

**DHRM RECOMMENDATIONS FOR FOUR NEW SUPERVISORY BARGAINING UNITS  
AND LIST OF OBJECTIONS FILED TO THOSE RECOMMENDATIONS**  
(Jobs listed in green were not in list of recommendations but added via objections filed)

CATEGORY I PEACE OFFICERS SUPERVISORY BARGAINING UNIT (UNIT L)					Objection Filed By
Title	Job Classification	Going To	Coming From	# Employees	
13.101	Agricultural Police Officer III	L	J	1	
13.115	Staff Game Warden	Managerial	Managerial	2	NPU, NAPSO
13.121	Game Warden IV	L	J	2	
13.135	Park Supervisor III (Commissioned)	L	J	5	
13.136	Park Supervisor II (Commissioned)	L	J	5	
13.137	Park Supervisor I (Commissioned)	L	J	3	
13.205	DPS Sergeant	L	J	107	
13.215	University Police Lieutenant	Managerial	Managerial	8	NPU, NAPSO
13.221	University Police Sergeant	L	J	9	
13.204	DPS Lieutenant	Managerial	Managerial	45	NPU, NAPSO

CATEGORY II PEACE OFFICERS SUPERVISORY BARGAINING UNIT (UNIT M)					Objection Filed By
Title	Job Classification	Going To	Coming From	# Employees	
13.241	<del>Supervisory Criminal Investigator II</del>	<del>M</del>	<del>J</del>	0	NAPSO
13.242	Supervisory Criminal Investigator I	M	J	3	
13.247	AG Criminal Investigator, Supervisor	M	J	8	
13.255	Supervisory Compliance/Enforcement Investigator	M	J	11	
13.263	Unit Manager, Youth Parole Bureau	Managerial	Managerial	5	NAPSO
13.246	AG Deputy Chief Investigator	Managerial	Managerial	3	NAPSO

CATEGORY III PEACE OFFICERS SUPERVISORY BARGAINING UNIT (UNIT N)					Objection Filed By
Title	Job Classification	Going To	Coming From	# Employees	
13.310	Correctional Lieutenant	N	Managerial	53	
13.311	Correctional Sergeant	N	J	83	
13.321	Forensic Specialist IV	N	J	17	

FIREFIGHTERS SUPERVISORY BARGAINING UNIT (UNIT O)					Objection Filed By
Title	Job Classification	Going To	Coming From	# Employees	
01.816	Battalion Chief	O	K	2	
01.835	Helitack Supervisor	O	K	1	
01.850	Fire Captain	O	K	4	
01.868	Conservation Camp Area Supervisor	O	J	2	
01.870	Conservation Camp Supervisor	O	J	9	
11.702	Assistant Fire Chief-Air Nat'l Guard	O	K	4	
01.812	Fire Management Officer II	Managerial	Managerial	2	BBFFA
01.814	Fire Management Officer I	Managerial	Managerial	1	BBFFA

Key

- J General Supervisory Bargaining Unit
- K Firefighter Bargaining Unit

Note # employees based on latest State master roster

**FILED**

**AUG 16 2023**

**STATE OF NEVADA  
E.M.R.B.**

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**STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD**

IN RE:

Case No. 2023-022

THE ASSIGNMENT OF EXECUTIVE  
DEPARTMENT JOB CLASSIFICATIONS TO  
BARGAINING UNITS PURSUANT SENATE  
BILL 166 OF THE 82ND SESSION OF THE  
NEVADA LEGISLATURE

**NOTICE OF ENTRY OF ORDER**

- TO: Any Labor Organization or Employee Organization Who May Want to Represent Certain  
Executive Department Classified Employees;
- TO: Attorneys on the EMRB Mailing List;
- TO: State of Nevada Department of Administration and the Division of Human Resource  
Management; and
- TO: Interested Other Persons on the EMRB Mailing Lists.

PLEASE TAKE NOTICE that the **ORDER REGARDING JOB CLASSIFICATIONS** was  
entered in the above-entitled matter on August 16, 2023.

A copy of said order is attached hereto.

DATED this 16th day of August 2023.

**GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD**

BY

  
**MARISU ROMUALDEZ ABELLAR**  
Executive Assistant

**CERTIFICATE OF SERVICE**

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I hereby certify that I am an employee of the Government Employee-Management Relations Board, and that on the 16th day of August 2023, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by emailing a copy to:

Any Labor Organization or Employee Organization Who May Want to Represent Certain Executive Department Classified Employees

Attorneys on the EMRB Mailing List

State of Nevada Department of Administration and the Division of Human Resource Management

Interested Other Persons on the EMRB Mailing Lists

  
\_\_\_\_\_  
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

**FILED**

**AUG 16 2023**

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**STATE OF NEVADA**  
**GOVERNMENT EMPLOYEE-MANAGEMENT**  
**RELATIONS BOARD**

IN RE:

THE ASSIGNMENT OF EXECUTIVE  
DEPARTMENT JOB CLASSIFICATIONS  
TO BARGAINING UNITS PURSUANT  
SENATE BILL 166 OF THE 82ND SESSION  
OF THE NEVADA LEGISLATURE

CASE NO. 2023-022

**ORDER REGARDING JOB  
CLASSIFICATIONS**

WHEREAS Senate Bill 166 of the 82<sup>nd</sup> Session of the Nevada Legislature, which was signed into law, created four new supervisory bargaining units; and

WHEREAS on August 15, 2023, the Board agreed to use the same process as it did in 2019 for the assignment of job classifications to various bargaining units pursuant to provisions contained within Senate Bill 135 of the 80<sup>th</sup> Session of the Nevada Legislature, having noted that the process contained in Senate Bill 135 worked well in assigning more than one thousand jobs to various bargaining units, and thus the same process should be employed again for the four new bargaining units;

NOW THEREFORE it is hereby ordered as follows:

1. That the staff publish the list provided by the Division of Human Resource Management, said list containing the job classifications recommended for inclusion in each of the four new supervisory bargaining units, by publishing said list on the agency's website and e-mailed to those individuals receiving this order;
2. That any labor or employee organization then may object no later than September 5, 2023 to any of the recommendations through the submission of a written pleading under the terms and conditions mentioned in a notice accompanying the published list;

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3. That on September 20, 2023, the Board shall begin to take up the recommended list and any objections and thereupon deliberate upon and decide which job classifications shall be included in each of the four new supervisory bargaining units pursuant to its authority to do so under NRS 288.515(2). Prior to its deliberation the State and any individual or entity having filed an objection shall have the right to address the Board on this matter.

DATED this 16th day of August 2023.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

By:   
BRENT ECKERSLEY, ESQ., Chair

NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS  
ANDREW REGENBAUM, J.D.  
145 Panama Street  
Henderson, NV 89015  
Office: (702) 431-2677  
Cell: (914) 443-8558  
Email: Andrew@napso.net

**FILED**  
**September 5, 2023**  
**State of Nevada**  
**E.M.R.B.**  
2:39 p.m.

**BEFORE THE LOCAL GOVERNMENT**  
**EMPLOYEE MANAGEMENT RELATIONS BOARD**

IN RE: )  
THE ASSIGNMENT OF EXECUTIVE, )  
DEPARTMENT JOB CLASSIFICATIONS TO ) **CASE NO.: 2023-022**  
BARGAINING UNITS PURSUANT TO )  
SENATE 166 OF THE 82<sup>ND</sup> SESSION OF THE )  
NEVADA LEGISLATURE )  
Petitioners, )  
\_\_\_\_\_)

**OBJECTIONS TO RECOMMENDATIONS CONTAINED WITHIN DEPARTMENT OF**  
**ADMINISTRATION REPORT**

NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS, a Nevada Non-Profit Corporation, on behalf of all affected State Employed Category I and Category II Peace Officers and Supervisors, by and through its representative, Andrew Regenbaum, J.D. of the Nevada Association of Public Safety Officers, respectfully submits the following Objections to the Recommendations made by the State of Nevada Department of Administration, Division of Human Resources Management regarding the establishment of supervisor bargaining units as required by Section 2 of Senate Bill 166 (2023).

I.

**THE DESIGNATION OF LIEUTENANT LEVEL OFFICERS AS “MANAGERIAL”,  
AND THEREFORE EXCLUDING THEM FROM UNITS “L”, “M” and “N” IS  
CONTRARY TO NEVADA LAW AS SET FORTH BY SENATE BILL 166 (2023)**

Section 2 of Senate Bill 166 (2023) states in relevant part as follows:

“Section 2 1. Except as otherwise provided in Subsection 2, the Board shall establish one bargaining unit for each of the following occupational groups of employees of the Executive Department:

(l) Supervisory employees who are currently category I peace officers.

(m) Supervisory employees who are currently category II peace officers.

(n) Supervisory employees who are currently category III peace officers.

(Emphasis added).

The Recommendations issued by the State of Nevada Department of Administration, Division of Human Resource Management (“DHRM”), are annexed to the Notice of Receipt of Recommendations and Period in Which to Object, dated August 16, 2023, and states in relevant part as follows:

**Unit L** is designated as Agricultural Police Officer III, Game Warden IV, Park Supervisors I, II & III (Commissioned), DPS Sergeant and University Police Sergeant; **Unit M** is designated as Supervisory Criminal Investigator I, AG Criminal Investigator, Supervisor and Supervisory Compliance/Enforcement Investigator; and **Unit N** is designated as Correctional Sergeant, Correctional Lieutenant and Forensic Specialist IV.

Staff Game Warden, DPS Lieutenant and University Police Lieutenant were classified as Managerial for **Unit L**. Unit Manager, Youth Parole Bureau was classified as Managerial for **Unit M**.

NRS 288.170 states in relevant part as follows:

“Determination of bargaining unit; appeal to Board.

1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.”

(Emphasis added).

It is respectfully submitted that the decision to classify Staff Game Wardens, DPS Lieutenants, University Police Lieutenants (Unit L; Job Title Codes 13.101 and 13.215) and Unit Managers, Youth Parole Bureau (Unit M; Job Title Code 13.263) as managerial positions was in direct contravention to the intent of Senate Bill 166 which was intended to modify existing law which prohibited employees who exercised certain duties under a paramilitary command structure from being deemed supervisory employees solely due to the exercise of such duties. Senate Bill 166, Section 1 was amended to indicate that an employee would not be deemed supervisory unless the exercise of their authority occupies a significant portion of their workday. The simple fact is that the authority the law references pertains to the employee having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Staff Game Wardens, DPS Lieutenants, University Police Lieutenants and Youth Parole Unit Managers do not fulfill these criteria for being deemed “Managerial”.



The intent and testimony before the legislature was to cure the fact that the “rank and file” peace officers were discouraged from promoting unless the sergeants and lieutenants received collective bargaining rights. Unlike Captains, lieutenants are not a part of the command structure. Lieutenants are front line supervisors who are “working the road” with sergeants and officers. Indeed, lieutenants in other, non-state police agencies<sup>1</sup>, are routinely considered supervisory employees with collective bargaining rights. Lieutenants were noted, during legislative proceedings, to be “working supervisors” and it was intended that they would be included within the supervisory category.

It is also noteworthy that within Category III Peace Officers (Unit N), Correctional Lieutenants were classified by DHRM as being supervisory. This classification creates a direct contradiction between the classifications set forth for Category I and II officers as opposed to those in Category III despite these lieutenants having the same type of responsibilities as their counterparts in the other Categories. Similarly, in Unit O, the Firefighters Supervisory Bargaining Unit, the Battalion Chief position and Fire Captain positions were both deemed supervisory for purposes of collective bargaining. There is no doubt that within the fire department’s paramilitary structure, either or both of these positions have equivalent responsibilities to a peace officer “Lieutenant” and therefore the contradiction in designations is even starker.

Specific to the Category II, Unit M, Youth Parole Unit Managers exclusion from the supervisory designation, it is noted that this position’s responsibilities are set forth as follows:

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<sup>1</sup> See for example, Las Vegas Metropolitan Police Department, Henderson Police Department, North Las Vegas Police Department, Reno Police department, etc.

“Under direction of the Chief, manage the operation of a Youth Parole Unit and the supervision and direction of a staff of Youth Parole Counselors responsible for the parole planning, supervision and placement of assigned juvenile offenders. Incumbents function as managers who train, supervise and evaluate the performance of subordinate supervisors; develop policies and procedures; and allocate staff and resources to accomplish goals and objectives.” These tasks are plainly supervisory in nature, accomplish front line supervision of officers and should not exclude these employees from obtaining collective bargaining rights as granted to their counterparts within Unit M.

NRS 288.170 requires the Board to consider the primary criterion for inclusion of parties in the same bargaining unit as “community of interest among the employees concerned.” There is absolutely a community of interest between law enforcement sergeants and lieutenants as both positions involve supervisory duties that do not include work within the command staff or management.

## II.

### **AG DEPUTY CHIEF INVESTIGATOR AND SUPERVISORY CRIMINAL INVESTIGATOR II, AS CATEGORY II PEACE OFFICERS, MUST BE COVERED BY SENATE BILL 166 (2023)**

Senate Bill 166, Section 2 amended NRS 288.515, in part, to include the following:

(m) Supervisory employees who are category II peace officers.

DHRM has failed to include the AG Deputy Chief Investigator (Job Code 13.246) whatsoever on the list of employees for the proposed new bargaining units. Presumably this failure was an oversight that can be easily corrected by adding this position to the newly created **Unit M** as there can be no doubt that the position is supervisory in nature and shares a community of

interest with the other members of Unit M and even more particularly with the AG Criminal Investigator, Supervisor. This is further reinforced by the published State of Nevada, Department of Administration, Division of Human Resources Class Concept which defines the AG Deputy Chief Investigator as follows:

Under general supervision of the Chief of Investigations, incumbents perform the full range of duties described in the series concept and, in addition, act as the head of a major investigative unit such as the Medicaid Fraud Control Unit, General Investigations or Workers' Compensation Fraud Unit.

Incumbents at this level are assigned responsibility for an investigative unit or function within an enforcement area. Assignments are performed independently and require direction and supervision to lower lead investigators.

This class is distinguished from lower level investigators by the level of management responsibilities for a staff of supervisors and investigators and program personnel in a regional or district office. Incumbents provide training to lower level investigators, conduct strategic planning of day to day operations, prepare performance reviews, supervise and coordinate the investigation process and make final recommendations regarding investigative reports and determinations.

This is a clearly supervisory role and should have been included within **Unit M**.

With regard to the Supervisory Criminal Investigator II position (Job Title 13.241), it is respectfully submitted that this was initially included on the DHRM list of new supervisory bargaining units. This particular job classification was listed within **Unit M** as a supervisory

position. The job classification was ostensibly removed because there currently is no employee holding this position and it was originally intended that the State would eliminate the classification. However, upon consultation with the various agencies and their employees, it was determined that the classification would not be eliminated. Therefore, it is respectfully submitted that this initial classification was correct and should not have been removed as DHRM has acknowledged that the Job Classification will not be eliminated and may be used in the future. Accordingly, it is important for future employees of this position that the job classification is listed in order to maintain and protect future collective bargaining rights. The job classification should remain/be included within **Unit M**.

WHEREFORE, it is respectfully requested that this Board grant the requested remedy by adding Staff Game Wardens, DPS Lieutenants, University Police Lieutenants (Unit L) and Unit Managers, Youth Parole Bureau (Unit M) into the supervisory classification and permit them collective bargaining rights as intended by Senate Bill 166 (2023). It is further requested that the AG Deputy Chief and the Supervisory Criminal Investigator II positions be included in the list of job classifications which make up Unit M.

DATED this 5<sup>TH</sup> day of September, 2023.

NEVADA ASSOCIATION OF  
PUBLIC SAFETY OFFICERS

By: 

ANDREW REGENBAUM, J.D.

Executive Director

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BEFORE THE NEVADA GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD

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In re:

CASE NO. 2023-022

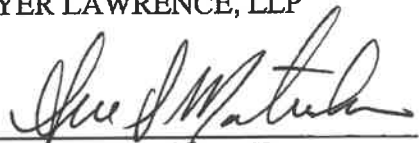
THE ASSIGNMENT OF EXECUTIVE )  
DEPARTMENT JOB CLASSIFICATIONS )  
TO BARGAINING UNITS PURSUANT )  
TO SENATE BILL 166 OF THE 82<sup>ND</sup> )  
SESSION OF THE NEVADA )  
LEGISLATURE. )

BATTLE BORN FIREFIGHTERS )  
ASSOCIATION'S OBJECTION TO )  
DHRM'S RECOMMENDATIONS )  
TO PLACE JOB CLASSIFICATIONS )  
INTO NEW FIREFIGHTER )  
SUPERVISORY BARGAINING UNIT )  
("UNIT O") )

COMES NOW the Battle Born Firefighters Association, Local 3895 of the International Association of Fire Fighters ("Local 3895"), by and through Dyer Lawrence, LLP, and Thomas J. Donaldson, Esq., and pursuant to Senate Bill 166 ("SB 166"), NRS 288.515 *et seq.*, and the Order and Notice of the Nevada Government Employee-Management Relations Board ("Board") dated August 16, 2023, in this matter, hereby objects to the Nevada Department of Administration, Division of Human Resource Management's ("DHRM"), recommendations ("DHRM's recommendations") to move certain Job Classifications to the newly-created Firefighters Supervisory Bargaining Unit ("Unit O"). The instant Objection is based upon the following memorandum of points and authorities.

