



## MINUTES

### **Southern Nevada District Board of Health Special Meeting December 12, 2016 – 8:30 A.M.**

**Southern Nevada Health District, 280 S. Decatur Boulevard, Las Vegas, NV 89107  
Red Rock Trail Conference Room A and B**

Bob Beers, Chair, called the Southern Nevada District Board of Health meeting to order at 8:34 a.m.

**BOARD:  
(Present)** Bob Beers – Chair – Councilmember, City of Las Vegas  
Richard Cherchio – Councilmember, City of North Las Vegas  
Douglas Dobyne – Secretary, Regulated Business/Industry  
Marilyn Kirkpatrick – Commissioner, Clark County  
Lois Tarkanian – Councilmember, City of Las Vegas (*via teleconference*)  
Rod Woodbury – Vice-Chair – Mayor, Boulder City (*via teleconference*)  
Brian Wursten – Councilmember, City of Mesquite (*via teleconference*)

**(Absent):** Chris Giunchigliani – Commissioner, Clark County  
John Marz – Councilmember, City of Henderson  
Frank Nemec – At-Large Member, Physician  
Scott Nielson – At-Large Member, Gaming

**ALSO PRESENT:  
(In Audience)** None

**LEGAL COUNSEL:** Annette Bradley, Esq.

**EXECUTIVE  
SECRETARY:** Joseph P. Iser, MD, DrPH, MSC, Chief Health Officer

**STAFF:** Heather Anderson-Fintak, Karen Carifo, Rachell Ekroos, Regena Ellis, Andrew Glass, John Hammond, Victoria Harding, Shandra Hudson, Michael Johnson, Fermin Leguen, Edie Mattox, Sharon McCoy-Huber, Carolyn Ivy-Mitchell, Michelle Nath, Verallynn Orewyler, Laura Palmer, Jeff Quinn, Jacqueline Reszetar, Larry Rogers, Jennifer Sizemore, Leo Vega, Jacqueline Wells

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. OATH OF OFFICE**

The Oath of Office was administered to the Southern Nevada Board of Health Appointed Member, Brian Wursten, City of Mesquite.

**IV. PUBLIC COMMENT:** A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Dr. Iser thanked the Employee Events Committee (EEC) for coordinating the Service Awards Recognition event which took place on December 10, 2016, at the Texas Stations Casino.

Victoria Harding, SNHD and SEIU, remarked the EEC event was awesome. Ms. Hardy spoke in opposition of the two classification specifications listed under the consent agenda and read a prepared statement for the record ([Attachment A](#)).

Regena Ellis, SNHD and SEIU, also spoke in opposition to the two positions. She stated she understood the Board is not involved in union business. Her reason for discussing the positions is there is a Collective Bargaining Agreement with the District; the union has rights and the current administration feels they can bring these positions to be approved without following the negotiated language in the contract. The District and union

recognize in order to reach goals, Southern Nevada Health District will foster a workplace that is safe, fair, efficient, honest, and free from harassment at all times, in which clients and staff are treated with dignity and respect. Environmental Health does not feel they are free from harassment at this current time. Regarding these positions, the District shall notify the union in writing of its intent to establish any new classification prior to implementation, and state whether the determination of the new classification is or is not a bargaining unit classification. These positions were not brought to the union initially; they were brought to the Board. This is the culture of this current administration, and the union has no right to say anything about what goes on in the workplace. There is a Collective Bargaining Agreement, a contract that is negotiated between both parties and it is a legal binding document. The reason this is brought forward is to make the Board aware there are things that should be brought to the union's attention, prior to being presented to the Board, and that is not happening.

In relation to Academic Affairs Coordinator, these kinds of positions are in universities, and in a hospital it is a bit different, there might be a credentialing office. Initially, when looking at this position, it does not meet the requirement of a confidential employee. This individual would not provide legal advice, not develop policies or procedures relating to employee relations, and not work on anything to do with budget formulation. This position is not considered confidential. The job duties list a lot of coordinating, accessing, cataloging, researching, investigating, and analyzing. These are not job duties of someone who could not be in a bargaining unit. The first initial job description received was very different from this one. When this issue was brought to the Board's attention, a second job description was received that had been changed. There were new job duties that were included in the second job description like access to confidential files, including but not limited to SNHD personnel files and student files. Why the access to personnel files? Research and investigate programmatic placement in operational matters and develop alternative course of action; coordinate with SNHD contracts in legal division to establish affiliations; may serve as a scribe and management assistant during negotiations. Why an Academic Affairs Coordinator would do that is really odd. Ms. Ellis stated opposition to this position being bargain unit ineligible and opposed the fact that it's FSLA exempt.

