaldson, Esq., Dyer Lawrence
Jerry Frederick, Laborers Local 39
Scott Fullerton, IUOE, Local 3
Ralph Handel, IUOE, Local 3
Sandra Lawrence, Esq., Dyer Lawrence
Peter Long, Division of Human Resource
Management
Frank Richardson, Division of Human Resource
Management
Silvia Villanueva, Esq., Dyer Lawrence

Agenda:

1. Public Comment

No public comment was offered.

2. Additions to the Agency's Regulations.

Commissioner Snyder stated that the most important thing about the proposed additions and amendments to the agency's regulations cannot be found within the words of the proposed regulation and that the most important thing is that the regulations, with very few exceptions, have been drafted so that the same provisions apply at both the local government level and at the state level. He added that this is important in that a number of attorneys practicing before the agency will have cases at both levels. Moreover, having the same rules will aid greatly in administering NRS 288 in that every case will be handled under the same system and set of rules.

Section 1 – Introductory section.

No comments were offered on this section.

Section 2 – Defines the term "Government employer."

Commissioner Snyder stated that this definition is only used so that elsewhere in the regulations, where it a number of times had mentioned local government employer, the word "local" has been removed and thus the term "government employer" now refers to both local government employers as well as the Executive Department of the State.

No comments were offered on this section.

Section 3 – EMRB clerical employees to be confidential employees.

Commissioner Snyder stated that this new section would designate any classified clerical employees in the EMRB as confidential.

No comments were offered on this section.

Section 4 – Verification of number of employees for annual assessments.

Based on a request for clarification as to what this section is about, Commissioner Snyder stated all but a few of the local governments belong to PERS and thus the EMRB receives employee numbers from PERS for those local governments. This regulation addresses the information to use for those local governments that do not belong to PERS as well as the information to be received from the State. He further stated that the EMRB cannot use information from PERS for the State as the definition of employee at the State level is different from that of employee at the local government level. At the local government level everyone is an employee while the definition in Senate Bill 135 only includes as an employee those individuals who are within a bargaining unit. The regulation in subsection 4 also addresses situations in which a local government believes that the number received from PERS is no longer valid (i.e., is off by more than 2%) and thus is allowed to submit additional documentation asking for a variance on the invoice.

Carter Bundy asked about the number of managerial employees at the state level. In response, Peter Long stated that the number is probably less than 10% of all classified employees. Commissioner Snyder stated he would give him the numbers if he would send in a request.

Section 5 – Preliminary investigations of certain prohibited practice complaints.

Commissioner Snyder stated that Senate Bill 135 allows for the optional use of a preliminary investigation of a complaint that is related to the State or a state employee. He further stated that subsection 1 lists factors to consider in deciding whether to conduct an investigation while subsection 2 lists the powers of the Commissioner in conducting an investigation. Subsection 3 states that an investigation will not be conducted if a motion to dismiss has been filed while subsection 4 requires the Commissioner to submit a report and details what is to be included within the report. Normally the Board considers the prehearing statements in deciding whether to grant a hearing in a case. Subsection 5 also requires the Board to consider the report filed by the Commissioner.

Sandra Lawrence asked if the Board was going to hire employees to do the investigations. In response, Commissioner Snyder stated that because the feature is an optional one, and is limited to prohibited practice cases, that for the upcoming biennium existing staff would do the investigations.

Scott Davis stated he likes the changes gone through so far. He then asked if this could be extended at the local government level by regulation. In response, Commissioner Snyder stated that it would need to be introduced in a bill next session to extend it to the local government level in that because it is only mentioned to be used at the state level would preclude it being a power of the EMRB at the local level.

Section 6 – Optional use of hearing officers.

Commissioner Snyder stated that Senate Bill 135 allows for the optional use of a hearing officer in cases involving prohibited practices at the State level. He stated there were many discussions on this topic when the regulation was being drafted. He also mentioned that the agency's budget has no money to hire a hearing officer and thus the agency would use hearing officers employed by the Department of Administration. Originally the section was drafted wherein the hearing officer would make the decision which could then be appealed to the Board, much like a motion for rehearing or reconsideration. The final version has the hearing officer conducting the hearing and writing a report with proposed findings of fact and conclusions of law. The parties, through their attorneys, could then file objections to the report. The main point is that the final decision would strictly belong to the Board or a panel of the Board.