DATED this 5<sup>th</sup> day of September, 2023.

DYER LAWRENCE, LLP

By:   
for Thomas J. Donaldson, Esq.  
Nevada State Bar No. 5283  
2805 Mountain Street  
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(775) 885-8728 facsimile  
Attorneys for IAFF Local 3895

Memorandum of Points and Authorities

Local 3895, a labor organization pursuant to NRS 288.048, is currently recognized as the exclusive representative of State of Nevada non-supervisory Firefighter Bargaining Unit ("Unit K").

1 SB 166 (2023) created four (4) new supervisory bargaining units, including Unit O. Local 3895  
2 intends to petition the Board to be designated the exclusive representative of Unit O once the  
3 composition of Unit O is finalized by the Board on or about September 20, 2023.

4 On or about August 16, 2023, the Board received and published DHRM's recommendations  
5 to move certain Job Classifications to the new supervisory unit, including Unit O. Specifically,  
6 DHRM recommended adding the following positions to Unit O:

<u>Title</u>	<u>Job Classification</u>	<u>Grade</u>	<u>From</u> <sup>1</sup>	<u>To</u>
1.816	Battalion Chief	35	K	O
1.835	Helitack Supervisor	37	K	O
1.850	Fire Captain	33	K	O
1.868	Conservation Camp Area Supr.	37	J	O
1.870	Conservation Camp Supr.	35	J	O
11.702	Asst. Fire Chief, Air Nat'l Guard	36	K	O

11  
12 Board Notice dated August 16, 2023.

13 Local 3895 completely agrees with DHRM's Recommendations moving the six (6) Job  
14 Classifications set forth immediately above to Unit O. However, Local 3895 hereby requests an  
15 order from the Board adding two (2) additional Job Classifications to Unit O based upon the  
16 similarity of those classifications to other classifications within the bargaining unit.

17 Specifically, Local 3895 is requesting that the following Fire Management Officer ("FMO")  
18 positions be added to Unit O:

<u>Title</u>	<u>Job Classification</u>	<u>Grade</u>	<u>From</u> <sup>2</sup>	<u>To</u>
1.812	Fire Management Officer II	37	Managerial	O
1.814	Fire Management Officer I	36	Managerial	O

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22 DHRM's Recommendations do not include these two (2) FMO Job Classifications. Board Notice  
23 dated August 16, 2023.

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26 <sup>1</sup> Bargaining Unit J is the general Supervisory Bargaining Unit and Bargaining Unit K is the  
non-supervisory Firefighters Bargaining Unit.

27 <sup>2</sup> Certain Managerial employees are currently not assigned to any of the State bargaining units.  
28 However, DHRM's Recommendations include moving certain Managerial Job Classifications to other  
supervisory bargaining units. Board Notice dated August 16, 2023.

1 The FMO positions are included in the same Class Specification for State Firefighters that  
2 also includes the Job Classifications of Battalion Chief (Title 1.816) and Fire Captain (Title 1.850)  
3 in DHRM's Recommendations. Exhibit 1 hereto. The "Series Concept" described in the  
4 Firefighters Class Specification apparently applies to all six (6) of the specified Job Classifications.  
5 *Id.* A comparison of the "Class Concepts" and "Minimum Qualifications" for the positions of FMO,  
6 Battalion Chief and Fire Captain confirms the similarity of these supervisory Job Classifications.  
7 *Id.*

8 Oddly, NRS 288.515 does not include a definition of "Firefighter." However, "Firefighters"  
9 means those persons who are salaried employees of a fire prevention or suppression unit organized  
10 by a political subdivision of the State and whose principal duties are controlling and extinguishing  
11 fires." NRS 288.215(1)(a). Since the definition of "Supervisory employees" in NRS 288.515(3)(e)  
12 refers to NRS 288.138, the local government employee definition, the Board certainly may rely upon  
13 NRS 288.215(1)(a) in determining the classifications of employees within the new bargaining units.  
14 NRS 288.515(2). Obviously, the FMO positions, by definition, should be included in Unit O.

15 Finally, the FMO positions are more properly classified as Supervisory employees, rather  
16 than Managerial employees. The positions of FMO I and FMO II are Grades 36 and 37, respectively.  
17 The Job Classifications of Helitack Supervisor and Conservation Camp Area Supervisor included  
18 in DHRM's Recommendations are also Grade 37. Exhibits 2 and 3 hereto. Similarly, the Job  
19 Classification of Assistant Fire Chief, Air National Guard, also included in DHRM's  
20 Recommendations is a Grade 36. Exhibit 4 hereto. Thus, there does not appear to be anything to  
21 prevent the Board from including the FMO Job Classifications in Unit O.

22 Conclusion

23 In light of the above-mentioned, the Job Classifications of Fire Management Officer I and II  
24 are clearly similar to the other six (6) Job Classifications in DHRM's Recommendations to be added

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to new Unit O. Therefore, Local 3895 requests an Order from the Board adding all eight (8) Job Classifications to Unit O.

DATED this 5<sup>th</sup> day of September, 2023.

DYER LAWRENCE, LLP

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for Thomas J. Donaldson, Esq.  
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# EXHIBIT 1

# EXHIBIT 1



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>FIRE MANAGEMENT OFFICER II</b>	<b>37</b>	<b>D</b>	<b>1.812</b>
<b>FIRE MANAGEMENT OFFICER I</b>	<b>36</b>	<b>D</b>	<b>1.814</b>
<b>BATTALION CHIEF</b>	<b>35</b>	<b>D</b>	<b>1.816</b>
<b>FIRE CAPTAIN</b>	<b>33</b>	<b>D</b>	<b>1.850</b>
<b>FIREFIGHTER II</b>	<b>31</b>	<b>D</b>	<b>1.819</b>
<b>FIREFIGHTER I</b>	<b>28</b>	<b>D</b>	<b>1.852</b>

**SERIES CONCEPT**

Positions in this series manage, supervise, and participate in wildland fire suppression: fire prevention and education; presuppression: equipment and facility maintenance; and forestry and fire law enforcement. Assist the Forestry Program Manager – Fire to ensure that the components of the divisions Wildland Fire Protection Program are managed and operated in an efficient, accurate and safe manner consistent with federal, State, and division regulations, policies and procedures.

Manage, supervise and participate in functional areas of fire protection; compile information, develop plans and make recommendations concerning training, prevention, suppression, emergency operations, fuels management, support services and administration; develop plans, regulations, guidance documents and reports on regional wildfire activities; implement and coordinate regional wildfire activities with federal, State, and local partners.

Exercise leadership through direct command or implementation of the Incident Command System (ICS).

Respond to wildland fires, floods, and other emergencies.

Control wildland fires; build hand lines, fall trees, lay hose lines and direct nozzles; lead dozers; set backfires; direct aerial drops; provide structural protection; and mop up and patrol fire areas to safeguard life, natural resources and structures.

Supervise and/or participate in presuppression activities; develop preplans and preattack fire plans; check fire access roads, gates, and water supplies; and review and update dispatch response cards.

Supervise and/or participate in hazardous fuels mitigation; determine fuel types and fuel loading; and plan, direct and implement fuels management activities including prescribed burning.

Supervise and/or participate in fire prevention activities; inspect areas designated for prescribed burning; advise land owners of regulations; determine approval/denial of fire permit; check campfires; advise the public of fire danger, safety and fire restrictions; make safety presentations to homeowners, students and civic groups; conduct defensible space inspections; and post signs to educate the public and reduce fire occurrence.

Train volunteer fire departments, cooperative fire agencies, and various firefighting personnel; schedule classes or demonstrations; review materials, techniques, and strategies; and provide on-the-job training to improve firefighting techniques and effectiveness.

Enforce forestry and fire laws and prosecute offenders; investigate complaints of illegal burning, camp fires and plant materials harvesting; interview witnesses and suspects; collect evidence, preserve the crime scene, and determine the point of origin and cause of fire; advise the public of applicable laws, write citations and testify in court.

<b>FIRE MANAGEMENT OFFICER II</b>	<b>37</b>	<b>D</b>	<b>1.812</b>
<b>FIRE MANAGEMENT OFFICER I</b>	<b>36</b>	<b>D</b>	<b>1.814</b>
<b>BATTALION CHIEF</b>	<b>35</b>	<b>D</b>	<b>1.816</b>
<b>FIRE CAPTAIN</b>	<b>33</b>	<b>D</b>	<b>1.850</b>
<b>FIREFIGHTER II</b>	<b>31</b>	<b>D</b>	<b>1.819</b>
<b>FIREFIGHTER I</b>	<b>28</b>	<b>D</b>	<b>1.852</b>

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**SERIES CONCEPT (cont'd)**

Supervise or maintain fire apparatus and equipment to maintain constant readiness; make daily inspections and follow preventive maintenance schedules; check, clean, sharpen, adjust and make minor repairs to equipment; report mechanical problems and arrange for repairs; and replace used equipment and supplies.

Perform related duties as assigned.

\*\*\*\*\*

**CLASS CONCEPTS**

**Fire Management Officer II:** Under general direction, incumbents are responsible for planning, organizing, and directing the administration of regional fire programs including budget preparation. Incumbents coordinate and administer wildland fire prevention, protection and control activities, and hazardous fuels mitigation; develop and maintain cooperative fire protection agreements; and coordinate fire management activities with federal, State, and local cooperators.

Maintain and track equipment inventories and costs; manage and administer various federal, State, and county programs for fire suppression equipment, training, and prevention; write grant proposals for various programs for cost share dollars; coordinate and participate in resource management programs; monitor and direct emergency response, and provide backup support and technical assistance as necessary; ensure fire reporting and billing documentation is compiled in a timely manner; provide administrative oversight for applicable volunteer fire departments under the direction of the Division of Forestry; develop and review prescribed burn plans; and review and approve expenditure requests.

Train, supervise and evaluate the performance of subordinate professional, technical and support staff including Battalion Chiefs in an assigned geographic region; and assist the Forestry Program Manager in developing and monitoring the regional budget, strategic planning for the region, drafting policies and procedures, and coordinating activities consistent with division, State and county policies and objectives.

**Fire Management Officer I:** Under general direction, the incumbent is responsible for managing, administering, and supervising the operations of the southern region. Incumbents coordinate and administer wildland fire prevention, protection and control activities and hazardous fuels mitigation; develop and maintain cooperative fire protection agreements; and coordinate fire management activities with federal, State, and local cooperators. Because the region is limited in geographical area, the position functions as both the Battalion Chief and Fire Management Officer.

Direct and administer a regional fire program including budget preparation; maintain and track equipment inventories, fire suppression equipment and documentation for fire reporting and billing; maintain and track budget expenditures and approve purchase orders; assist program manager with budget forecasting; establish contracts and agreements; ensure agreements follow State and division policy.

Respond to emergency incidents in the role of Fire Management Officer; coordinate statewide emergency response of resources for the protection of life and property in the southern region; participate in fire prevention activities for wildland fires; conduct prescribed burnings; conduct defensible space inspections and homeowner fire inspections; educate public in fire safety and fire danger; supervise staff on the use of the Smokey Bear program; enforce forestry laws.

Train, supervise and evaluate a small staff of Fire Captains and other professional positions.

**Battalion Chief:** Under general direction of a Fire Management Officer, incumbents manage the day-to-day fire

<b>FIRE MANAGEMENT OFFICER II</b>	<b>37</b>	<b>D</b>	<b>1.812</b>
<b>FIRE MANAGEMENT OFFICER I</b>	<b>36</b>	<b>D</b>	<b>1.814</b>
<b>BATTALION CHIEF</b>	<b>35</b>	<b>D</b>	<b>1.816</b>
<b>FIRE CAPTAIN</b>	<b>33</b>	<b>D</b>	<b>1.850</b>
<b>FIREFIGHTER II</b>	<b>31</b>	<b>D</b>	<b>1.819</b>
<b>FIREFIGHTER I</b>	<b>28</b>	<b>D</b>	<b>1.852</b>

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**CLASS CONCEPTS (cont'd)**

**Battalion Chief:** (cont'd)

protection operations of an assigned geographic area including fire readiness, staffing, fire prevention, training, and incident command. They also assist with administrative duties in areas such as budget preparation, scheduling, planning and equipment maintenance, and are supervisory in nature.

**Fire Captain:** Under general supervision of a Battalion Chief, incumbents serve as a shift supervisor with responsibility for utilizing personnel and equipment during emergencies and supervise assigned personnel.

**Firefighter II:** Under general supervision, incumbents have greater responsibility in operating and maintaining fire apparatus (i.e., pump and hydraulic systems and emergency vehicles and equipment) than a Firefighter I. Incumbents perform the full range of emergency response and presuppression duties described in the series concept. Incumbents perform leadwork duties and are required to obtain and maintain the required certifications as identified by the agency.

**Firefighter I:** Under direct supervision, incumbents at this level perform all or part of the duties outlined in the series concept. Perform fire suppression, basic fire inspections and related duties. Incumbents participate in hazardous fuels mitigation and fire prevention activities; train volunteer and various firefighting personnel; maintain fire apparatus and equipment for constant readiness.

\*\*\*\*\*

**MINIMUM QUALIFICATIONS**

**SPECIAL REQUIREMENTS:**

- \* Pursuant to NRS 284.4066, all positions in this series have been identified as affecting public safety. Persons offered employment in this class must submit to a pre-employment screening for controlled substances.
- \* Applicants may be required to pass a thorough medical examination and physical agility test prior to appointment and for continuing employment.
- \* Applicants may be required to undergo a background investigation prior to being considered for employment.
- \* Positions in this series are required to work varied shifts including evenings, weekends, and holidays.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.
- \* All positions in this series must have certifications as identified by the agency at the time of application.
- \* Incumbents must obtain additional certifications, as identified by the agency, within specific timeframes identified by the agency, and must maintain those certifications as a condition of continuing employment.

**INFORMATIONAL NOTE:**

- \* Some positions in this series are required to obtain and maintain a Nevada commercial driver's license with endorsements as specified by the agency.

**FIRE MANAGEMENT OFFICER II**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in forestry, fire science or closely related field, and four years of professional experience in fire or natural resource management in areas such as fire suppression and fuels management; **OR** Associate's degree from an accredited college or university in forestry, fire science or closely related field, and five years of professional experience in fire or natural resource management in areas such as fire suppression and fuels management;

<b>FIRE MANAGEMENT OFFICER II</b>	<b>37</b>	<b>D</b>	<b>1.812</b>
<b>FIRE MANAGEMENT OFFICER I</b>	<b>36</b>	<b>D</b>	<b>1.814</b>
<b>BATTALION CHIEF</b>	<b>35</b>	<b>D</b>	<b>1.816</b>
<b>FIRE CAPTAIN</b>	<b>33</b>	<b>D</b>	<b>1.850</b>
<b>FIREFIGHTER II</b>	<b>31</b>	<b>D</b>	<b>1.819</b>
<b>FIREFIGHTER I</b>	<b>28</b>	<b>D</b>	<b>1.852</b>

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### MINIMUM QUALIFICATIONS (cont'd)

#### FIRE MANAGEMENT OFFICER II (cont'd)

##### EDUCATION AND EXPERIENCE: (cont'd)

**OR** Graduation from high school or equivalent education and six years of professional experience in fire or natural resource management in areas such as fire suppression and fuels management; **OR** two years of experience as a Battalion Chief in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Note)*

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** wildland fire management; fuels management practices; forestry and fire law enforcement; appearance, habitat, characteristics and economic value of various types of vegetation; combustibility and fire retardant properties of various types of vegetation; budget preparation, allocation and management. **Ability to:** plan, organize and coordinate regional fire management programs and projects; and all knowledge, skills and abilities required at the lower levels.

##### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** coordination of regional programs and projects; federal, State, and local laws, regulations, policies, and procedures as applied to forest and wildland fires; contract and grant administration. **Working knowledge of:** State and division policies and procedures regarding budget and personnel management; division budget policies and procedures; State purchasing rules and practices. **Ability to:** train, supervise and evaluate the performance of assigned personnel including Battalion Chiefs.

#### FIRE MANAGEMENT OFFICER I

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in forestry, fire science or closely related field, and three years of professional experience in fire or natural resource management in areas such as fire suppression and fuels management; **OR** Associate's degree from an accredited college or university in forestry, fire science or closely related field, and four years of professional experience in fire or natural resource management in areas such as fire suppression and fuels management; **OR** Graduation from high school or equivalent education and five years of professional experience in fire or natural resource management in areas such as fire suppression and fuels management; **OR** one year of experience as a Battalion Chief in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Note)*

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**Detailed knowledge of:** Nevada Revised Statutes and State policies related to personnel management, budget, and accounting processes; division policies and procedures related to fire suppression operations and equipment. **Working knowledge of:** wildland fire management; fuels management practices. **Ability to:** properly educate public on wildland fire prevention; plan and organize emergency response of resources; use and implement the ICS system for the management of emergency incidents; train, supervise, and evaluate the performance of assigned staff; *and all knowledge, skills and abilities required at the lower levels.*

##### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** forestry and fire law enforcement; budget preparation, management, and forecasting. **Ability to:** plan, organize and coordinate fire management programs and projects; establish and maintain cooperative and effective working relationships with representatives of federal, State and local agencies; negotiate and administer contracts, interlocal agreements, cost-share agreements and mutual aid agreements; identify and pursue external funding sources for fire management programs.

FIRE MANAGEMENT OFFICER II	37	D	1.812
FIRE MANAGEMENT OFFICER I	36	D	1.814
BATTALION CHIEF	35	D	1.816
FIRE CAPTAIN	33	D	1.850
FIREFIGHTER II	31	D	1.819
FIREFIGHTER I	28	D	1.852

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## MINIMUM QUALIFICATIONS (cont'd)

### BATTALION CHIEF

EDUCATION AND EXPERIENCE: Associate's degree in fire science or closely related field and four years of progressively responsible firefighting experience in wildland fire suppression; **OR** Graduation from high school or equivalent education and five years of progressively responsible firefighting experience in wildland fire suppression; **OR** one year of experience as a Fire Captain in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Note)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** the locations and equipment assigned to State and volunteer fire stations; principles of training and supervision; interagency mutual aid agreements; water delivery and hydrant systems; safety regulations and insurance requirements related to training; mitigation, isolation and evacuation techniques used in hazardous materials emergencies. **Ability to:** plan, organize and deploy personnel and equipment in highly complex emergency situations; develop and implement emergency response plans appropriate to the situation; and all knowledge, skills and abilities required at the lower levels.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** Nevada Revised Statutes and State policies related to personnel management, budget, and accounting processes; division policies and procedures related to fire suppression operations and equipment.

### FIRE CAPTAIN

EDUCATION AND EXPERIENCE: Associate's degree in fire science or closely related field and three years of firefighting experience; **OR** Graduation from high school or equivalent education and four years of firefighting experience; **OR** one year as a Firefighter II in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Note)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** tactics and strategy used in wildland firefighting; **Ability to:** supervise a fire crew or Engine Company in any call-out situation; apply the principles of the ICS in incidents of moderate to high complexity; evaluate complex situations and request appropriate additional resources; provide firefighting training to assigned personnel; inspect, test and ensure proper operation of all firefighting equipment within a company; maintain records and prepare reports; communicate effectively both orally and in writing; apply principles of fire prevention, inspection and investigation; deal effectively with victims, bystanders and responding personnel in emergency situations; and all knowledge, skills and abilities required at the lower levels.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Battalion Chief.)*

### FIREFIGHTER II

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and three years of firefighting experience; **OR** two years of experience as a Firefighter I in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Note)*

FIRE MANAGEMENT OFFICER II	37	D	1.812
FIRE MANAGEMENT OFFICER I	36	D	1.814
BATTALION CHIEF	35	D	1.816
FIRE CAPTAIN	33	D	1.850
FIREFIGHTER II	31	D	1.819
FIREFIGHTER I	28	D	1.852

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MINIMUM QUALIFICATIONS (cont'd)

**FIREFIGHTER II** (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** pump operations and hydraulic systems; federal and State forestry and fire laws; emergency vehicle and equipment operation. **General knowledge of:** principles and practices of fire prevention and investigation; applicable regulations and standards. **Ability to:** apply the principles of ICS to an incident of moderate complexity; operate power driven fire apparatus such as 4-wheel drive trucks, engines and water tenders; use and maintain fire tools; perform basic maintenance to vehicles and equipment; make observations and prepare reports; use specialized resources such as helicopters, tactical aircraft, air tankers, bulldozers and fire suppression crews; and all knowledge, skills and abilities required at the lower level.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** fire behavior in various weather conditions; fire suppression tactics applicable to wildland incidents; fire inspection and investigation procedures.

**FIREFIGHTER I**

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of firefighting experience. *(See Special Requirements and Informational Note)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**General knowledge of:** fire behavior in various weather conditions; fire suppression tactics applicable to wildland incidents; characteristics and application of chemical fire retardants; facility and equipment maintenance. **Working knowledge of:** 2-way radio operations and frequencies; use and limitations of personal safety equipment; first aid and CPR. **Ability to:** function effectively in potentially dangerous and life threatening situations for extended periods of time; function under the ICS system; plan, organize and prioritize daily activities; read and follow written procedures and operations guidelines; communicate effectively orally about fire prevention programs to groups of adults and children; read topographical maps; use wildland fire tools; use rescue and extrication tools.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Firefighter II.)*

This class specification is used for classification, recruitment, and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>1.812</u>	<u>1.814</u>	<u>1.816</u>	<u>1.850</u>	<u>1.819</u>	<u>1.852</u>
ESTABLISHED:	1/7/99R	9/20/11R 12/7/12PC	7/1/87-12P 10/17/86PC	7/1/74	9/1/64	9/1/64
REVISED:	7/27/00UC				9/9/69	9/1/69
REVISED:						9/16/71
REVISED:						10/21/71
REVISED:					7/1/74	7/1/74
REVISED:				10/14/76		
REVISED:						12/3/76
REVISED:				2/22/77		
REVISED:				1/7/83	1/7/83	1/7/83
REVISED:				10/28/83-3		





EXHIBIT 2

EXHIBIT 2

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**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>HELITACK SUPERVISOR</b>	<b>37</b>	<b>B</b>	<b>1.835</b>

Under general supervision, incumbent is a specialist in helicopter operations and supervises helicopter managers, helicopter crewmembers/firefighters within the Nevada Division of Forestry, and firefighters from cooperator agencies, to provide rapid initial response for wildland fires, large fire support, fire use projects and resource management projects. Incumbent may serve as incident commander including managing resources as assigned.

During the fire season, incumbents perform the following duties: prepare helicopters for mission response; coordinate and direct helitack crews in support of initial fire suppression activities, natural disasters, search and rescue, and other emergencies; conduct preflight and post-flight briefings to verify that the aircraft and pilot are approved and authorized for the type of operation to be conducted; perform aerial reconnaissance; ensure suppression operations remain within scope and capability of existing resources; determine incident needs; direct and monitor initial incident activities.

Order personnel, supplies and equipment; maintain and track equipment inventory and costs; evaluate new aviation accessories and equipment; complete daily flight invoices and maintain reports and records related to helicopter use; review aircraft logbooks to ensure scheduled maintenance inspections are completed at required intervals.

Develop, formulate and coordinate the statewide helitack program; develop strategic program plans; assist in developing and monitoring budgets; draft policies and procedures; make recommendations regarding future uses and modifications for improvement; coordinate activities consistent with division, federal and State policies and objectives.

Provide leadership and direction while implementing tactics such as: direct and indirect fire line construction, hot-spotting, backfiring, burnout operations, water delivery systems, tree felling, brush removal and mop-up operations.

Coordinate and implement training for helitack courses and workshops; provide technical expertise of helicopter projects within the state; train, supervise and evaluate the performance of subordinate professionals and seasonal firefighters; ensure safety and welfare of all assigned personnel in adverse and/or remote working conditions.

In the off season, incumbents conduct formal adult training in conservation and natural resources activities.

Perform related duties as assigned.

\*\*\*\*\*

**MINIMUM QUALIFICATIONS**

**SPECIAL REQUIREMENTS:**

- \* Pursuant NRS 284.4066, all position in this class have been identified as affecting public safety. Persons offered employment in this class, must submit to a pre-employment screening for controlled substances.
- \* Applicants are required to pass a thorough medical examination and physical agility test prior to appointment and for continuing employment.
- \* All positions in this series must have certifications as identified by the agency at the time of application.

### MINIMUM QUALIFICATIONS (cont'd)

#### INFORMATIONAL NOTES:

- \* Positions are required to obtain and maintain a Nevada commercial driver's license with hazardous materials and tanker endorsements within one year of appointment.
- \* Applicants may be required to undergo a background investigation prior to be considered for employment.

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in forestry, fire or natural resource management, business administration, or closely related field, and four years of professional experience as a certified wildland firefighter and helicopter crew member, two years of which included experience with formal adult training. Additionally, this experience must have included conservation and natural resource management activities and supervision of professional, technical and/or support staff; **OR** Associate's degree from an accredited college or university in forestry, fire or natural resource management, business administration, or closely related field, and five years of professional experience as a certified wildland firefighter and helicopter crew member, two years of which included experience with formal adult training. Additionally, this experience must have included conservation and natural resource management activities and supervision of professional, technical and/or support staff; **OR** graduation from high school or equivalent and six years of professional experience as a certified wildland firefighter and helicopter crew member, two years of which included experience with formal adult training. Additionally, this experience must have included conservation and natural resource management activities and supervision of professional, technical and/or support staff; **OR** six years as a Conservation Crew Supervisor III, two years of which included experience with formal adult training; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements and Informational Notes*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**Detailed knowledge of:** fire behavior including causes, influence of wind, slope, topography, and fuel moisture on fire; firefighting methods, tactics and procedures under various weather conditions, terrain, and wildland fuels. **Working knowledge of:** helicopter limitations, flight characteristics, aerodynamics and mountain flying techniques to safely and efficiently coordinate helicopter operations (i.e. mission planning, revising and signing aircraft load calculations, completing helicopter load capability planning summaries per the Interagency Helicopter Operations Guide (IHOG)) for remote fire missions and non-fire projects; helicopter accessory equipment capabilities and use to safely and efficiently perform duties; accepted safety practices on the fireline and around aircraft; technical and administrative requirements of US Department of Interior (USDI), Bureau of Land Management (BLM), Office of Aviation Services (OAS) and Forest Services (FS) regarding aviation operations, aircraft usage, pilot hours limitations, aircraft maintenance standards, duty and standby hours, and flight planning procedures; interagency carding/helicopter and pilot inspections; oral and written communication methods sufficient to conduct operational briefings and formal and informal training, provide oral presentations, and complete written plans, reports and documentation; contract inspector methods and procedures; contract specifications; record keeping procedures for aircraft contracts; supervisory techniques and practices; wildland management; principles of natural resource conservation; wildland reclamation techniques including reseeding, planting seedlings and construction of erosion control structures. **Skill in:** use of hand and power tools to build and/or train crewmembers to build fireline and control wildfire; sizing up and determining tactics and procedures to be used in safely and economically suppressing larger fires. **Ability to:** plan, organize and coordinate the work of assigned personnel; train, supervise and evaluate the performance of assigned personnel; establish and maintain cooperative working relationships with federal, State, and local agencies; coordinate and implement training; train and direct others on requirements for various natural resource projects in forestry, range, watershed, wildland fire suppression, flood control and other natural resource emergencies.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** division policies and procedures; applicable State Administrative Code sections; Nevada National Guard's Annual Operating Plan (AOP) for deploying aviation assets in fire suppression role; aviation management practices as it relates to firefighting; federal and State contracts; the Incident Command System (ICS); principles of loading and weight distribution and the effect on aircraft operations; State budgetary, accounting and purchasing policies and procedures; plan, develop and manage program budgets.

This class specification is used for classification, recruitment, and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this series.

1.835

ESTABLISHED: 7/01/13R  
7/09/14UC

# EXHIBIT 3

# EXHIBIT 3



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CONSERVATION CAMP AREA SUPERVISOR	37	B	1.868
CONSERVATION CAMP SUPERVISOR	35	B	1.870

**SERIES CONCEPT**

Positions in this series supervise the inmate work program at an assigned conservation camp facility or geographic area and are responsible for budget maintenance, project planning, community relations, camp resource and fire suppression programs, security planning, and supervision of assigned personnel.

Manage the operation of a Nevada Division of Forestry (NDF) Conservation Camp or geographic area; represent programs to other government agencies, non-profit organizations, private companies and individuals; solicit, plan, assess and coordinate conservation work projects; negotiate and establish agreements for the completion of work.

Prepare assigned budgets; compile and review financial and statistical data; oversee the budget and monitor expenditures; plan and prepare equipment purchases; prepare, review and audit inmate payroll data and maintain good time credit records.

Prepare and review operational and incident reports; implement corrective actions as appropriate; develop and maintain security and emergency plans to ensure the safety of personnel, equipment and facilities.

Develop estimates for time, labor, skill level and equipment needed for conservation work projects; inspect work sites and evaluate work in progress; ensure compliance with established safety policies and procedures; evaluate security factors and implement appropriate precautions for community service and fire suppression projects.

Prepare and maintain records and reports related to camp equipment and supplies, fuel consumption, vehicle maintenance, purchasing and other operational needs; analyze requests for purchases, repairs and replacement of vehicles and equipment and determine appropriate course of action.

Manage and control inventory of equipment and supplies; inspect camp facilities and property; direct and arrange for service and repairs; field test equipment to provide resources necessary for work projects.

Select, train, supervise and evaluate the performance of assigned personnel in the disciplines of natural resource management and wildland fire suppression; delegate assignments and develop work performance standards; counsel and discipline staff as appropriate.

Assess staff training needs in conjunction with area and headquarters staff; schedule and implement training opportunities; locate reference materials and provide for instruction in safety, equipment operation and specialized resource conservation techniques.

Perform related duties as assigned.

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**CLASS CONCEPTS**

**Conservation Camp Area Supervisor:** Under general supervision, incumbents have responsibility for coordination and management of three conservation camps, revenue generating enterprises in which inmates of

CONSERVATION CAMP AREA SUPERVISOR  
CONSERVATION CAMP SUPERVISOR

37      B      1.868  
35      B      1.870

Page 2 of 4

### CLASS CONCEPTS (cont'd)

**Conservation Camp Area Supervisor:** (cont'd)

campers are trained and employed in a variety of resource management, emergency response and fire suppression projects. Incumbents prepare draft documents related to strategic, operational and business plans deemed necessary to ensure mandated goals are achieved; oversee and coordinate the pursuit of paid projects; and develop marketing plans for conservation camps.

Supervise Conservation Camp Supervisors, develop and implement work performance standards, evaluate performance, and provide direction and guidance to Conservation Camp Supervisors as required. Review reports and statistics related to projects, vehicle operations and maintenance, equipment maintenance, helitack, and camp fabrication and repair shops; review project billing and training reports to ensure consistent operations; prioritize and implement staff assignments, vehicle placement, and budget transfers.

Participate in the development and implementation of camp policies, procedures and operational guidelines for consistency between conservation camps; ensure assigned camps meet legislative mandates; review, monitor and reconcile monthly camp expenditures.

Negotiate local cooperator agreements that involve more than one camp; ensure project hazard assessments are completed and submitted; inspect projects for compliance with Occupational Safety and Health Administration (OSHA) requirements.

Serve as a member of the Regional Leadership Team to ensure coordinated function of operational programs.

**Conservation Camp Supervisor:** Under general supervision of a Conservation Camp Area Supervisor, incumbents are responsible for the overall management and operation of the inmate work program at an assigned conservation camp including budget maintenance, project planning, community relations, and supervision of Conservation Crew Supervisors to include performance evaluations, work performance standard development, assigning and reviewing work, scheduling, training and discipline. Incumbents also serve as the liaison with the Department of Corrections officials of the facility to which assigned in order to coordinate procedures and resolve operational problems and issues related to inmate labor.

Incumbents negotiate agreements for camp labor with NDF staff and/or local cooperators; actively market the conservation camp and its programs to landowners and land managers who have need of a skilled conservation labor force; ensure Conservation Crew Supervisors are meeting the negotiated agreements; ensure project hazard assessments are completed and submitted; inspect projects for compliance with Occupational Safety and Health Administration (OSHA) requirements.