Regarding the Executive Administrative Analyst, in the bargaining unit there is a classification specification for an Administrative Analyst. This position is already in the job classifications of covered job titles in the bargaining unit. This one has been changed to be an Executive Administrative Analyst, and again she noted opposition to both of these positions, as they are bargaining unit ineligible.

Carolyn Ivey Mitchell, SNHD and SEIU, remarked about the budget and how money is spent. The Chair informed Ms. Mitchell there were no agenda items related to the budget and she would need to speak at the second public comment.

Seeing no one else, the Chair closed this portion of the meeting.

**V. ADOPTION OF THE DECEMBER 12, 2016 AGENDA (for possible action)**

*A motion was made by Member Dobyne seconded by Member Kirkpatrick and carried unanimously to adopt the December 12, 2016 agenda as presented.*

**VI. CONSENT AGENDA: Items for action to be considered by the Southern Nevada District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.**

**1. APPROVE MINUTES/BOARD OF HEALTH MEETING: November 17, 2016 (for possible action)**

**2. PETITION #39-16: Approval of New Classification Specification for Academic Affairs Coordinator, Schedule 19 (\$48,818 - \$68,120); direct staff accordingly or take other action as deemed necessary direct staff accordingly or take other action as deemed necessary (for possible action)**

**3. PETITION #43-16: Approval of New Classification Specification for Executive Administrative Analyst, Schedule 23 (\$59,883 - \$83,512); direct staff accordingly or take other action as deemed necessary (for possible action)**

Following discussion regarding the classifications, Member Kirkpatrick noted she was not comfortable with the positions going forward as confidential. Dr. Iser commented there has been compliance with the union regarding the proper notification process. Member Cherchio commented there has been a distinct difference of opinion voiced by three union representatives. It was noted the union has the option of submitting a complaint to the EMRB to make a decision.

*A motion was made by Member Dobyne to approve consent agenda items 1) Board of Health meeting minutes and 2) Petition #39-16, and deny Petition #43-16. Due to lack of second, the motion failed.*

Further discussion ensued regarding the two classification specifications. In response to an inquiry by Member Kirkpatrick, it was noted the Academic Affairs Coordinator would assist in enhancing the Health District's ability to become an academic Health District. The Chair dissolved the consent agenda and stated the items will be voted on one at a time.

*A motion was made by Member Dobyne seconded by Member Cherchio and carried unanimously to approve the minutes from the last meeting.*

The Chair called for a motion to approve agenda item VI. 2. Approval of Petition #39-16.

*A motion was made by Member Dobyne seconded by Member Kirkpatrick and carried unanimously to approve Petition #39-16.*

The Chair called for a motion to approve agenda item VI. 3. Approval of Petition #43-16.

*A motion was made by Member Woodbury to approve Petition #43-16. Due to lack of second, the motion failed.*

*A motion was made by Member Dobyne seconded by Member Kirkpatrick and carried by a vote of 5-2 to deny Petition #43-16.*

<u>AYES</u>	<u>NAYS</u>
1. Cherchio	1. Beers
2. Dobyne	2. Woodbury
3. Kirkpatrick	
4. Tarkanian	
5. Wursten	

**VII. PUBLIC HEARING / ACTION:** Members of the public are allowed to speak on Public Hearing / Action items after the Board's discussion and prior to their vote. Each speaker will be given five (5) minutes to address the Board on the pending topic. No person may yield his or her time to another person. In those situations where large groups of people desire to address the Board on the same matter, the Chair may request that those groups select only one or two speakers from the group to address the Board on behalf of the group. Once the public hearing is closed, no additional public comment will be accepted.

There were no items to be heard.

**VIII. REPORT/DISCUSSION/ACTION**

- 1. Review/Discuss Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2016; direct** staff accordingly or take other action as deemed necessary (*for possible action*)

Sharon McCoy-Huber, Financial Services Manager, introduced Tamara Miramontes from the Eide Bailly CPA firm.