Deonne Contine asked about the role of the Board and the standard of review to be employed by the Board in reviewing the hearing officer's recommendation. In response, Commissioner Snyder stated the Board would likely use the same standard they would use if they heard the case himself. In the end, Commissioner Snyder stated he would work on tightening up subsection 2 of this section and talk with the LCB about the issues raised about the Board's role and any standards to use.

Commissioner Snyder also stated that the number "10" in this section should be changed to 14 days to keep with due dates being multiples of 7 days. He also stated that any final order would be subject to a petition for judicial review.

Section 7 – Description of the 11 State bargaining units.

Commissioner Snyder stated that he advised the LCB that those interested in Senate Bill 135 did not want to include all the job titles in the regulations as they change too often. So instead the LCB took the descriptions of the 11 bargaining units from the report submitted by the Division of Human Resource Management and inserted those descriptions into the regulation along with two definitions found within Senate Bill 135. He also stated that the LCB rejected his proposals to include language about how to handle the creation of new job classifications, as well as the merger, division and elimination of job classifications, stating they felt that such items were addressed within Senate Bill 135. Thus the final version of this section presented today reflects many conversations on this topic.

Tom Donaldson stated that subsection 7 should include NSHE as having category I peace officers as they also employ such officers. Commissioner Snyder stated he would add the language to this subsection.

3. Amendments to the Agency's Current Regulations.

Commissioner Snyder stated that the remaining sections of the proposed regulation amend current sections of the agency's regulations. He also stated that many of the changes are due to either making the regulations reflect due dates in the revised

Nevada Rules of Civil Procedure, making due dates in multiples of 7 days, or due to having the rules apply at both the state and local levels. In many cases this is accomplished by removing the word “local.”

Section 8 – Amends NAC 288.020, “Board” defined.

Commissioner Snyder stated that Senate Bill 135 changed the name of the agency by removing the word “Local” and thus this change makes an existing regulation conform to the statutory change.

No comments were offered on this section.

Section 9 – Amends NAC 288.030, “Complainant” and “petitioner” defined.

Commissioner Snyder stated this section defines who may be a Complainant or a Petitioner. The change adds three additional entities at the State level: the Executive Department, a labor organization and employee.

No comments were offered on this section.

Section 10 – Amends NAC 288.080, Issuance and service of process and other papers.

Commissioner Snyder stated this eliminates the word “local” and is also one of the sections of the agency’s existing regulations that are being changed to conform to the date counting rules in the recent amendments to the Nevada Rules of Civil Procedure (NRCP). He then went on to explain that dates are now in multiples of 7 days, that weekends and holidays are now counted as a day whenever the number of days is 10 or less, and that there are no longer added an additional 3 days for mailing when a document is electronically transmitted.

No comments were offered on this section.

Section 11 – Amends NAC 288.090, Time: Computation.

Commissioner Snyder stated this change is the one that actually makes the agency’s rules conform to the new date counting rules of the NRCP.

No comments were offered on this section.

Section 12 – Amends NAC 288.100, Determination of negotiability.

Commissioner Snyder stated this adds a subsection 2 that mirrors for the State what is negotiable at the local government level. He further added that the term “significantly related” comes from a case years ago involving the Truckee Meadows Fire Protection District.

No comments were offered on this section.

Section 13 – Amends NAC 288.110, Elections.

Commissioner Snyder stated the change in subsection 1 is to have this section apply to all elections and not just those at the local government level. Subsection 8 increases the number of days from 5 to 10 (should be changed to 7) since weekends and holidays are no longer counted. It also restates the number of copies needed to be filed of any objections due to the size of the Board being increased from 3 to 5 members and allows for the electronic filing of any objections. Subsection 10 makes clear this provision only applies for elections at the local government level.

No comments were offered on this section so far.