Incumbents are responsible for direct oversight of training programs for staff that prepare them for inmate supervision, conservation, and wildland fire suppression work.

\*\*\*\*\*

### MINIMUM QUALIFICATIONS

**SPECIAL REQUIREMENTS:**

- \* Applicants may be required to pass a thorough medical examination and physical agility test prior to appointment and as a condition of continuing employment.
- \* Applicants may be required to undergo a background investigation prior to being considered for employment.
- \* A valid commercial driver's license is required within one year of appointment and as a condition of continuing employment.
- \* Successful completion of the NDF Resource Task Book within one year of appointment is required at both levels in the series.



### MINIMUM QUALIFICATIONS (cont'd)

#### SPECIAL REQUIREMENTS: (cont'd)

- \* A Bachelor's degree in biology, ecology, natural resource management, forestry or closely related field can be substituted for the NDF Resource Task Book.
- \* Applicants must attach verification of their college/university transcripts at the time of application if utilizing their degree as a substitute for the NDF Resource Task Book.
- \* Applicants who have completed the NDF Resource Task Book must attach verification of completion at the time of application.

#### CONSERVATION CAMP AREA SUPERVISOR

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in biology, ecology, forestry, natural resource management, business or public administration, or related field and two years of journey level experience which included conservation and natural resource management activities or fire suppression, and supervision of staff; **OR** Associate's degree from an accredited college or university in forestry, natural resource management, business or public administration, or related field and three years of experience as described above; **OR** graduation from high school or equivalent education and four years of experience as described above; **OR** one year of experience as a Conservation Camp Supervisor in Nevada State service; **OR** two years of experience as a Conservation Crew Supervisor III in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements)*

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

**Working knowledge of:** principles of natural resource conservation; management practices sufficient to oversee the activities and staff in multiple locations; operation of computers including word processing, spreadsheet and database management software; financial and statistical recordkeeping techniques; strategic planning and program development processes. **Ability to:** plan, develop and manage program budgets; and all knowledge, skills, and abilities required at the lower level.

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

**Working knowledge of:** goals, objectives and purposes of the conservation camp program; State purchasing policies and procedures; State personnel policies and procedures; conservation camp program and its relationship to the Department of Corrections; development and administration of a program budget; marketing and community relations techniques. **Ability to:** provide guidance, consistency and oversight regarding conservation camp operations, staff, fiscal administration, purchasing, safety and training at assigned camps; establish and maintain positive and effective working relationships with Department of Corrections management to ensure program success.

#### CONSERVATION CAMP SUPERVISOR

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in biology, ecology, forestry, natural resource management, business or public administration, or related field and one year of journey level experience supervising work crews assigned to fire suppression and/or resource management; recordkeeping, inventory control; and equipment maintenance; **OR** Associate's degree from an accredited college or university in forestry, natural resource management, business or public administration, or related field and two years of journey level experience as described above; **OR** graduation from high school or equivalent education and three years of journey level experience as described above; **OR** one year of experience as a Conservation Crew Supervisor III in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements)*

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

**Working knowledge of:** natural resource conservation principles and forest and rangeland management practices; wildland fire behavior and suppression tactics, techniques, strategies and logistical support to include the use of tools and equipment. **General knowledge of:** operation of computers including word

MINIMUM QUALIFICATIONS (cont'd)

CONSERVATION CAMP SUPERVISOR (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application): (cont'd)  
processing, spreadsheet and database management software. **Ability to:** plan, organize and coordinate the work of assigned personnel and inmate crews; compile data and calculate inmate good time credits; establish cooperative and effective working relationships with federal, State and county agencies, non-profit organizations, private companies and individuals; promote the services of the Conservation Camp program to the community; estimate the time required and cost of personnel, equipment and materials for completion of work projects; develop and administer emergency action plans; audit equipment use, inventory and funds to ensure proper utilization and accounting; evaluate training needs of staff and provide for training opportunities; prepare budget requests and monitor expenditures; coordinate inmate activities with Department of Corrections administrators.

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills, and Abilities required for Conservation Camp Area Supervisor.)*

This class series specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class series.

	<u>1.868</u>	<u>1.870</u>
ESTABLISHED:	7/2/01R 12/7/01PC	7/1/97P 6/24/96PC
REVISED:		
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REVISED:		7/1/01LG
REVISED:		7/2/01R
		12/7/01PC
REVISED:	7/1/05R	7/1/05R
	6/20/06UC	6/20/06UC
REVISED:	9/26/08R	9/26/08R
	12/15/08UC	12/15/08UC
REVISED:	5/6/11PC	5/6/11PC
REVISED:	5/8/20UC	5/8/20UC

EXHIBIT 4

EXHIBIT 4



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EE0-4</u>	<u>CODE</u>
<b>DEPUTY FIRE CHIEF (AIR NATIONAL GUARD)</b>	<b>38</b>	<b>D</b>	<b>11.701</b>
<b>ASSISTANT FIRE CHIEF (AIR NATIONAL GUARD)</b>	<b>36</b>	<b>D</b>	<b>11.702</b>
<b>CREW CHIEF (AIR NATIONAL GUARD)</b>	<b>34</b>	<b>D</b>	<b>11.703</b>
<b>FIREFIGHTER/DRIVER OPERATOR (AIR NATIONAL GUARD)</b>	<b>32</b>	<b>D</b>	<b>11.705</b>

**SERIES CONCEPT**

Air National Guard Airport Rescue Fire Fighters (ARFF) respond to emergency incidents involving all forms of civilian, commercial and military aircraft, structure or wildland fires, auto accidents, medical emergencies, hazardous materials incidents, aerospace ground equipment fires, aircraft engine fires, hot aircraft brakes, combustible metal fires and overheated electrically charged aircraft components.

Provide stand-by protection for jet engine test stand emergencies, defueling and abnormal fuel transfers, explosives handling, welding, cutting and brazing operations, air-med evacuations, and flammable liquid spills.

Respond to aircraft emergencies by driving crash fire rescue equipment to the scene; determine the most effective placement of apparatus to effect fire suppression and rescue operations; establish command post; operate vehicle pumps and direct turret and hose line streams for the fire suppression.

Initiate rescue egress operations by safetizing aircraft systems; gain access to aircraft by manual or forcible entry, locating and removing air crew and others from extremely confined and restrictive environment; continue operations of salvage, ventilation and overhaul wearing self-contained breathing apparatus (SCBA) in a toxic atmosphere and operating specialized equipment in a life threatening environment.

Respond to structural fires driving emergency vehicles; strategically position apparatus, operate pumps, lay hose lines, apply extinguishing agents, direct hose streams, ladder building, provide ventilation, enter to provide rescue to trapped victims and suppression, provide salvage of high value assets and overhaul operations.

Respond to wildland fires in support of State and federal fire management agencies in accordance with established agreements; establish command post, evaluate incident fuels, terrain, weather conditions, life hazard, exposures and possible mutual aid requirement; control and extinguish fire by use of hand tools and agent application utilizing standard wildland tactics and strategy; perform mop up and patrol functions to prevent re-ignite.

Respond to medical emergencies to provide medical attention to sick and injured persons; assess injuries and monitor vital signs; triage multiple victims; remove victims from hazardous areas; stabilize victims, providing emotional support to victims and families; provide medical support to other health care professionals.

Mitigate and resolve complex hazardous materials releases and accidents; enter into hazardous atmosphere to identify materials, estimate quantity and determine life safety concerns; rescue victims; prescribe isolation zones; establish a command post and coordinate security, evacuation and sheltering; implement a safety plan to detect symptoms of heat stress and closely monitor work performed at the hazardous material site.

Maintain assigned vehicles and equipment to ensure safe operation; perform preventive maintenance and inspect apparatus, tools, support equipment and protective clothing according to established policies and preventive maintenance schedules; make adjustments, correct minor problems and report needed repairs to supervisors; replace used equipment and supplies.

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<b>CREW CHIEF (AIR NATIONAL GUARD)</b>	<b>34</b>	<b>D</b>	<b>11.703</b>
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**SERIES CONCEPT (cont'd)**

Maintain current knowledge of modern fire detection and suppression equipment and techniques, communications systems, and the geographical features of the base and surrounding areas.

Supervise or participate in a base-wide fire prevention inspection program; conduct facility inspections to determine compliance with Uniform Fire Code (UFC), NFPA, Air Force Occupational Safety and Health (AFOSH) Standards, and local directives; provide subjective analysis and assign Risk Assessment Codes (RAC's); develop and implement corrective action plans and monitor compliance.

Supervise or participate in a base populace fire prevention education program; ensure fire protection requirements are included in activities and projects; conduct initial and refresher training classes to educate base population in basic fire science, extinguisher identification and operation, fire/emergency reporting, and evacuation and sheltering procedures; provide fire prevention training, lectures, and demonstrations for functional, youth or social groups; publish fire prevention column in base newspaper and conduct seasonal campaigns providing literature, publicity, static displays and technical presentations.

Supervise, conduct, or participate in on-the-job training sessions, classroom instruction, aircraft emergency response training, firefighting drills and live firefighting sessions; coordinate joint training sessions among mutual aid providers to ensure proper pre-fire planning and constant readiness.

Participate in wartime readiness and contingency operations; provide crash firefighting and rescue operations; maintain proficiency in aerospace vehicle firefighting operations, aircraft/structural rescue techniques, lifesaving emergency first aid skills, firefighting operations involving conventional, chemical, biological and nuclear weapons, and wartime fire prevention procedures involving storing and handling of fuels and weapons.

Participate in chemical warfare defense training and maintain proficiency in responding to emergency incidents and performing rescue and firefighting operations under adverse chemical, biological and radiation enhanced atmospheres.

Perform collateral duties as assigned.

\*\*\*\*\*

**CLASS CONCEPTS**

**Deputy Fire Chief (Air National Guard):** Under general direction, the incumbent administratively supports and assists the Fire Chief in the management of fire protection functions; acts as the Fire Chief during the Fire Chief's absence; manages fire protection operations and readiness programs in accordance with AFI 32-2001; coordinates the activities of shift supervisors and assists the Fire Chief in the development and implementation of policies and procedures in a consistent manner throughout the shifts.

Oversee the budget development process to ensure adequate funding for agency activities; review budget requests and submit final budget to the chief; administer the approved budget, prepare periodic reports and review and approve adjustments to programs and activities.

Monitor fire prevention activities of all tenant organizations to ensure compliance with established fire protection engineering and fire prevention policies; meet regularly with tenants and key management officials to review, develop and implement more effective base-wide fire prevention plans; attend professional conferences to keep abreast of the latest developments in the field; arrange and participate in fire prevention lectures, conferences and orientation meetings.

Provide expert fire consultant services to organizations and individuals, provide fire liaison service throughout assigned areas, and interpret and apply fire prevention directives; review fire prevention programs and operating

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### CLASS CONCEPTS (cont'd)

**Deputy Fire Chief (Air National Guard):** (cont'd)  
instructions for compliance and established procedures.

Review, on a regular basis, responses to various emergencies such as declared aircraft emergencies, building fires, or spilling of aircraft fuels, taking action to preclude recurrence of similar emergencies; review the installation, maintenance and use of alarm systems and allied communication devices; provide service to tenant personnel needing assistance in fire prevention techniques and guidance; make administrative and technical recommendations concerning the program to tenants and higher headquarters; conduct training for other fire protection personnel on fire prevention standards and practices and advanced fire protection subjects.

Direct the development of contingency plans for emergency operations such as natural disasters, traffic accidents, hazardous materials incidents and civil disturbances to minimize loss or injury to lives and property; ensure coordination and communication with other public safety agencies and the appropriate planning for command structure, staffing and deployment, logistics and communications.

Review plans for construction or alterations to existing structures and recommend changes to comply with fire prevention requirements; advise contractors of fire prevention responsibility when working on base facilities; inspect work performed by base tenants for compliance with directives; assist tenants in the pre-final and final acceptance of base facilities.

Investigate the scene of fires to determine the cause and preserve evidence that may indicate the violation of regulations, carelessness, or arson; may appear as a witness at a board of inquiry to present evidence or data relative to the cause of a fire; submit fire incident reports for forwarding to higher headquarters as assigned.

**Assistant Fire Chief (Air National Guard):** Under general supervision, incumbents plan, direct and supervise firefighters on an assigned shift. In addition, Assistant Fire Chiefs respond to all fires, alarms, and other emergencies and assume command until the arrival of the Fire Chief.

Exercise incident command and control to accomplish rescue of entrapped personnel or fire victims of structural, crash, and wildland fires.

Direct crews in the control and extinguishment of fires, and eliminate existing and potential fire hazards.

Work closely and cooperatively with outside agencies such as local and county fire departments, National Transportation Safety Board, the F.B.I. and F.A.A.; develop plans for events, incidents and operations which require assistance and support from other agencies; ensure plans identify appropriate command, staffing, deployment, communications and logistics.

Devise techniques for entry into structures and aircraft to rescue personnel or recover equipment; solve problems involving extremely volatile elements such as explosives, flammable liquids, oxidizers, chemicals and radiological hazards.

Provide for extra precautionary measures during hazardous operations such as furnishing standby personnel and equipment for welding and cutting operations, defueling, loading and unloading cargo and explosives, medical air evacuation, aircraft landing and take-offs, engine tests, and classified operations.

Assist in implementation of policies, rules, regulations and procedures necessary for effective operations; maintain a balance of personnel on shift by appropriate assignment, detail or transfer; interpret Air Force Major Command and base level guidance, changes in operations and revisions, and fire protection organization required to comply with such guides.

Maintain records, prepare reports, and make recommendations relative to material procurement, department

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<b>CREW CHIEF (AIR NATIONAL GUARD)</b>	<b>34</b>	<b>D</b>	<b>11.703</b>
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**CLASS CONCEPTS (cont'd)**

**Assistant Fire Chief (Air National Guard):** (cont'd)

policy, procedures and methods; sign time cards and conduct daily quarters/muster of personnel; determine priorities; plan, organize, assign and evaluate the work of subordinates.

Schedule and approve leave; maintain discipline; recommend personnel action relative to discipline, commendatory awards, promotion, recruitment, and transfer of subordinate personnel.

Conduct daily inspections of personnel, quarters, equipment and apparatus to ensure conformance with standard practices and procedures and operational readiness; manage the vehicle maintenance program.

Coordinate training with specialists in specialized fields, keeping abreast of new developments to ensure effective fire suppression and rescue methods; determine training requirements, develop training plans, conduct required training, evaluate effectiveness of training, ensure training requirements are met, and maintain proficiency training records.

Act in the capacity of Fire chief when the Deputy and Fire Chief are absent.

**Crew Chief (Air National Guard):** Under general supervision of the Assistant Chief, incumbents act as the lead firefighter on a shift. In addition to performing the range of duties described in the series concept, the Crew Chief assembles and submits information to the Assistant Fire Chief upon request for inclusion in a variety of reports covering personnel, inspections, fires, and equipment. The Crew Chief may recommend discipline or personnel actions to the Assistant Fire Chief if pertinent to the maintenance of equipment and firefighting operations. Incumbents also exercise leadership through direct command or implementation of the Incident Command System (ICS) until relieved by a senior fire officer.

Conduct instructional courses for firefighters by means of classroom lecture and practical demonstrations in firefighting and crash rescue techniques, structural fire rescue, first aid, fire prevention, and the use of all tools and equipment used in crash rescue, structural and wildland firefighting.

Determine requirements for the fire detection and suppression systems; inspect, service and test transmitting and receiving devices for fire detection and suppression systems.

Read and interpret plans, drawings, and specifications; identify and eliminate fire hazards; compute distribution criteria for fire extinguishers; conduct base-wide training and coordinate public fire prevention education.

Prepare and maintain fire protection records, reports, and charts.

Prepare and submit training progress reports for assigned crew members, make recommendations for improvements in firefighting procedures, maintain crew members' time cards, and inform the Assistant Fire Chief of any infractions among crew members for possible disciplinary action.

**Firefighter/Driver Operator (Air National Guard):** Under general supervision, incumbents perform the range of duties described in the series concept and are responsible for the upkeep and operation of assigned vehicles and other assigned apparatus in a manner consistent with safety for crew and vehicle. Incumbents may be assigned to perform the duties of the Crew Chief when directed by higher authority.