Ms. Miramontes reported the audit results. She noted Eide Bailly issued an unmodified opinion on the basic financial statement and schedule of expenditures in federal awards. She explained this is a clean opinion and the financial statements are materially correct as presented. Additionally, a report was issued disclosing no instances of noncompliance with any laws or regulations under *Government Auditing Standards*. There were no deficiencies or material weaknesses pertaining to internal controls in the report. The report related to federal programs money identified and tested three major programs, and there were no deficiencies or material weaknesses with the internal controls related to those programs. Ms. Miramontes closed by stating overall it was a good audit.

*A motion was made by Member Kirkpatrick seconded by Member Dobyne and carried unanimously to accept the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2016.*

**2. Receive Report and Accept Recommendations from the November 28, 2016 Finance Committee Meeting; direct staff accordingly or take other action as deemed necessary (*for possible action*)**

The Finance Committee received the full audit report from Ms. Miramontes during the November 28, 2016 Finance Committee meeting. The committee recommended approval of the report to the District Board of Health.

*There was no action taken on this item.*

**IX. INFORMATIONAL ITEMS:**

**1. Board of Health**

- A. Letter from The City of Mesquite appointing Council member Brian Wursten as SNHD Board member replacing Cynthia Delaney for the term of December 1, 2016 – June 30, 2017.

The Chair welcomed Councilmember Wursten to the Board.

**X. PUBLIC COMMENT:** A period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Board's jurisdiction will be held. No action may be taken upon a matter raised under this item of this Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Carolyn Ivey Mitchell, SNHD and SEIU, addressed the Board and submitted her prepared statement for the record ([Attachment B](#)).

Larry Rogers, SNHD Supervisor, Environmental Health (EH) Food Operations, thanked the Board for their undivided attention in allowing him to offer a different perspective on a situation that has been brought to their attention. Jackie Reszetar, EH Director, made a decision last week to reassign eleven employees in EH, in the EHS II position. Among those were three quality employees who currently have a dispute with management for adjusting their schedules. Mr. Rogers noted his support for Ms. Reszetar's decision. He explained in the current contract, in an effort to control costs, the general bargaining unit and SNHD management agreed that employees could for one adjusted work week be mandated to adjust their work schedules to meet temporary critical business needs of the District. The order of assignment is by reverse seniority. In Food Operations, staff attempted to use the contract only for special events and by reverse seniority. The net effect was the employees were given written schedules of when employees had to adjust, and there was no flexibility due to the agreement of reverse seniority. He gave an example about an employee in the office traditionally taking off for their anniversary, an established pattern of taking the date off for many years. Due to the mandatory adjustment, per the contract, and their position on the seniority list, the adjustment came on their anniversary and there was no option but to mandate the staff member to work on the day which they had traditionally taken off for many years.

After that quarter, supervisors approached their employees and asked if they would prefer to voluntarily adjust their schedules for regularly assigned work in exchange for receiving overtime (OT) for special events. This would allow staff the flexibility of managing their own schedule while also giving them the same, if not more, opportunities for overtime. In the Food Operations office, when staff was approached by this, 100% opted to voluntarily adjust for assigned work and take overtime for special events. Mr. Rogers noted he supports the rights of the three employees to grieve this decision, but understands if people are forced to adjust, per the current contract; it must be by reverse seniority. However, these three employees do not represent Food Operations as a whole. At least some of the employees assigned to Food Operations enjoy the flexibility of dictating their own schedules, and do not prefer to have management telling them what week of the quarter or what hours they have to work. When staff was first approached with this proposal, and it was extended beyond Food Operations, the overall majority wanted to adopt this practice.

He added currently, there are three employees out of approximately forty who want to return to the strict interpretation of the contract, which is their right to grieve. There are employees who are sympathetic to the situation, including Mr. Rogers; however there are many options allowed by the contract. One, there are supervisors mandating each quarter when employees will have to adjust, which is problematic for the reasons just described. Two, everyone can voluntarily adjust, so that mandated adjustments are not necessary. Three, the contract does allow reassignment of those who won't adjust for those who will. Four, every person in Food