Commissioner Snyder then stated he recommends that subsection 11 be made subsection 12 and that a new subsection 11 be inserted. He then described that Senate Bill 135 section 32(1)(c) requires that the Board adopt a rule in cases in which more than one labor organization may meet the 30% threshold to be on the ballot and that the current proposed regulation contains no such rule. Therefore he contacted the LCB and they agreed there should be a rule and it should include both provisions for proper notice and a waiting period. So the two questions are (1) what type of notice is adequate and (2) what should the waiting period be?

Tom Donaldson stated he believed the waiting period should be 14 days like any other opposition to a motion.

Sandra Lawrence asked if the EMRB would create a database of interested persons. In response, Commissioner Snyder stated the EMRB last week created a new e-mail list for those persons and entities interested in any filings related to representation petitions and there are currently about 30 names on the list.

Peter Long suggested notice also be placed on the website.

Carter Bundy asked when the notice would be provided (i.e., when the petition is received or when they have been audited). In response, Commissioner Snyder described the audit process. Rick McCann suggested a three-step process of notification: (1) when the petition is filed; (2) when the audit is done; and (3) a waiting period of 14 days.

Sandra Lawrence asked if the audit process is in the regulations. In response, Commissioner Snyder stated he was told it is an internal process and therefore the steps taken in an audit do not need to be in the regulations. She also asked about situations in which a person may have signed authorization cards for multiple labor organizations. Commissioner Snyder stated this has not yet been encountered because there have been no competing petitions filed.

Others then chimed in that the waiting period should start when the audit report has been issued.

Commissioner Snyder then stated that when the audit report is issued, he would then issue the report to the parties and then give the State 21 days to respond to the petition and the audit report. He also would issue the audit report to those on the e-mail list.

Rick McCann then stated that 30 days may be more appropriate to give the State a chance to first respond at the 21-day period. Tom Donaldson then suggested 28 days in order to make it a multiple of 7 days.

Deonne Contine asked about the timing of multiple petitions, at which time an example was given about the process of the petitions, audit reports, responses and Board action.

Peter Long asked about situations in which a labor organization files a petition claiming they were over 50% but, in reality, they were less than that threshold percentage. In response, Commissioner Snyder described how an audit report would be constructed and that an audit report would be done on every petition, not just the ones that meet a threshold.

Silvia Villanueva stated that perhaps the waiting period should also be total of 21 days. Ashley Jenkins agreed. Tom Donaldson stated he thought the 21 days and 28 days would both begin when the audit report was filed and that the extra 7 days would enable a competing labor organization to know the State's response.

Carter Bundy then asked if a labor organization files at 50% and then they end up at less than 50%. In response, Commissioner Snyder stated that the labor organization would not need to refile under a different section of the law but that the existing petition would be read to meet the threshold of the other section.

Deonne Contine then asked if it would be a Board decision as to whether a given labor organization has met either the 50% or 30% thresholds. In response, Commissioner Snyder stated the answer was that it is a Board decision. She then asked if this was two different processes and how this might affect the waiting period. In response, Commissioner Snyder offered that perhaps the waiting period should not start until the Board first orders an election under Section 32. Deonne Contine stated that there appear to be two types of petitions, one for each threshold. Commissioner Snyder then offered that perhaps the Board could order an election and then stay the election for the waiting period, to give other labor organizations time to also be on the ballot, if they can meet the requirements to do so.

Tom Donaldson stated that Senate Bill 135 does not appear to allow a petition for recognition to be converted into a petition for an election. In response, Commissioner Snyder stated the labor organization could plead alternate claims under both sections. Tom Donaldson then stated a labor organization could also plead in the alternative.

Carter Bundy stated that it would be cleaner to have the waiting period start after an audit is done and then again after the Board makes its decision and that the waiting period after the Board decides whether to order an election should be 14 days.

Sandra Lawrence said the waiting period should be 14 days after the Board orders an election to give a last chance for another labor organization to also be on the ballot. Tom Donaldson seemed to concur. Carter Bundy and Rick McCann stated that there should not be multiple 14-day periods and not a new one 14-day period each time another labor organization files. Silvia Villanueva concurred.