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## MINIMUM QUALIFICATIONS

### SPECIAL NOTES AND REQUIREMENTS:

- \* Applicants must be in good physical condition and may be required to pass a thorough medical examination and physical agility test prior to appointment and as a condition of continuing employment.
- \* A Secret military security clearance is required.
- \* Possession of a Class C driver's license is required at the time of appointment and as a condition of continuing employment. Employees must obtain a Military Motor Vehicle Operator card within one month of appointment.
- \* Possession of an International Fire Service Accreditation Congress (IFSAC) or equivalent certification as a Driver/Operator ARFF and Driver/Operator Pumper is required within one year of appointment.
- \* Possession of current certification in Nevada as an Emergency Medical Technician at the time of hire is required for the Deputy Chief, Assistant Chief and Crew Chief.

### DEPUTY FIRE CHIEF (AIR NATIONAL GUARD)

EDUCATION AND EXPERIENCE: Five years of professional firefighting experience which involved prevention and suppression of aircraft, structural and wildland fires, two years of which must have been in a supervisory capacity; **OR** two years of experience as an Assistant Fire Chief (Air National Guard) in the Nevada State service; **OR** an equivalent combination of education and experience. *(See Special Notes and Requirements) Additional Special Notes and Requirements for positions in this class include:*

- \* Possession of current International Fire Service Accreditation Congress (IFSAC) or equivalent certification as a Fire Officer III and Fire Instructor II is required within one year of hire.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** principles and best practices of modern firefighting and fire prevention; fire suppression strategies, tactics and procedures; principles and practices of administration, supervision and training. **Working knowledge of:** development of long-range plans and objectives for an organization; maintenance, repair, purchase and operation of a variety of fire suppression equipment and apparatus; oral and written communication skills. **Ability to:** manage and direct fire suppression operations; respond to major emergency situations and assume or delegate command; establish and maintain cooperative working relationships with other firefighting agencies, staff and the public; supervise and evaluate the performance of assigned personnel; provide expert fire consultative services to organizations and individuals; read, interpret, apply and explain codes, rules, regulations, policies and procedures; develop contingency plans for a wide variety of emergencies and natural disasters; plan and organize diversified programs in fire department administration, training and fire prevention; communicate effectively both orally and in writing; *and all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** department policies, procedures, organization and operations. **Working knowledge of:** State budget processes and personnel administration. **Ability to:** assist the Fire Chief in fire suppression and prevention activities on the Air National Guard base; prepare and manage the department's budget.

### ASSISTANT FIRE CHIEF (AIR NATIONAL GUARD)

EDUCATION AND EXPERIENCE: Four years of professional firefighting experience which involved prevention and suppression of aircraft, structural and wildland fires, one year of which must have been in a lead worker capacity; **OR** one year of experience as a Crew Chief (Air National Guard) in Nevada State service; **OR** an equivalent combination of education and experience. *(See Special Notes and Requirements) Additional Special Notes and Requirements for positions in this class include:*



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### MINIMUM QUALIFICATIONS (cont'd)

#### ASSISTANT FIRE CHIEF (AIR NATIONAL GUARD) (cont'd)

- \* Possession of current International Fire Service Accreditation Congress (IFSAC) or equivalent certification as a Fire Officer II, Fire Instructor II, Fire Inspector I, Hazardous Materials Incident Commander, and Hazardous Materials Operations is required at the time of hire.
- \* Possession of current International Fire Service Accreditation Congress (IFSAC) or equivalent certification as a Fire Officer III, and Fire Instructor II is required within one year of hire.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** air fire/crash/rescue principles and practices including advanced rescue and egress techniques for all types of aircraft and structural rescue; Air National Guard policies and procedures; principles of training and supervision; locations and equipment assigned to the Air National Guard base; water delivery and hydrant systems. **Working knowledge of:** NFPA standards, safety regulations and insurance requirements related to training; interagency mutual aid agreements; mitigation, isolation and evacuation techniques used in hazardous materials emergencies. **Ability to:** exercise authority during rescue and fire suppression operations; plan, organize and deploy personnel and equipment in highly complex emergency situations; develop and implement emergency response plans appropriate to the situation; conduct inspections and investigations; *and all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for the Deputy Fire Chief, Air National Guard.)*

#### CREW CHIEF (AIR NATIONAL GUARD)

EDUCATION AND EXPERIENCE: Three years of professional firefighting experience, one year of which must have included experience in air/crash/rescue; **OR** one year of experience as a Firefighter/Driver Operator (Air National Guard) in Nevada State service; **OR** an equivalent combination of education and experience. *(See Special Notes and Requirements) Additional Special Notes and Requirements for positions in this class include:*

- \* Possession of current International Fire Service Accreditation Congress (IFSAC) or equivalent certification as a Fire Officer I, Fire Instructor I, and Hazardous Materials Operations is required at the time of hire.
- \* Possession of current International Fire Service Accreditation Congress (IFSAC) or Pro Board certification as a Fire Officer II, Fire Inspector I, and Hazardous Materials Incident Commander is required within one year of appointment.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** tactics and strategy used in firefighting; roads, buildings, terrain and location of fire hydrants, alarm boxes, emergency exits and off base roads; water distribution systems both on and off base. **Working knowledge of:** air fire/crash/rescue principles and practices including advanced rescue and egress techniques for all types of aircraft and structural rescue; Air National Guard policies and procedures; special operations and equipment used when hazardous materials are present in emergency situations; emergency medical procedures; fire prevention codes and ordinances; fire chemistry; policies and procedures applicable to issuance of welding permits. **Ability to:** oversee the activities of a fire crew in any call-out situation; apply the principles of the ICS in incidents of moderate to high complexity; provide emergency medical treatment to injured persons; evaluate complex situations and request appropriate additional resources in emergency situations and take appropriate action in complex hazardous materials emergencies; make hazard and risk assessments; provide firefighting training to assigned personnel; maintain records and prepare reports; inspect buildings and facilities, detect fire hazards and code violations, and institute corrective action; monitor and operate the computerized fire alarm system; inspect, test and ensure proper operation of firefighting

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### MINIMUM QUALIFICATIONS (cont'd)

#### CREW CHIEF (AIR NATIONAL GUARD) (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): (cont'd)  
equipment; read and interpret building and construction plans; understand chemical, biological and radiological terms; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities for Assistant Fire Chief, Air National Guard.)*

#### FIREFIGHTER/DRIVER OPERATOR (AIR NATIONAL GUARD)

EDUCATIONAL AND EXPERIENCE: Two years of professional firefighting experience or completion of the 3 level USAF Fire Protection School: **OR** an equivalent combination of education and experience. *(See Special Notes and Requirements) Additional Special Notes and Requirements for this class include:*

- \* Certification in Nevada as an Emergency Medical Technician within 18 months of hire is required.
- \* Possession of current International Fire Service Accreditation Congress (IFSAC) or equivalent certification as a Firefighter II, Airport Firefighter, and Hazardous Materials Operation is required at the time of hire.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):  
**Working knowledge of:** fire suppression tactics; characteristics and application of chemical fire retardants; pump operations and hydraulic systems; fire vehicle and equipment maintenance; fire behavior in various weather conditions. **General knowledge of:** crash/fire/rescue, structural and wildland firefighting principles and techniques; National Fire Codes and inspection procedures; Uniform Building and Fire Codes and other applicable regulations and standards. **Ability to:** use and maintain fire, rescue and extrication tools; operate power driven fire apparatus such as 4-wheel drive trucks, pumpers, crash trucks and tenders and place in the most effective positions; inspect and maintain fire apparatus; inspect, repair and maintain fire extinguishers and other first aid fire appliances; apply the principles of the Incident Command System to incidents of moderate complexity; perform basic maintenance to vehicles and equipment; make observations and prepare reports.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities for the Crew Chief, Air National Guard.)*

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.701</u>	<u>11.702</u>	<u>11.703</u>	<u>11.705</u>
ESTABLISHED:	2/14/90R	2/14/90R	2/14/90R	2/14/90R
	7/6/90PC	7/6/90PC	7/6/90PC	7/6/90PC
REVISED:	7/1/91LG	7/1/91LG	7/1/91LG	7/1/91LG
REVISED:	8/24/04UC	8/24/04UC	8/24/04UC	8/24/04UC
REVISED:	5/28/10UC	5/28/10UC	5/28/10UC	5/28/10UC

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6 *Attorneys for Nevada Police Union, proposed bargaining group*

7 **STATE OF NEVADA**

8 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

9 NEVADA POLICE UNION, formerly known  
10 as Nevada Highway Patrol Association, Inc.,

Case Number: **2023-022**

11 Complainant,

**IN RE:  
THE ASSIGNMENT OF EXECUTIVE  
DEPARTMENT JOB  
CLASSIFICATIONS TO BARGAINING  
UNITS PURSUANT TO SENATE BILL  
166 OF THE 82<sup>ND</sup> SESSION OF THE  
NEVADA LEGISLATURE.**

12 v.

13 STATE OF NEVADA DEPARTMENT OF  
14 PUBLIC SAFETY; JOSEPH LOMBARDO,  
in his capacity as Governor of the State of  
15 Nevada,

16 Respondent.

17 **OBJECTION TO DHRM RECOMMENDATION REGARDING UNIT**  
18 **CLASSIFICATION**

19 NEVADA POLICE UNION (“NPU” or “the Union”), by and through its undersigned  
20 counsel of record, hereby submits the following Objection to DHRM’s Recommendation  
21 Regarding Unit Classification.

22 **Objection Statement**

23 The Nevada Police Union objects to DHRM’s exclusion of Staff Game Wardens,  
24 University Police Lieutenants, and DPS Lieutenants—including Parole and Probation, Nevada  
25 Highway Patrol, and any other DPS Lieutenants—from its recommendation for a new  
26 supervisory group. The Nevada Police Union proposes that the following employees be  
27 included in the New Supervisory Bargaining Group for Unit L:

- 1 • Agricultural Police Officer III (13.101)
- 2 • Staff Game Warden (13.115)
- 3 • Game Warden IV (13.121)
- 4 • Park Supervisor III (13.135)
- 5 • Park Supervisor II (13.136)
- 6 • Park Supervisor I (13.137)
- 7 • DPS Sergeant (13.205)
- 8 • DPS Lieutenant (13.204)
- 9 • University Police Lieutenant (13.215)
- 10 • University Police Sergeant (13.215)

11 The Nevada Police Union's rationale for including the above listed employees in the  
12 same group is that they share the same "community of interest" as the rest of the group due to  
13 the similarity in their duties, skills, working conditions, geographic proximity, common  
14 objectives and frequency of contract. *See Nye County Management Employee Association v.*  
15 *Nye County*, Case 2018-012, Item #844. In addition, this Board's prescribed policy is to favor  
16 large wall-to-wall bargaining units to minimize practical difficulties on a local government  
17 employer and minimize union dilution caused by smaller and fragmented bargaining units. *See*  
18 *In the Matter of Local 731 and City of Reno*, Item No. 4 (March 6, 1972).

19 Here, the proposed group shares similar duties, working conditions, and skills. The key  
20 difference is that DHRM considers Lieutenants management. In reality, Lieutenants daily  
21 practice and employment is not distinct from the duties of a Sergeant. Both groups of employees  
22 routinely patrol the road and interact with the public, assign and direct non-supervisors, and  
23 work in a similar manner. Attached to this objection are the Employee Work Standards  
24 prepared by DHRM. *See Exs. 1 and 2.* The requirements of their roles per the Standards are  
25 very similar. Beyond the requirements, their roles are similar in practice based on the day-to-  
26 day experience of the employees involved.

27 In truth, DHRM's insistence that these groups be separate is another attempt to dilute  
bargaining power and separate groups of employees who see themselves as substantially  
similar. These groups have a community of interest in their working conditions, are employed  
by the same employer, and overlap throughout the state. If they are separated, the Lieutenants

1 will not have an opportunity to organize and be represented as they should be. Accordingly,  
2 the representatives of the proposed group request that the EMRB not classify Lieutenants out  
3 of the proposed bargaining group.

4 It is also important to note that the EMRB has permitted Lieutenants and Sergeants to  
5 be in the same bargaining group. This Board will see from the attached job descriptions that  
6 the duties are not materially distinct, and do not differ enough from the Union's proposed  
7 bargaining group to justify not permitting Lieutenants and Sergeants in the proposed bargaining  
8 group from unionizing together. See Ex. 3 & 4.

9 The Union reserves its rights to all arguments before the Board in the event there is a  
10 hearing on this matter.

11 DATED this 5th day of September, 2023.

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HUTCHISON & STEFFEN, PLLC

/s/ Alex Velto  
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Alex Velto, Esq. (14961)  
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*Attorneys for the Nevada Police Union,*

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**CERTIFICATE OF SERVICE**

Pursuant to NAC 288.200(2), I certify that I am an employee of the law firm of HUTCHISON & STEFFEN, PLLC and that on the 6<sup>th</sup> day of September 2023, I deposited for mailing, by certified U.S. Mail with postage prepaid, a true and correct copy of this

**OBJECTION TO DHRM RECOMMENDATION REGARDING UNIT**

**CLASSIFICATION** to:

Governor Joe Lombardo  
State Capitol Building  
101 N. Carson Street  
Carson City, NV 89701

AG Aaron Ford  
Nevada Attorney General's Office  
110 N. Carson St.  
Carson City, NV 89701

*Certified U.S. Mail No.*

*Certified U.S. Mail No.*

***[9589 0710 5270 0928 6535 17]***

***[9589 0710 5270 0928 6535 24]***

*/s/Rachael L. Chavez*  
An employee of Hutchison & Steffen, PLLC

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**EXHIBIT INDEX**

EXHIBIT	DESCRIPTION	PAGES
1	Department of Public Safety Sergeant Workplace Standards	6
2	Department of Public Safety Lieutenant Workplace Standards	6
3	Department of Corrections Sergeant Workplace Performance Standards	3
4	Department of Corrections Lieutenant Workplace Performance Standards	3

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EXHIBIT PAGE ONLY

**EXHIBIT 1**

**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC



**STATE OF NEVADA  
EMPLOYEE WORK PERFORMANCE STANDARDS FORM**

<b>Employee Last Name:</b>		<b>First Name:</b>	<b>Initial:</b>
<b>Class Title:</b>		<b>Employee ID #:</b>	
<b>Dept/Div/Section:</b>		<b>Date Standards Est/Rev:</b>	
<b>Agency # (3 digits):</b>	<b>Home Org # (4 digits):</b>	<b>Position Control #:</b>	

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

<b>Employee Signature:</b>	<b>Date:</b>
<b>Supervisor Title &amp; Signature:</b>	<b>Date:</b>
<b>Reviewing Officer Title &amp; Signature:</b>	<b>Date:</b>
<b>Appointing Authority Title &amp; Signature:</b>	<b>Date:</b>

**JOB ELEMENTS: The following are defined as the "job elements" required for all classified positions pursuant to NAC 284.468. When creating work performance standards, consider the results or behavior, or both, expected of an employee when the job elements are performed exceedingly well, satisfactorily or unsatisfactorily under current working conditions. Additional pages may be attached.**

**QUALITY OF WORK:** Monitors and directs the operation of an assigned traffic squad. Effectively supervises work of subordinates by engagement which includes: direct contact, consultation, reviewing reports, analyzing activity, reviewing dash and body camera recordings and examining performance. Sergeant provides mentorship, direction, training, corrective actions and discipline correctly and timely when necessary. Sergeant ensures troopers are working in their proper assigned beat and sector. Monitors shift activities and balances work load as much as practicable among work group members. When appropriate, assigns personnel to special enforcement activities or operations. Complies with and demonstrates understanding of State statutes or administrative codes, Department policies, Division directives, executive orders, and regional procedures; maintains proficiency in the use of police protective equipment; qualifies with issued duty weapon; exercises proper care and operation of Division vehicles and equipment; maintains good personal appearance and follows Department uniform manual.

**Exceeds Standards**

Sergeant demonstrates a high level of engagement with subordinates and is continually supervising their work performance using a balance of direct contact, consultation, reviewing of reports and video, tracking activity and monitoring performance. Leads by example and provides additional training beyond the expected minimum requirements to improve squad and individual performance. Sergeant identifies personnel interested in advancement and provides mentorship and advice to promote future leaders. Provides fair and consistent corrective actions to change behavior and for training purposes. Evaluations are a fair representation of work performance and have detailed explanations of subordinates performance and offers future growth and development plans. Evaluations are submitted in advance of required deadlines. Sergeant is able to conduct all assigned investigations with no technical or supervisor assistance. Investigations are complete, having all elements expected for the type of investigation. Has conducted internal and/or risk management investigations with limited input or correction from supervision. Sergeant does not have to be reminded to conduct routine meetings. Sergeant conducts additional meetings when needed/or required. Meetings provide detailed and pertinent information to personnel and contents of meetings are appropriately documented and communicated to commanders.