Operations can be assigned to shift work for at least 30 days. In the contract there is no guaranteed amount set for overtime for employees. The grievances center on violations of the contract. Environmental Health has a long standing history of reassignments and it has been a standard of practice throughout Mr. Rogers' employment at the Health District. He, too, has been subjected to involuntary reassignment to meet the needs of the District. Employees who are willing to adjust their schedules have always had priority for after hours work over those who prefer overtime. The reassignments are absolutely in line with what has been standard practice since Mr. Rogers' work at the District. In the case with the three employees' pending grievances for being reassigned, he opined a reasonable person would not feel the decision to be punitive or a disciplinary measure. All three have been reassigned to their current job position, where if they are required to work after hours, it would always be overtime. All three have expressed they do not want to voluntarily adjust and have been given assignments where that will not occur. The last option is a creation of a shift work office, or assigning Food Operations as a whole to do shift work. Both are disruptive to SNHD as a whole, but that does appear to be allowed by the current contract and personnel code. By choosing the more benign option of reassignment, Ms. Reszetar has met the needs for the three employees who do not want to voluntarily adjust, while also preserving the work environment of Food Operations as a whole.

Victoria Harding, SNHD and SEIU stated she was appalled by what she heard and anybody thinks they can make policies outside of the contract, even union representatives, doing that is appalling. These negotiations, which Ms. Harding was in, not Mr. Rogers, and the allowing of a mandatory adjustment schedule as a way of cutting down overtime on large events for Environmental Health. Environmental Health is not the only part of the Health District so it had to be written in a way to use across the District. For that it was a temporary, critical business need. If the District doesn't do Electric Daisy, NASCAR, or any of these things, then the potential for foodborne illness could be out there, and the public would be at jeopardy. This was put forth as well when the Health District was doing fees for these large events and there would not be overtime for these large events. One can't take something that was bargained to do one thing and turn it to do something else because management didn't find it worked into their way of doing things. Ms. Harding was not aware of employees who said they would do that. Employees do not want to be forced to adjust. Mutually agreeing to adjust has always been in the contract. It is a win-win for everybody. Those people who want to adjust their schedule have the ability to do that. It is a bonus for everybody to do that. Ms. Harding commented she was flabbergasted by what she just heard.

Regena Ellis, SNHD and SEIU stated there has been an ongoing issue in EH with mandatory adjusting of schedules and violating the collective bargaining agreement. The union has chosen not to settle on this issue because it is a contractual issue. When the choice was made to not settle this issue before arbitration, this is the result of that. The employees who stepped forward and said they did not want to be part of the mandatory adjustment, were included in a group of people who did not want to be mandated, and they got caught up in this. Now employees won't have to adjust anymore; they will just be moved to different areas. There are ways to fill vacancies if there is a business need, but no vacancies were posted. This was an idea to solve another problem. Imagine working in an area for ten years, and you're notified you're going to be transferred somewhere else. From an employee perspective, it's disrespectful. No one was talked to about this issue. That wasn't done. The majority of employees involved in this group did not express any desire to move, but they were the majority of people moved. People who were included were also involved in grievances going towards arbitration. In this area this is the continual type of behavior and culture. Ms. Ellis also addressed the positions that were presented to the Board previously, stating it fits in with the culture at the District. Administration has said they do not have to talk to the union about decisions, even when it's in violation of the contract. That's the culture, where employees are not included in decisions that are included in the collective bargaining agreement because they are things that have to do with employment. The employees are here to serve the public. This relates to the discrepancy being communicated and why it is being addressed to the Board.

Al Sang, SNHD, Environmental Health Specialist, an employee of the District over 11 years, commented regardless of the contract, of not wanting to or willing to adjust schedules, over the last few months employee morale had picked up. Now there is this. Mr. Sang stated he is the most senior, the oldest, not the highest ranking, in his group. Many of his colleagues approach him and without any exception, he can attest that they are very unhappy. They are not willing to express it in fear of being transferred, or moved to a place where they don't have their hearts. As health inspectors, many have built relationships with the food operators, which has been instilled by the EH Director. That relationship that has been built with the food operators will come crashing down. At least nine of the eleven employees did not request transfers. Those are nine health inspectors who have developed a working relationship, and educated their operators, and have consistently delivered to the health department. Inspectors spend a lot of time with their food operators. Regardless of contract, what he or somebody else may want and is not getting, he respectfully requested the EH Director and CHO to reconsider because if the District is looking for a good working and effective health department, this move will not promote that. All those who have approached Mr. Sang have expressed their disagreement, their appallment and fear.

Seeing no one else, Chair Beers closed this portion of the meeting.

**XI. ADJOURNMENT**

The Chair adjourned the meeting at 10:25 a.m.

Joseph P. Iser, MD, DrPH, MSc  
Chief Health Officer/Executive Secretary  
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