Deonne Contine stated it would seem that there should be one Board action to determine what threshold was met and whether to order an election. In response, the Commissioner stated it seems cleaner to have the 14-day waiting period begin after the Board calls for an election, keeping in mind that the Board may need to make a further decision to add other labor organizations at a second Board meeting.

Carter Bundy brought up the subject of competing authorization cards. Commissioner Snyder stated the NLRB uses the rule of the last card signed. Sandra Lawrence brought up the subject of membership lists and how this might be different than authorization cards. Commissioner Snyder stated these are likely to be questions to be decided by the Board. Deputy Attorney General Dponald Bordelove concurred.

Summary: There seemed to be a consensus that notice would be issuing the audit report to the parties, sending a copy of all petition filings by e-mail to everyone on the special petition mailing list and posting the petition-related documents on the agency's website. There also seemed to be a consensus that a 14-day waiting period should be used and that the waiting period would begin to run once the Board issues an order to hold an election in order to give competing labor organizations a last chance to also file to be on the ballot.

Section 14 – Amends NAC 288.130, Appeal of determination of bargaining units.
Commissioner Snyder stated this section only adds the term “labor organization.”

No comments were offered on this section.

Section 15 – Amends NAC 288.140, Annual filing by local government employers.
Commissioner Snyder stated the word “local” was removed to make this section applicable to all government employers. It also makes a change to include labor organizations in the list of unions that government employers must include on their annual filings.

No comments were offered on this section.

Section 16 – Amends NAC 288.147, Annual filing by organizations.

Commissioner Snyder stated that this section is changed to also make it applicable to labor organizations at the state level and not just employee organizations at the local level.

No comments were offered on this section.

Section 17 – Amends NAC 288.231, Form of pleadings and motions.

Commissioner Snyder stated this change eliminates certain pleading requirements if a document is electronically filed; namely requirements about the type of paper used and that the document is to be bound in the top left corner.

No comments were offered on this section.

Section 18 – Amends NAC 288.240, Motions.

Commissioner Snyder stated this change is one to conform the agency's date counting to that of the NRCP by making oppositions and replies due within 14 days.

No comments were offered on this section.

Section 19 – Amends NAC 288.245, Motion to file amicus brief; request by Board.

Commissioner Snyder stated that this section is changed to also make it applicable to labor organizations at the state level and not just employee organizations at the local level.

No comments were offered on this section.

Section 20 – Amends NAC 288.250, Prehearing statement.

Commissioner Snyder stated this change is one to conform the agency's date counting to that of the NRCP by making prehearing statements due within 21 days. He also stated that it adds a new section to the prehearing statements that will require the listing of any pending or anticipated proceedings in other jurisdictions that may affect whether the EMRB's case should be stayed under the limited deferral doctrine. In this regard, the Commissioner stated that there have been several instances in the past in which a hearing had been scheduled, only for the EMRB to learn at a prehearing conference, or even later, that there were underlying grievances, arbitrations or other proceedings that should have made the EMRB stay the case. Having this requirement will help alert the EMRB to those instances.

Sandra Lawrence inquired whether this would change the limited deferral doctrine. In response, Commissioner Snyder stated not necessarily. Rather, at the prehearing conference such information could be used to determine whether the case should be put on hold or else the hearing be postponed. If postponed, this might be done through a stipulation.

Section 21 – Amends NAC 288.255, Settlement conference.

Commissioner Snyder stated this change would not allow the Board to order that the parties attend a settlement conference held by the Commissioner whenever the Commissioner had conducted a preliminary investigation. He opined that this is due to the Commissioner no longer being an actual neutral with respect to that case.

No comments were offered on this section.

Section 22 – Amends NAC 288.260, Intervention.

Commissioner Snyder stated this change is one to conform the agency's date counting to that of the NRCP by making responses to petitions for intervention due within 7 days instead of within 5 days.

No comments were offered on this section.

Section 23 – Amends NAC 288.262, Petition to intervene: Filing, response.

Commissioner Snyder stated this change is the same as for the prior section.

No comments were offered on this section.

Section 24 – Amends NAC 288.271, Establishment of panels; assignment of members of Board to panel; presiding officer.