**Meets Standards**

Sergeant supervises the work of subordinates by direct contact, consultation, reviewing reports and video, tracking activity and monitoring performance. Shows the ability to provide proper mentorship, direction, training, corrective action and appropriate discipline correctly and timely. Sergeant conducts proper annual, probationary and interim evaluations of subordinates, following established State regulations and guidelines. Evaluations include accurate and detailed descriptions of work performance, rarely require correction and are submitted in a timely manner. Sergeant is able to conduct all assigned investigations with minimal technical assistance. Investigations are generally found to be complete with limited missing elements. The majority of investigations are submitted in a timely manner within Division guidelines. Investigates complaints and, when required and directed, properly conducts internal investigations. If required, Sergeant conducts daily briefings with personnel. At a minimum, Sergeant conducts a monthly district/section meeting to impart necessary training, administrative and operational information to personnel.

**Does Not Meet Standards**

Sergeant often does not supervise work of section personnel. Sergeant fails to review reports and/or video, track activity, or monitor performance of subordinates. Sergeant fails to provide mentorship or career development to subordinates. Sergeant fails to train or provide corrective action to subordinates when reasonably required. Sergeant often does not turn in evaluations by expected deadlines. Evaluations are

not comprehensive and not normally an accurate and detailed description of work performance. Evaluations are regularly returned for correction and/or additional information. Sergeant is not able to conduct assigned investigations without assistance. Investigations are generally found to be missing expected elements. Investigations are not submitted in a timely manner per Division guidelines. Sergeant fails to investigate complaints. After proper training, sergeant is unable to properly conduct internal investigations. Sergeant does not conduct required necessary meetings. Commanders and/or subordinates routinely identify a lack of administrative and operational information coming from the Sergeant.

**QUANTITY OF WORK:** Plans staffing and patrol activity for assigned area considering such factors as traffic crash patterns, normal and seasonal traffic flows, holidays, weather, roadway construction and special events. Ensures compliance with the strategic plan. Reviews performance of squad and individuals and evaluates progress toward achievement of performance measures. Identifies successes and failures; redirects patrol activities towards deficiencies; makes adjustment of goals as necessary.

**Exceeds Standards**

Sergeant continually monitors personnel, assigned area, and work environment; making changes and plans for the furtherance of Division goals and performance measures. With limited input from commanders, Sergeant continually updates personnel with plans and strategies to maximize efficient and effective use of Division personnel. The Sergeant shows a thorough understanding of the resources available and is diligent in using resources efficiently. Sergeant has developed plans and reports in preparation for future resource needs that are not currently available. Sergeant regularly takes the initiative in developing plans for their work group and is able to develop innovative solutions.

**Meets Standards**

With limited supervision, Sergeant plans, directs and properly assigns personnel in the furtherance of Division goals and performance measures. Sergeant sets reasonable goals that are specific to the work unit, assigned area, and work environment. Sergeant ensures proper unit coverage and attempts reasonably shared work load among team members. Shows an adequate understanding of resources available and coordinates those resources when needed for the accomplishment of goals and objectives. Sergeant is able to develop plans for work group with assistance of or through direction of commander. Sergeant properly monitors certifications of assigned personnel and plans for recertification before expiration. Sergeant ensures assigned personnel are scheduled for required/mandatory training.

**Does Not Meet Standards**

Sergeant fails to develop self-initiated plans and is directed how to assign personnel. Sergeant fails to ensure unit coverage and does not monitor personnel workload to determine efficiency and effectiveness. Sergeant shows an unacceptable understanding of the resources available. The Sergeant fails to coordinate reasonable resources when needed for the accomplishment of goals and performance measures often leading to less than ideal goal achievement for work group. Sergeant fails to monitor certifications of assigned personnel which results in expired certifications and/or loss of Division resources to regain certifications. Sergeant fails to schedule required training leading to assigned personnel routinely ending up on deficiency lists.

**WORK HABITS:** Sergeant efficiently plans, directs and assigns personnel for accomplishing Division goals and performance measures. Prepares, submits and updates schedules and makes work assignments which maximize efficient use of Division personnel and resources. Keeps Division issued vehicle and equipment clean and in working order. Assigns and approves leave requests while ensuring unit coverage and efficiency is maintained. Identifies specific objectives for the work unit. Develops and implements a plan for achievement of unit goals. Coordinates the necessary resources needed for accomplishing goals and performance measures. Ensures assigned troopers maintain required certifications and attend all required training.

**Exceeds Standards**

Sergeant is continually monitoring personnel, assigned area, and work environment; making changes and plans for the furtherance of Division goals and performance measures. With limited input from commanders, Sergeant continually updates schedules and submits schedules that maximize efficient and effective use of Division personnel. The Sergeant shows a thorough understanding of the resources available and is diligent in using resources efficiently. Sergeant has developed plans and reports in preparation for future resource needs that are not currently available. Sergeant regularly takes the initiative in developing plans for their work group and is able to develop innovative solutions.

**Meets Standards**

With limited supervision, Sergeant plans, directs and properly assigns personnel in the furtherance of Division goals and performance measures. Sergeant sets reasonable goals that are specific to the work unit, assigned area, and work environment. Sergeant properly identifies objectives for the work unit. Sergeant submits schedules that efficiently use Division personnel and resources with limited input from supervisors. Leave request approvals and denials are within Department and Division policies. Sergeant ensures proper unit coverage and attempts reasonably shared work load among team members. Shows an adequate understanding of resources available and coordinates those resources when needed for the accomplishment of goals and objectives. Sergeant is able to develop plans for work group with assistance of or through direction of commander. Sergeant properly monitors certifications of assigned personnel and plans for recertification before expiration. Sergeant ensures assigned personnel are scheduled for required/mandatory training.

**Does Not Meet Standards**

Sergeant fails to develop self-initiated plans and is directed how to assign personnel. The Sergeant has to be reminded to update and submit schedules. Sergeant fails to ensure unit coverage and does not monitor personnel workload to determine efficiency and effectiveness. Scheduled leave often does not fall within Department and Division policies. Sergeant shows an unacceptable understanding of the resources available. The Sergeant fails to coordinate reasonable resources when needed for the accomplishment of goals and performance measures often leading to less than ideal goal achievement for work group. Sergeant fails to monitor certifications of assigned personnel which results in expired certifications and/or loss of Division resources to regain certifications. Sergeant fails to schedule required training leading to assigned personnel routinely ending up on deficiency lists.

**RELATIONSHIPS WITH OTHER PERSONS:** Verbal and written communications are clear and concise. Testifies appropriately in court, hearings or when otherwise required. Written communications are legible and complete. Reports and communications are properly formatted and routed in a timely manner which follows Department procedures. Identifies circumstances which require special reporting and completes required documentation. Demonstrates and maintains a professional demeanor while acting as a supervisor for the Division. Fosters team work within the work group. Readily accepts and implements orders and directions from commanders. Maintains working relationships with allied public safety partners. Educates and engages with the community. Has the ability to work with others, demonstrates cooperation, a positive attitude, uses tact and diplomacy and promotes teamwork; not only with immediate coworkers and subordinates but also with other squads, Divisions and allied agencies.

**Exceeds Standards**

Sergeant does not miss expected routine report deadlines. Written communications and reports are legible, complete, and free of errors. Verbal communications are clear and concise. Sergeant is requested to teach or address groups of people because of ability to verbally convey expert knowledge and organizational ideals. Sergeant has successfully completed special reports not expected to be completed by most Sergeants, such as, but not limited to, grants, operational plans, policy changes, and staff studies.

**Meets Standards**

Sergeant is acceptable in verbal and written communications. Given testimony is complete and professional. Written communications and reports are properly formatted, are legible, and have few typographical or spelling errors. Reports are properly routed and turned in by expected deadlines. Besides routine reports and communications, Sergeant recognizes when special reporting is required, such as, but not limited to, risk management, administrative investigations, award recognition, statistical analysis, committee participation, budgeting, and research of laws. Sergeant works well with others.

**Does not meet Standards**

Reports are not turned in a timely manner as expected per established procedures. Testimony is incomplete, inaccurate and/or unprofessional and portrays the Division in an unfavorable manner. Written communications and reports are not complete and are difficult to decipher. Reports are returned for improper formatting, typographical, and/or spelling errors. Sergeant fails to identify circumstances which require special reporting such as, but not limited to, risk management, administrative investigations, award recognition, statistical analysis, committee participation, budgeting, and research of laws. Sergeant shows an inability to convey a proper message when verbally addressing groups or supervisors.

**TAKING ACTION INDEPENDENTLY:** Sergeant will respond to emergencies and occurrences of a serious or unusual nature, or when requested by troopers or commanders, or when required by policies and procedures. When appropriate, takes command of scenes during emergencies and serious traffic incidents. When appropriate or needed, performs the basic duties of a traffic trooper and demonstrates continued proficiency in traffic trooper skills. If required by command, Sergeant maintains certification(s) in North American Standards Part A /or B.

**Exceeds Standards**

Sergeant is continually monitoring personnel, assigned area, and work environment; making changes and plans for the furtherance of Division goals and performance measures. Sergeant takes over scenes during emergencies to ensure proper safety, strategy and lawfulness. The Sergeant shows a thorough understanding of the resources available and is diligent in using resources efficiently. Sergeant has developed plans and reports in preparation for future resource needs that are not currently available. Sergeant regularly takes the initiative in developing plans for their work group and is able to develop innovative solutions.

**Meets Standards**

With limited supervision, Sergeant sets reasonable goals that are specific to the work unit, assigned area, and work environment. Sergeant prepares and submits schedules within established guidelines and deadlines. Sergeant submits schedules that efficiently use Division personnel and resources with limited input from supervisors. Sergeant ensures proper unit coverage and attempts reasonably shared work load among team members. Shows an adequate understanding of resources available and coordinates those resources when needed for the accomplishment of goals and objectives. Sergeant is able to develop plans for work group with assistance of or through direction of commander. Sergeant properly monitors certifications of assigned personnel and plans for recertification before expiration.

**Does Not Meet Standards**

Sergeant fails to develop self-initiated plans and is directed how to assign personnel. Sergeant fails to ensure unit coverage and does not monitor personnel workload to determine efficiency and effectiveness. Sergeant fails to maintain certifications. Sergeant shows an unacceptable understanding of the resources available. The Sergeant fails to coordinate reasonable resources when needed for the accomplishment of goals and performance measures often leading to less than ideal goal achievement for work group.

**MEETING WORK COMMITMENTS:** Properly performs other duties as assigned within the training received for that assignment; remains calm in crisis situations; demonstrates self-reliance, resourcefulness, and adaptability by accepting responsibility and accountability; demonstrates efficient, logical and productive use of work hours. Complies with and demonstrates understanding of State statutes, administrative codes, Department policies, Division directives, executive orders, and regional procedures.

**Exceeds Standards**

Sergeant completes work assignment in a timely manner without fail. Sergeant meets all deadlines and follows all established policies and procedures. Sergeant is continually reliable and makes sound decisions when required. Sergeant takes initiative and develops training, processes or other procedures that contribute to the Division's efficiency. Sergeant accepts responsibility and is accountable and demonstrates self-reliance and is positive and productive during work hours.

**Meets Standards**

Sergeant plans, directs and properly assigns personnel in the furtherance of Division goals and performance measures. Sergeant sets reasonable goals that are specific to the work unit, assigned area, and work environment. Sergeant prepares and submits schedules within established guidelines and deadlines. Sergeant ensures proper unit coverage and attempts reasonably shared work load among team members. Shows an adequate understanding of resources available and coordinates those resources when needed for the accomplishment of goals and objectives. Sergeant is able to develop plans for work group with assistance of or through direction of commander. Sergeant properly monitors certifications of assigned personnel and plans for recertification before expiration.

**Does Not Meet Standards**

Sergeant fails to develop self-initiated plans and is directed how to assign personnel. The Sergeant has to be reminded to update and submit schedules. Sergeant fails to ensure unit coverage and does not monitor personnel workload to determine efficiency and effectiveness. Scheduled leave often does not fall within Department and Division policies. Sergeant shows an unacceptable understanding of the resources available. The Sergeant fails to coordinate reasonable resources when needed for the accomplishment of goals and performance measures often leading to less than ideal goal achievement for work group. Sergeant fails to monitor certifications of assigned personnel which results in expired certifications and/or loss of Division resources to regain certifications. Sergeant fails to schedule required training leading to assigned personnel routinely ending up on deficiency lists.

**ANALYZING SITUATIONS AND MATERIALS:** Has the ability to formulate an opinion after consideration or deliberation through assessing situations or circumstances and drawing sound conclusions. Continually uses good judgment in analyzing work situations and drawing sound conclusions.

**Exceeds Standards**

Sergeant is continually analyzing problems and comes up with solutions, whether working with other agencies or using resources available to address a situation. They are constantly monitoring personnel, assigned area, and work environment; making changes and plans for the furtherance of Division goals and performance measures. With limited input from commanders, Sergeant continually updates schedules and submits schedules that maximize efficient and effective use of Division personnel. The Sergeant shows a thorough understanding of the resources available and is diligent in using resources efficiently. Sergeant has developed plans and reports in preparation for future resource needs that are not currently available. Sergeant regularly takes the initiative in developing plans for their work group and is able to develop innovative solutions.

**Meets Standards**

With limited supervision, Sergeant plans, directs and properly assigns personnel in the furtherance of Division goals and performance measures. Sergeant forms opinions after assessing situations before drawing a sound conclusion. Sergeant submits schedules that efficiently use Division personnel and resources with limited input from supervisors. Leave request approvals and denials are within Department and Division policies. Sergeant ensures proper unit coverage and attempts reasonably shared work load among team members. Shows an adequate understanding of resources available and coordinates those resources when needed for the accomplishment of goals and objectives.

**Does Not Meet Standards**

Sergeant does not plan, direct or properly assign personnel in the furtherance of Division goals and performance measures. Sergeant fails to form an opinion after assessing situations before drawing a sound conclusion. Sergeant fails to submit schedules that efficiently use Division personnel and resources with limited input from supervisors. Leave request approvals and denials are not within Department and Division policies. Sergeant does not ensure proper unit coverage and attempts reasonably shared work load among team members. Sergeant does not show an adequate understanding of resources available and fails to coordinate those resources when needed for the accomplishment of goals and objectives.

**SUPERVISING THE WORK OF OTHER PERSONS (if supervising the work of other persons is part of an employee's responsibilities):** N/A

Sergeant effectively supervises work of subordinates by engagement which includes: direct contact, consultation, reviewing reports, analyzing activity and examining performance. Sergeant actively mentors Troopers and stresses succession planning when creating performance development plans. Sergeant conducts comprehensive annual, probationary and interim evaluations of personnel as required. Evaluations include accurate and detailed descriptions of work performance. Sergeant encourages work improvement and development.

**Exceeds Standards**

Sergeant is continually analyzing employee and provides guidance and mentoring. Sergeant suggests training and development plans that **enhance the employee's interest with the Division's goals and expectations in mind.** They are constantly monitoring personnel, assigned area, and work environment; making changes and plans for the furtherance of Division goals and performance measures. With limited input from commanders, Sergeant continually updates schedules and submits schedules that maximize efficient and effective use of Division personnel. The Sergeant shows a thorough understanding of the resources available and is diligent in using resources efficiently. Sergeant has developed plans and reports in preparation for future resource needs that are not currently available. Sergeant regularly takes the initiative in developing plans for their work group and is able to develop innovative solutions.

**Meets Standards**

With limited supervision, Sergeant plans, directs and properly assigns personnel in the furtherance of Division goals and performance measures. Sergeant forms opinions after assessing situations before drawing a sound conclusion. Sergeant submits schedules that efficiently use Division personnel and resources with limited input from supervisors. Leave request approvals and denials are within Department and Division policies. Sergeant ensures proper unit coverage and attempts reasonably shared work load among team members. Shows an adequate understanding of resources available and coordinates those resources when needed for the accomplishment of goals and objectives.

**Does Not Meet Standards**

Sergeant does not plan, direct or properly assign personnel in the furtherance of Division goals and performance measures. Sergeant fails to form an opinion after assessing situations before drawing a sound conclusion. Sergeant fails to submit schedules that efficiently use Division personnel and resources with limited input from supervisors. Leave request approvals and denials are not within Department and Division policies. Sergeant does not ensure proper unit coverage and attempts reasonably shared work load among team members. Sergeant does not show an adequate understanding of resources available and fails to coordinate those resources when needed for the accomplishment of goals and objectives.

