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18 *Attorneys for Amicus Curiae Operating Engineers Local 3*

19 UNITED STATES DISTRICT COURT  
20 FOR THE DISTRICT OF NEVADA

21 VALERIE HARDY-MAHONEY, Regional  
22 Director of the Thirty-Second Region of the  
23 National Labor Relations Board, for and on  
24 behalf of the National Labor Relations Board

25 Petitioner

26 v.

27 NEVADA GOLD MINES LLC DBA  
28 NEVADA GOLD MINES

Respondent

and

NEWMONT USA LIMITED DBA  
NEWMONT MINING CORP

Party-In-Interest

Case No. 3:20-cv-00331

DECLARATION OF JOHN JAUER

Date:

Time:

Judge: Hon. Larry Hicks

DECLARATION OF JOHN JAUER

I, John Joshua “Josh” Jauer, hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the matters set forth in this declaration. I could and would competently testify about the information in this declaration.

2. As testified in my February 14, 2020, affidavit before the NLRB, I worked for Newmont Mining Corporation (“Newmont”) from May 5, 2011 to December 5, 2019, as a crane operator, at the Tech 6 level at the time that I ended my employment with Newmont.

3. Because I was only one of three crane operators for Newmont, and the only one with a Class A driver’s license, I was authorized to transport cranes between locations and travel to different Newmont mine sites as part of my job.

4. In order to travel onto the different sites, I had to obtain – and maintain annually – Mine Safety and Health Administration (“MSHA”) site specific training for all the sites I went to. In my time at Newmont, I had site specific training for all of the surface sites, a total of 16 sites. To my knowledge, I was one of very few people in the entire company, including foremen and supervisors, who could legally go onto all of the Newmont surface sites.

5. It took me about 5-6 years to accumulate all of the site-specific trainings that I needed.

6. In addition to my crane operator position, I was also a member of the Mine Emergency Rescue Team (“MERT crew”) when I was employed by Newmont. I wanted to join the MERT because many of the jobs I worked as a crane operator had a high risk of danger, and I wanted to be a benefit to the other miners and myself in case anything happened while I was out on these jobs.

7. I understand that NGM states that it has “integrated” the MERT crews of Newmont and Barrick employees. I am providing additional facts to provide some context about the MERT crew.

1           8.       Being on the MERT crew is not a job classification. All members of the MERT  
2 crew have regular, full-time jobs with the mines. We volunteer to be part of the MERT crew.  
3 It's more like an extracurricular activity. The only exception is the MERT captain, which is a  
4 full-time salary position. The captain is usually someone with some kind of first responder  
5 certification or experience, like a paramedic or a fire captain.

6           9.       When I was at Newmont, our MERT crew on shift was about 30-40 people. My  
7 recollection is that Barrick's MERT crew was smaller than ours.

8           10.      Anyone can volunteer to be on the MERT crew, there are no "requirements" per  
9 se. But being on MERT gives you the opportunity to get emergency response training, including  
10 EMT (emergency medical technician) training, extra MSHA training, and fire response training  
11 from the state fire department. The training is offered through Great Basin College and we can  
12 receive certificates and licenses upon completion of our training.

13          11.      Each mine site has its own MERT members, who are specially trained for that  
14 mine. Newmont's MERT crew was made up of all of the individual site teams. Barrick's  
15 MERT was set up the same way.

16          12.      However, as a MERT volunteer, we all understand that we are on call for any  
17 emergency, regardless of where it occurs.

18          13.      As a MERT volunteer, I had an app on my phone that would alert me when there  
19 was an emergency anywhere in the State. When I receive an alert for an emergency in my area,  
20 it's called getting "coded." I would receive the code through my phone to tell me there was an  
21 incident happening and where to go to respond to it.

22          14.      For example, Newmont's paramedic and ambulance was closest to the Barrick  
23 property in Carlin, so it was always expected and understood that, if an incident happened on  
24 Barrick's side, we would respond if needed. MERT team members throughout the region were  
25 trained to and expected to respond to emergencies wherever they occurred. This has always been  
26 the case as far as I know and well before NGM took control over the Newmont and Barrick  
27 properties in Carlin.

1           15.     At the end of the day, we are all miners, whether you work for Newmont or  
2 Barrick. And MERT is a rescue entity, so we were expected to even respond to incidents  
3 unrelated to mining, if we were closer than the city or state first responders.

4           16.     For example, I remember an incident in May 2019, where a truck carrying  
5 sulfuric acid to the Barrick Gold Strike Mine crashed, spilling acid into Maggie Creek, and the  
6 MERT Hazmat teams from both Barrick and Newmont responded in order to protect the wildlife.

7           17.     Another incident happened in August of 2019, where a bus of employees that was  
8 on the way to Barrick Gold Strike Mine, was sideswiped by an ore truck coming from Barrick in  
9 the canyon. Both Barrick and Newmont MERT crews responded to that accident. I was on the  
10 Newmont MERT crew at this time and I remember getting the code for this incident, but  
11 unfortunately I was laid up from neck surgery at the time and couldn't respond.

12           18.     I hereby declare under penalty of perjury under the laws of the United States and  
13 Nevada that the foregoing is true and correct to the best of my knowledge.

14 Dated this 2 day of July, 2020

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17 \_\_\_\_\_  
18 JOHN JAUER