Commissioner Snyder stated there are changes to subsection 2(c) of this section, which concerns replacing a panel member who may be absent for a meeting or else when a panel may be short a member due to a vacancy on the Board. Currently the parties must consent to a substitution. This change eliminates that requirement and instead only requires the Commissioner to state this action on the agenda for that meeting.

No comments were offered on this section.

Section 25 – Amends NAC 288.2715, Scheduling of meetings of panel; assignment of cases and stipulations to dismiss.

Commissioner Snyder stated the change in this section allows the Commissioner to assign a case to the full Board in lieu of assigning it just to a panel. He then explained why this may be useful.

Sandra Lawrence asked if elections must be handled by the full Board. In response, Commissioner Snyder listed the items listed in the law that require full Board participation.

Section 26 – Amends NAC 288.277, Location.

Commissioner Snyder stated this section formalizes the use of video conferencing capabilities for hearings, noting that the EMRB has been using this technology already. This change would require certain elements in a notice of hearing.

No comments were offered on this section.

Section 27 – Amends NAC 288.278, Representation in contested case.

Commissioner Snyder stated this change would allow the parties by stipulation to waive any limitations on representation. Currently a motion must be filed, even if the other party does not object to the request. The change also includes language to make this section applicable at the state level and not just at the local level.

No comments were offered on this section.

Section 28 – Amends NAC 288.290, Continuances.

Commissioner Snyder stated that this change alters from 10 days to 14 days the time in which a party may request a continuance in order to make the number of days a multiple of 7 days. It also adds in a provision in which the parties may waive the 180-day period in which to hear a case in situations in which otherwise a joint request for a postponement could not otherwise have been granted.

No comments were offered on this section.

Section 29 – Amends NAC 288.306, Allowance of oral argument.

Commissioner Snyder stated that this change alters from 10 days to 14 days the time allowing oral argument in order to make the number of days a multiple of 7 days.

No comments were offered on this section.

Section 30 – Amends NAC 288.324, Documentary evidence and exhibits.

Commissioner Snyder stated this change clarifies the number of copies of exhibits that need to be furnished at a hearing, based upon whether the hearing is before the full Board or a panel. It also adds a subsection that allows the Board to require that exhibits be electronically furnished, and if so required, that notice to that effect must be included in the notice of hearing.

No comments were offered on this section.

Section 31 – Amends NAC 288.345, Briefs: Order to file; procedure for filing.

Commissioner Snyder stated these changes would formally allow for the submission of simultaneous briefs, which have been informally used over the years.

No comments were offered on this section.

Section 32 – Amends NAC 288.360, Rehearings: Petition; procedure; failure to file.

Commissioner Snyder stated that this change alters from 15 days to 14 days the time for filing a petition for rehearing in order to make the number of days a multiple of 7 days.

No comments were offered on this section.

Section 33 – Amends NAC 288.362, Rehearings: Response.

Commissioner Snyder stated that this change alters from 15 days to 14 days the time for filing a response to a petition for rehearing in order to make the number of days a multiple of 7 days.

No comments were offered on this section.

Section 34 – Amends NAC 288.380, Petition for declaratory order.

Commissioner Snyder stated that changes have been made to this section to make the section also applicable to labor organizations at the state level and not just to employee organizations at the local level.

No comments were offered on this section.

Section 35 – Amends NAC 288.390, Response to petition for declaratory order; reply to response.

Commissioner Snyder stated that this change alters from 20 days to 21 days the time for filing a response to a petition for declaratory order in order to make the number of days a multiple of 7 days. Likewise it changes from 14 days to 14 days the time within which to file a reply to the response.

No comments were offered on this section.

Section 36 – Amends NAC 288.400, Request for hearing.

Commissioner Snyder stated that this change alters from 20 days to 21 days the time for filing a request for a hearing related to a petition for declaratory order in order to make the number of days a multiple of 7 days.

No comments were offered on this section.

4. Additional Period of Public Comment.

Peter Long asked a question about receiving the audit report for Unit I and what the timeframes would be for a response to the audit report. In response, Commissioner Snyder stated that the response by the State would drive whether a hearing needs to be held or not.