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**EXHIBIT 2**

**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC

**STATE OF NEVADA  
EMPLOYEE WORK PERFORMANCE STANDARDS FORM**

<b>Employee Last Name:</b>		<b>First Name:</b>	<b>Initial:</b>
<b>Class Title:</b>		<b>Employee ID #:</b>	
<b>Dept/Div/Section:</b>		<b>Date Standards Est/Rev:</b>	
<b>Agency # (3 digits):</b>	<b>Home Org # (4 digits):</b>	<b>Position Control #:</b>	

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

<b>Employee Signature:</b>	<b>Date:</b>
<b>Supervisor Title &amp; Signature:</b>	<b>Date:</b>
<b>Reviewing Officer Title &amp; Signature:</b>	<b>Date:</b>
<b>Appointing Authority Title &amp; Signature:</b>	<b>Date:</b>

**JOB ELEMENTS: The following are defined as the "job elements" required for all classified positions pursuant to NAC 284.468. When creating work performance standards, consider the results or behavior, or both, expected of an employee when the job elements are performed exceedingly well, satisfactorily or unsatisfactorily under current working conditions. Additional pages may be attached.**

**QUALITY OF WORK:**  
**Lieutenant's completed work is accurate, neat, well organized, thorough and effective.** Lieutenant manages a Highway Patrol area; establishes policy governing the area and the personnel. Lieutenant acquires, maintains, updates and applies knowledge. Lieutenant complies with state, Department, Division, and region policies, procedures, rules, regulations and orders.

**Exceeds Standards**  
 Lieutenant shows a thorough understanding of the resources available. Lieutenant is diligent using resources efficiently and shows sense of responsibility when expending publicly owned resources. Lieutenant anticipates future need for resources, both short and long term. Lieutenant can articulate and justify requests for increased or decreased resource supply. Lieutenant proactively develops, defines, and communicates programs/shift/area goals, objectives, and performance measures.

**Meets Standards**  
 Lieutenant shows an adequate understanding of the resources available. Lieutenant does not waste resources. Lieutenant can measure resource use and calculate a replacement schedule. Lieutenant can articulate resource needs. Lieutenant participates when command group develops, defines, and communicates programs/shift/area goals, objectives, and performance measures.

**Does not meet Standards**  
 Lieutenant shows an unacceptable understanding of the resources available. Lieutenant wastes resources. Lieutenant fails to measure resource use and/or fails to calculate a replacement schedule. Lieutenant fails to articulate resource needs. Lieutenant has no contribution when command group develops, defines, and communicates programs/shift/area goals, objectives, and performance measures.

**QUANTITY OF WORK:**  
 Lieutenant plans, coordinates and directs law enforcement activities and operations in a Highway Patrol area. Lieutenant coordinates assignments and evaluates priorities for assigned area.

**Exceeds Standards**  
 Lieutenant shows a thorough understanding of the resources available. Lieutenant is diligent using resources efficiently and shows sense of responsibility when expending publicly owned resources. Lieutenant anticipates future need for resources, both short and long term. Lieutenant can articulate and justify requests for increased or decreased resource supply. Lieutenant proactively develops, defines, and communicates programs/shift/area goals, objectives, and performance measures.

**Meets Standards**  
 Lieutenant shows an adequate understanding of the resources available. Lieutenant does not waste resources. Lieutenant can measure resource use and calculate a replacement schedule. Lieutenant can articulate resource needs. Lieutenant participates when command group develops, defines, and communicates programs/shift/area goals, objectives, and performance measures.

**Does not meet Standards**

Lieutenant shows an unacceptable understanding of the resources available. Lieutenant wastes resources. Lieutenant fails to measure resource and/or fails to calculate a replacement schedule. Lieutenant fails to articulate resource needs. Lieutenant has no contribution when demand group develops, defines, and communicates programs/shift/area goals, objectives, and performance measures.

**WORK HABITS:**

Lieutenant manages a Highway Patrol area and establishes policy governing area & personnel. Ensures that area goals and objectives are met in accordance with strategic plan and/or commercial vehicle safety plan. Lieutenant prepares, assists in preparation of contingency plans for emergency operations & special events or activities and directs such events or activities. Lieutenant prepares long range plans & budget requests for area operations. Maintains proficiency in use of police protective equipment and exercises proper care and operation of Division vehicles and equipment, maintains good personal appearance and performs other related duties as required.

**Exceeds Standards**

Lieutenant consistently leads and administers assigned programs/shifts/areas with minimal or no guidance. Assigned programs/shifts/areas are led and administered with none or minimal problems. Assigned programs/shifts/areas are proactively monitored and guided through periodic reporting and analysis both statistical and narrative. Lieutenant consistently initiates and/or completes special projects with minimal or no guidance. Projects are completed with minimal problems. Lieutenant demonstrates follow through by properly documenting projects and after-action reports are complete and insightful. Lieutenant shows outstanding judgment, adaptability and the ability to get along with others when completing projects.

**Meets Standards**

Lieutenant generally leads and administers assigned programs/shifts/areas with some guidance. Assigned programs/shifts/areas are led and administered with minimal problems. Assigned programs/shifts/areas are monitored with periodic reporting, both statistical and narrative. Lieutenant generally completes special projects with some guidance. Projects are completed with only minor problems. Projects are adequately documented and after-action reports are complete. Lieutenant shows acceptable judgment, adaptability and the ability to get along with others when completing projects.

**Does not meet standards**

Lieutenant fails to effectively lead and administer assigned programs/shifts/areas with some guidance. Assigned programs/shifts/areas are led and administered, but with a pattern of problems or a catastrophic problem. Fails to monitor assigned programs/shifts/areas with periodic reporting, either statistically and/or narrative form. Lieutenant fails to complete special projects or demonstrates no follow through. Projects are either not completed, are completed, but with catastrophic problems or Lieutenant demonstrates a pattern of incomplete assignments. Projects are not (adequately) documented or after-action reports are incomplete. Lieutenant shows unacceptable judgment, adaptability or the ability to get along with others when completing projects.



**RELATIONSHIPS WITH OTHER PERSONS:**

Lieutenant provides effective leadership to assigned area and utilizes solid interpersonal communication skills to develop and maintain relationships with others. Has the ability to work with others and demonstrates cooperation, positive attitude, uses tact, diplomacy and promotes teamwork. Lieutenant maintains liaison with other law enforcement agencies, judicial bodies, news media & civic groups. Lieutenant completes staff projects & other reports as directed by commander or as otherwise necessary for assuring the consistency of mission operations and attainment of goals, objectives and work plans.

**Exceeds Standards**

Consistently delivered on assignments and commitments; displayed outstanding leadership in promoting the organizations strategic goals and initiatives; demonstrated the highest levels of integrity and accountability in achieving the Highway Patrol mission and goals. Contributions had an impact beyond the immediate purview and the individual exerted a major and positive influence on management practices, operating procedures or program implementation as a DPS Lieutenant.

**Meets Standards**

Performance demonstrates the standard level of accomplishment through observable outcomes or achievement of, or substantial progress toward, agreed-upon job elements. Expectations were constantly met with solid, dependable performance. Performance reflects notable achievements and the individual regularly demonstrated the ability to meet the difficult and complex requirements inherent to the DPS Lieutenant's position while consistently demonstrating the highest level of integrity and accountability in achieving the Highway Patrol mission and goals.

**Does Not Meet Standards**

Performance fails to demonstrate the standard level of accomplishment or progress toward the agreed upon job elements to such an extent that it resulted in demonstrable negative consequences to the organization.

**TAKING ACTION INDEPENDENTLY:**

Documents work performance of area, shift or district supervisors. Investigates complaints regarding conduct of area, shift or district supervisors; Initiates commendations/disciplinary actions, reviews recommendations for commendations and disciplinary action; Reviews and acts on grievances filed by area, shift or district supervisors. Approves overtime worked by area, shift or district supervisors and ensures adequate training of area personnel.

**Exceeds Standards**

Lieutenant arranges unit schedule to complete all training and constantly provides adequate coverage with minimal overtime. Lieutenant is proactive with policy compliance, communicating information to staff and remedial action is taken when necessary. Lieutenant consistently conducts meetings and uses a variety of methods to pro-actively ensure good communication with staff. Lieutenant confirms the quality of the communication by actively seeking feedback from subordinates. Lieutenant completes all evaluations early or on time, quality of written reports are above average, recognizes employees' positive behavior and initiates action, proactively tries to prevent employee misconduct, and takes any appropriate progressive discipline.

**Meets Standards**

Lieutenant generally arranges unit schedule to complete all training and constantly provide adequate coverage while controlling overtime. Lieutenant is adequate with communicating policy and administrative information. Lieutenant generally conducts meetings and attempts to provide good communication with staff. Lieutenant is open to feedback from subordinates. Lieutenant generally completes evaluations on time, quality of written reports is average, is alert for both employee recognition and employee misconduct, and takes appropriate progressive discipline.

**Does not meet Standards**

Lieutenant fails to arrange unit schedule to complete training and/or provide adequate coverage or uses excessive overtime to achieve training goals or provide coverage. Lieutenant is unsuccessful with communicating policy and administrative information. Lieutenant fails to conduct meetings and/or fails to provide good communication with staff. Lieutenant refuses feedback from subordinates. Lieutenant completes evaluations late or not at all, quality of written reports are below average, fails to recognize positive employee behavior or perceive employee misconduct

#### **MEETING WORK COMMITMENTS:**

Lieutenant supervises area, shift or district supervisors. Lieutenant performs duties of supervisors as necessary and disseminates information to ensure that all section personnel read all policies, procedures, rules and regulations, directives, administrative notices, special orders, and memorandums. Lieutenant is **responsible for area, shift or district supervisor's compliance** with laws, policies, procedures, rules and regulations. Lieutenant is responsible for efficiency and morale of area, shift, or district supervisors.

#### **Exceeds Standards**

Lieutenant arranges unit schedule to complete all training and constantly provides adequate coverage with minimal overtime. Lieutenant is proactive with policy compliance, communicating information to staff and remedial action is taken when necessary. Lieutenant consistently conducts meetings and uses a variety of methods to pro-actively ensure good communication with staff. Lieutenant confirms the quality of the communication by actively seeking feedback from subordinates. Lieutenant completes all evaluations early or on time, quality of written reports are above average, recognizes **employees' positive behavior and initiates action, proactively tries to prevent employee misconduct, and** takes any appropriate progressive discipline.

#### **Meets Standards**

Lieutenant generally arranges unit schedule to complete all training and constantly provide adequate coverage while controlling overtime. Lieutenant is adequate with communicating policy and administrative information. Lieutenant generally conducts meetings and attempts to provide good communication with staff. Lieutenant is open to feedback from subordinates. Lieutenant generally completes evaluations on time, quality of written reports is average, is alert for both employee recognition and employee misconduct, and takes appropriate progressive discipline.

#### **Does not meet Standards**

Lieutenant fails to arrange unit schedule to complete training and/or provide adequate coverage or uses excessive overtime to achieve training goals or provide coverage. Lieutenant is unsuccessful with communicating policy and administrative information. Lieutenant fails to conduct meetings and/or fails to provide good communication with staff. Lieutenant refuses feedback from subordinates. Lieutenant completes evaluations late or not at all, quality of written reports are below average, fails to recognize positive employee behavior or perceive employee misconduct, and/or fails to properly take appropriate progressive discipline.

#### **ANALYZING SITUATIONS AND MATERIALS:**

Lieutenant consistently uses good judgment in analyzing work situations and demonstrates the ability to formulate an opinion after consideration or deliberation through assessing circumstances and drawing sound conclusions.

#### **Exceeds Standards**

Lieutenant proactively performs additional duties without prompting. Continually remains calm in high stress situations, able to successfully lead a team in a crisis/high stress/critical incident. Lieutenant shows outstanding judgment, adaptability and the ability to get along with others when leading and administering assigned programs/shifts/areas.

#### **Meets Standards**

Lieutenant performs additional duties when required; remains calm in some high stress/critical incidents. Lieutenant shows acceptable judgment, adaptability and the ability to get along with others when leading and administering assigned programs/shifts/areas.

#### **Does Not Meet Standards**

Lieutenant fails to perform additional duties when required. Becomes agitated in high stress situations; Fails to demonstrate self-reliance, resourcefulness and do not accept responsibility and/or accountability. Does not demonstrate efficient, logical and or productive use of work hours. Lieutenant shows unacceptable judgment, adaptability or the ability to get along with others when leading and administering assigned programs/shifts/areas.

**SUPERVISING THE WORK OF OTHER PERSONS (if supervising the work of other persons is part of an employee's responsibilities):**

Lieutenant trains, supervises and evaluates the performance of subordinate staff; review recommendations and/or take appropriate corrective actions with employees unable to maintain a standard in employee performance. Lieutenant reviews, approves and recommends appropriate disciplinary action for employees who fail to meet the standards of / or comply with agency policy, procedure, SAM or NAC, and any state federal or local laws or codes. Lieutenant assess staff development and training needs and counsels staff on work related activities, provides professional growth and career development by coaching and mentoring employees in the guidance on Department and Division policies, procedures and Division directives.

**Exceeds Standards:**

Consistently delivered on assignments and commitments; displayed outstanding leadership in promoting the organizations strategic goals and initiatives; demonstrated the highest levels of integrity and accountability in achieving the Highway Patrol mission and goals. Contributions had an impact beyond the immediate purview and the individual exerted a major and positive influence on management practices, operating procedures or program implementation as a DPS Lieutenant.

**Meets Standards:**

Performance demonstrates the standard level of accomplishment through observable outcomes or achievement of, or substantial progress toward, agreed-upon job elements. Expectations were constantly met with solid, dependable performance. Performance reflects notable achievements and the individual regularly demonstrated the ability to meet the difficult and complex requirements inherent to the DPS Lieutenant's position while consistently demonstrating the highest level of integrity and accountability in achieving the Highway Patrol mission and goals.

**Does Not Meet Standards:**

Performance fails to demonstrate the standard level of accomplishment or progress toward the agreed upon job elements to such an extent that it resulted in demonstrable negative consequences to the organization.

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EXHIBIT 3

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**STATE OF NEVADA  
EMPLOYEE WORK PERFORMANCE STANDARDS FORM**

<b>Employee Last Name:</b>		<b>First Name:</b>		<b>Initial:</b>	
<b>Class Title:</b> Correctional Sergeant			<b>Employee ID #:</b>		
<b>Dept/Div/Section:</b> Corrections//Custody			<b>Date Standards Est/Rev:</b>		
<b>Agency # (3 digits):</b> 440		<b>Home Org # (4 digits):</b> 3738		<b>Position Control #:</b>	

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

<b>Employee Signature:</b>	<b>Date:</b>
<b>Supervisor Title &amp; Signature:</b>	<b>Date:</b>
<b>Reviewing Officer Title &amp; Signature:</b>	<b>Date:</b>
<b>Appointing Authority Title &amp; Signature:</b>	<b>Date:</b>

**JOB ELEMENTS: The following are defined as the “job elements” required for all classified positions pursuant to NAC 284.468. When creating work performance standards, consider the results or behavior, or both, expected of an employee when the job elements are performed exceedingly well, satisfactorily or unsatisfactorily under current working conditions. Additional pages may be attached.**

**QUALITY OF WORK:** Train, equip, support, mentor and promote high quality corrections professionals and hold them to the highest professional and ethical standards. Provide humane, safe, healthy and protective custodial care, rehabilitative opportunities and reentry assistance for offenders under our supervision. Protect society by maintaining offenders in safe and humane conditions while preparing them for successful reentry back into society. Utilize innovative programming that will focus on education, mental health, substance abuse treatment and vocational training as the cornerstones to an offender’s rehabilitation. Deploy evidence base, outcome-oriented strategies. Inspect facility and rep. correct observed security, safety, and sanitation infractions and take appropriate actions accordingly and/or notify supervisor based on the seriousness of the infraction; conduct routine and special counts of inmates by following emergency procedures in the event of suspected or actual inmate escapes: control, direct, and monitor activity and movement of inmates to ensure security and safety (e.g., line movements, showers, recreation or game room, dining area, housing units); supervise the operation of segregation or holding cells to ensure compliance with security procedures by both staff and inmates. Enforce inmate discipline, inmates dress code and counsel inmates concerning conduct and behavior in accordance with NDOC procedures, Code of Penal discipline, while adhering to NDOC’s Vision and Mission Statements and PREA Standards and Guidelines.