Ashley Jenkins stated the audit report should come with a recommendation. In response Commissioner Snyder stated he would give a staff recommendation with a big disclaimer. He also stated it would then be up to the State to offer whatever

response they deem best and that this would then drive whether the Board would want to hold a hearing on a given petition.

The meeting was adjourned at 3:31 p.m.

Respectfully submitted this November 4, 2019,

A handwritten signature in blue ink, appearing to read "Bruce K. Snyder". The signature is cursive and somewhat stylized, with the first name "Bruce" and last name "Snyder" clearly legible.

Bruce K. Snyder
EMRB Commissioner

EXHIBIT C

STATE OF NEVADA

STEVE SISOLAK
Governor

Members of the Board

BRENT C. ECKERSLEY, Chair
SANDRA MASTERS, Vice-Chair
CAM WALKER, Board Member
GARY COTTINO, Board Member
BRETT HARRIS, ESQ., Board Member



TERRY REYNOLDS
Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

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

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December 18, 2019

**MINUTES OF THE PUBLIC HEARING AND MEETING ON NEW REGULATIONS OR
CHANGES TO EXISTING REGULATIONS – PROPOSED REGULATION R056-19**

A public hearing and meeting of the Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Thursday, December 17, 2019, at the hour of 8:30 a.m., at the Nevada State Business Center, 3300 West Sahara Avenue, Fourth Floor, Tahoe Room, Las Vegas, Nevada 89102. The meeting was video-conferenced to the Department of Business and Industry Director's Office Conference Room, 1830 E. College Parkway, 1st Floor, Carson City, Nevada 89706.

The following Board members were present:

Brent C. Eckersley, Esq., Chair
Sandra Masters, Vice-Chair
Cam Walker, Board Member
Gary Cottino, Board Member
Brett Harris, Esq., Board Member

Also present:

Bruce K. Snyder, Commissioner
Donald Bordelove, Deputy Attorney General
Marisu Romualdez Abellar, Board Secretary
Christopher Roske, Administrative Assistant II

Present from the public in Las Vegas were:

Ashley Jenkins, AFSCME
Jobe Westmoreland, AFSCME
Fernando Colon, AFSCME
Lalo Macias, AFSCME
Silvia Villanueva, Dyer Lawrence
Debra Mason, DPS
Jen Sarafina, Kamer Zucker Abbott
Adam Levine, Law Office of Daniel Marks
Paul Lunkwitz, FOP

Brandon Marcano, FOP
Carter Bundy, AFSCME
Rick McCann, NAPSO

Present from the public in Carson City were:

Dan Gordon, NHPA
Nicholas Montgomery, NHPA
Ralph Handel, Operating Engineers 3
Barry Baker, Operating Engineers 3
Frank Richardson, DHRM
Peter Long, Div of Administration
Paul Klein, NHPA
Sandra Lawrence, NSEA
Cameron Vandenberg, Attorney General's Office

PRELIMINARY MATTERS

1. Call to Order & Roll Call

The public hearing and meeting was called to order by Brent C. Eckersley, Esq., Chair, on Thursday, December 17, 2019, at 8:30 a.m. On roll call all members were marked as present.

2. Public Comment

No public comment was offered.

3. Public Hearing on Proposed Regulation R056-19

Fernando Colon from AFSCME stated that AFSCME Local 4041 was satisfied with the regulations as is and had no proposed changes.

No other oral or written comments were offered.

4. Consideration of Comments on Proposed Regulation R056-19

The Board offered no discussion on the consideration of any comments on the proposed regulation.

5. Possible Final Adoption of Proposed Regulation R056-19

Upon motion, the Board unanimously adopted regulation R056-19, as presented.

6. Additional Period of Public Comment

No public comment was offered.

7. Adjournment

There being no further business, Chair Eckersley adjourned the meeting.

Respectfully submitted,

Bruce K. Snyder,
EMRB Commissioner

EXHIBIT D

Exhibit D – List of Attendees

(not including EMRB Board Members and Staff)

First Public Workshop Held July 10, 2019

Attended in Las Vegas

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Second Public Workshop Held October 29, 2019

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