**QUANTITY OF WORK:** Assign work by conducting roll call (verifying attendance) at the beginning of each shift to ensure sufficient employees are available and authorize or recommend overtime when necessary by assessing institution/facility’s need and availability of personnel to provide adequate security staffing. Supervise and monitor staff in the execution of post responsibilities, evaluate performance of subordinate staff and prepare performance appraisals and promotional merit ratings, assess training needs of staff and recommend appropriate training, provide orientation and on-the-job training to new employees relative to security and operational procedures, may resolve informal and formal grievance(s) and/or provide information for response at higher levels, recommend disciplinary actions and counsel employees in work-related activities, professional growth, and career development. Assign personnel in order to control situations such as escape, inmate disturbance, criminal activity, etc. Plan, coordinate and assign staff for institution/facility transportation. Review and endorse all inmate misconduct reports and unusual incident reports submitted by staff, investigate reports of misconduct of inmates and/or special incidents and gather additional information to ensure appropriate corrective action is taken.

**WORK HABITS:** Supervise and enforce policies and procedures of the institution/facility relative to security matters such as control of keys, tools, knives, contraband and hazardous materials; inspect keys and locks for damage, check windows, doors, bars, gates, fences, walls, ceilings, fire suppression, etc., for damage or possible breaches of security when notified by lower level staff; direct staff and participate in searches of inmates, inmate living and work areas as well as administrative and support areas of the institution/facility.

--

**RELATIONSHIPS WITH OTHER PERSONS:** Operate as one team. in an environment where our staff are revered as our greatest asset and developed to the highest professional level. proud of our reputation as leaders in corrections. Establish meaningful partnerships with public and private entities to assist us in successfully accomplishing our mission. Embrace diversity and recognize the value and dignity of staff, inmates and the general public. Display a professional demeanor at all times when interacting with NDOC staff, inmates and/or general public, answer phones, answer general questions and refer callers/visitors to appropriate personnel in a professional and courteous manner at all times. Maintain and project an approachable, open-minded attitude and respect confidentiality to ensure open two-way communications. Observe the chain-of-command in all interactions and correspondence. Answer questions of inmates and visitors concerning rules, regulations and procedures of the facility.

**TAKING ACTION INDEPENDENTLY:** Ability to prioritize, estimate times frames, meet deadlines, plan and use available resources and coordinate work assignments with others. Report security discrepancies to supervisors through the chain-of-command. Maintain alertness/awareness of problems or issues with safety and security of the institution while complying with Administrative Regulations and Operational Procedures.

**MEETING WORK COMMITMENTS:** Serve as a member of the institution/facility classification and/or disciplinary committee to assist in determining inmate level of custody and disciplinary actions to be taken against inmates; serve as inmate disciplinary hearing officer and take disciplinary action by applying knowledge of the Code of Penal Discipline. Supervise inmate housing for appropriate ethnic, racial, known enemy situations, medical constraints, etc., by reviewing inmate housing files and housing assignments of inmates. Reduce victimization and recidivism by providing offenders with incentive for self-improvement and the tools to effect change. Be committed to the protection of the public, safety of our staff and security of our offenders.

**ANALYZING SITUATIONS AND MATERIALS:** Supervise all incoming and outgoing mail and packages of inmates for contraband by conducting random inspection; investigate and prepare response to inmate property claims by reviewing inventory documents. Perform related duties as assigned.

**SUPERVISING THE WORK OF OTHER PERSONS (if supervising the work of other persons is part of an employee's responsibilities):**  
N/A  Supervision of Correctional Seniors, Correctional Officers, and Correctional Officer Trainees. Responsible for supervising the day-to-day operation of an institution/facility such as feeding, clothing, housing, transportation, custody and discipline of inmates. Develop shift staff rosters and serve as members of the QAP.

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EXHIBIT 4

HUTCHISON & STEFFEN

A PROFESSIONAL L.L.C.

**STATE OF NEVADA  
EMPLOYEE WORK PERFORMANCE STANDARDS FORM**

Employee Last Name:	First Name:	Initial:
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Class Title: Correctional Lieutenant	Employee ID #:
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Dept/Div/Section: Corrections//Custody	Date Standards Est/Rev:
--	-------------------------

Agency # (3 digits): 440	Home Org # (4 digits): 3738	Position Control #:
--------------------------	-----------------------------	---------------------

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature:	Date:
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Supervisor Title & Signature:	Date:
-------------------------------	-------

Reviewing Officer Title & Signature:	Date:
--------------------------------------	-------

Appointing Authority Title & Signature:	Date:
---	-------

**JOB ELEMENTS: The following are defined as the "job elements" required for all classified positions pursuant to NAC 284.468. When creating work performance standards, consider the results or behavior, or both, expected of an employee when the job elements are performed exceedingly well, satisfactorily or unsatisfactorily under current working conditions. Additional pages may be attached.**

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**QUANTITY OF WORK:** Assign work by conducting roll call (verifying attendance) at the beginning of each shift to ensure sufficient employees are available and authorize or recommend overtime when necessary by assessing institution/facility's need and availability of personnel to provide adequate security staffing. Supervise and monitor staff in the execution of post responsibilities, evaluate performance of subordinate staff and prepare performance appraisals and promotional merit ratings, assess training needs of staff and recommend appropriate training, provide orientation and on-the-job training to new employees relative to security and operational procedures, may resolve informal and formal grievance(s) and/or provide information for response at higher levels, recommend disciplinary actions and counsel employees in work-related activities, professional growth, and career development. Assign personnel in order to control situations such as escape, inmate disturbance, criminal activity, etc. Plan, coordinate and assign staff for institution/facility transportation. Review and endorse all inmate misconduct reports and unusual incident reports submitted by staff; investigate reports of misconduct of inmates and/or special incidents and gather additional information to ensure appropriate corrective action is taken.

**WORK HABITS:** Supervise and enforce policies and procedures of the institution/facility relative to security matters such as control of keys, tools, knives, contraband and hazardous materials; inspect keys and locks for damage, check windows, doors, bars, gates, fences, walls, ceilings, fire suppression, etc., for damage or possible breaches of security when notified by lower level staff; direct staff and participate in searches of inmates, inmate living and work areas as well as administrative and support areas of the institution/facility.



**RELATIONSHIPS WITH OTHER PERSONS:** Operate as one team, in an environment where our staff are revered as our greatest asset and developed to the highest professional level, proud of our reputation as leaders in corrections. Establish meaningful partnerships with public and private entities to assist us in successfully accomplishing our mission. Embrace diversity and recognize the value and dignity of staff, inmates and the general public. Display a professional demeanor at all times when interacting with NDOC staff, inmates and/or general public, answer telephones, answer general questions and refer callers/visitors to appropriate personnel in a professional and courteous manner at all times. Maintain and project an approachable, open-minded attitude and respect confidentiality to ensure open two-way communications. Observe the chain-of-command in all interactions and correspondence. Answer questions of inmates and visitors concerning rules, regulations and procedures of the facility.

**TAKING ACTION INDEPENDENTLY:** Ability to prioritize, estimate time frames, meet deadlines, plan and use available resources and coordinate work assignments with others. Report security discrepancies to supervisors through the chain-of-command. Maintain alertness/awareness of problems or issues with safety and security of the institution while complying with Administrative Regulations and Operational Procedures.

**MEETING WORK COMMITMENTS:** Serve as a member of the institution/facility classification and/or disciplinary committee to assist in determining inmate level of custody and disciplinary actions to be taken against inmates; serve as inmate disciplinary hearing officer and take disciplinary action by applying knowledge of the Code of Penal Discipline. Supervise inmate housing for appropriate ethnic, racial, known enemy situations, medical constraints, etc., by reviewing inmate housing files and housing assignments of inmates. Reduce victimization and recidivism by providing offenders with incentive for self-improvement and the tools to effect change. Be committed to the protection of the public, safety of our staff and security of our offenders.

**ANALYZING SITUATIONS AND MATERIALS:** Supervise all incoming and outgoing mail and packages of inmates for contraband by conducting random inspection; investigate and prepare response to inmate property claims by reviewing inventory documents. Perform related duties as assigned.

**SUPERVISING THE WORK OF OTHER PERSONS (if supervising the work of other persons is part of an employee's responsibilities):**  
N/A  Supervision of Corrections Sergeants, Correctional Seniors, Correctional Officers, and Correctional Officer Trainees. Responsible for supervising the day-to-day operation of an institution/facility such as feeding, clothing, housing, transportation, custody and discipline of inmates. Develop shift staff rosters and serve as members of the QAP.

1 NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS  
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Fax: (702) 822-2677  
4 Cell: (914) 443-8558  
E-mail: [andrew@napso.net](mailto:andrew@napso.net)

FILED  
October 24, 2023  
State of Nevada  
E.M.R.B.  
8:42 a.m.

5 Representative for Complainants

6 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

7 **STATE OF NEVADA**

8 \* \* \*

9 IN RE:  
10 THE ASSIGNMENT OF EXECUTIVE  
DEPARTMENT JOB CLASSIFICATIONS TO  
11 BARGAINING UNITS PURSUANT TO  
SENATE BILL 166 OF THE 82<sup>nd</sup> SESSION  
12 OF THE NEVADA LEGISLATURE

CASE NO.: 2023-022

**PETITIONERS' PRE-HEARING  
STATEMENT**

13 Petitioners.

14  
15  
16 Petitioners, NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS, a Nevada  
17 Non-Profit Corporation and NEVADA PEACE OFFICERS ASSOCIATION, a Local Government  
18 Employee Organization, on behalf of all affected State Employed Category I and Category II Peace  
19 Officers and Supervisors, by and through their representative of record, submit the following Pre-  
20 Hearing Statement pursuant to NAC 288.250.

21 **I. STATEMENT OF THE ISSUES**

22 1. Whether the recommendation issued by the State of Nevada Department of  
23 Administration, Division of Human Resource Management ("DHRM") for Unit L designating  
24 Staff Game Wardens, DPS Lieutenants and University Police Lieutenants as "management" was  
25 incorrect and therefore these job classifications should be included in the bargaining unit?

26 2. Whether the recommendation issued by the State of Nevada Department of  
27 Administration, Division of Human Resource Management ("DHRM") for Unit M designating  
28

1 Unit Managers, Youth Parole Bureau and AG Deputy Chief Investigator as “management” was  
2 incorrect and therefore these job classifications should be included in the bargaining unit?

3 **II. MEMORANDUM OF POINTS AND AUTHORITIES**

4 The points and authorities before the Board as pled in the Objections to Recommendations  
5 Contained Within Department of Administration Report (“Objections”) are respectfully  
6 incorporated as if fully set forth herein.

7 **III. STATEMENT OF RELATED PROCEEDINGS**

8 None

9 **IV. LIST OF WITNESSES**

10 **1. Person Most Knowledgeable, NPOA**

11 NPOA is the proposed bargaining unit for the supervisory law enforcement officers in  
12 Units L and M. The PMK at NPOA is expected to testify regarding the duties and responsibilities  
13 of various supervisors who have been excluded from the bargaining unit and explain how those  
14 duties and responsibilities are supervisory in nature as opposed to managerial. *See* Objections at  
15 pages 3-5.

16 **2. Richard McCann, J.D.**

17 Mr. McCann is the former Executive Director of Nevada Association of Public Safety  
18 Officers (NAPSO). Mr. McCann was one of the primary lobbyists involved with the creation and  
19 passage of Senate Bill 166 (2023). Mr. McCann will testify regarding the legislative history  
20 surrounding collective bargaining for law enforcement officers in Nevada as well as the history  
21 related to the creation and passage of Senate Bill 166 (2023). Mr. McCann will testify regarding  
22 legislative intent as well as his past knowledge and experience regarding the duties and  
23 responsibilities of the excluded supervisors. *See* Objections at pages 2-4.

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**3. Lieutenant Nate Peterson**

Lt. Peterson is a DPS/NHP employee and has served in various assignments as both a sergeant and lieutenant for the Department of Public Safety. He is expected to testify regarding the duties and responsibilities of a lieutenant at the Department of Public Safety and how those duties and responsibilities differ from those of a Captain and other higher level Command Staff.

**4. Chief David Laity**

Chief Laity is the head of the Nevada Youth Parole Department. It is anticipated that he will testify that Youth Parole Managers should be classified as supervisors based upon their duties and responsibilities with the Department. He will set forth those duties and responsibilities.

**5. Chief Will Scott**

Chief Scott is the Chief Investigator at the Attorney General's Office. Chief Scott anticipated to testify that the Deputy Chief position in the Attorney General's Office is a supervisory position as opposed to a management position. He will testify regarding the differences between the management level positions and supervisors in this office.

**6. Deputy Chief Shaun Bowen**

DC Bowen is currently working at the Attorney General's Office. He is expected to testify regarding his knowledge of the duties and responsibilities of a Deputy Chief in the AG's office and why those responsibilities are supervisory in nature as opposed to managerial.

**7. Deputy Chief Matt Ross**

DC Ross is currently working at the Attorney General's Office. He is expected to testify regarding his knowledge of the duties and responsibilities of a Deputy Chief in the AG's office and why those responsibilities are supervisory in nature as opposed to managerial.

**8. Lieutenant Michael Sweeten**

Lt. Sweeten is a DPS employee and has served in various assignments as both a sergeant and lieutenant for the Department of Parole and Probation. He is expected to testify regarding the duties and responsibilities of a lieutenant and how those duties and responsibilities differ from those of a Captain and other higher level Command Staff.

1 **V. ESTIMATE OF TIME NEEDED**

2 HPSA estimates three to four hours needed for the presentation of NAPS0's position in its  
3 case-in-chief, depending on DHRM's presentation of evidence.

4 DATED this ~~23<sup>rd</sup>~~<sup>24<sup>TH</sup></sup> day of October, 2023.

5 **NEVADA ASSOCIATION OF PUBLIC SAFETY**  
6 **OFFICERS**

7 By:  \_\_\_\_\_

8 ANDREW REGENBAUM, J.D.  
9 145 Panama Street  
10 Henderson, NV 89015

11 Representative for Petitioners  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of NAPSO, and that on the 23rd day of October  
3 2023, I caused to be served a true and correct copy of the foregoing **PETITIONERS' PRE-**  
4 **HEARING STATEMENT** in the following manner:

5 (U.S. MAIL AND EMAIL)

6 Administrator, Department of Administration  
7 Division of Human Resource Management  
8 Blasdel Building  
9 209 East Musser Street, Suite 101  
10 Carson City, Nevada 89701  
11 Email: [mbowsmith@admin.nv.gov](mailto:mbowsmith@admin.nv.gov)  
12 Email: [ntung@admin.nv.gov](mailto:ntung@admin.nv.gov)

13 Devon Reese, Esq.  
14 Alex Velto, Esq.  
15 Hutchison & Steffen, PLLC  
16 5371 Kietzke Lane  
17 Reno, NV 89511  
18 Email: [dreese@hutchlegal.com](mailto:dreese@hutchlegal.com)  
19 Email: [avelto@hutchlegal.com](mailto:avelto@hutchlegal.com)

20   
21 \_\_\_\_\_  
22 Christine LoVasco  
23 Office Manager, NAPSO  
24  
25  
26  
27  
28

1 Devon T. Reese, Esq. (7496)  
Alex Velto, Esq. (14961)  
2 HUTCHISON & STEFFEN, PLLC  
5371 Kietzke Lane  
3 Reno, Nevada 89511  
Tel: (775) 853-8746  
4 Fax: (775) 201-9611  
dreese@hutchlegal.com  
5 avelto@hutchlegal.com

FILED  
October 24, 2023  
State of Nevada  
E.M.R.B.  
2:47 p.m.

6 *Attorneys for Nevada Police Union, proposed bargaining group*

7 **STATE OF NEVADA**

8 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

9 NEVADA POLICE UNION, formerly known  
10 as Nevada Highway Patrol Association, Inc.,

Case Number: 2023-022

11 Complainant,

12 v.

13 STATE OF NEVADA DEPARTMENT OF  
14 PUBLIC SAFETY; JOSEPH LOMBARDO,  
in his capacity as Governor of the State of  
15 Nevada,

16 Respondent.

17 **COMPLAINANT'S PRE-HEARING STATEMENT**

18 NEVADA POLICE UNION ("NPU" or "the Union"), by and through its undersigned  
19 counsel of record, hereby submits the following Pre-Hearing Statement on behalf of Nevada  
20 Police Union.

21 **I. Statement of the Issues**

22 1. Whether the recommendation issued by the State of Nevada Department of  
23 Administration, Division of Human Resources Division, separating, the equivalent of,  
24 lieutenants from the sergeant's group because they are incorrectly assumed not to have a  
25 common community of interest is the incorrect classification?

26 //

27 //

1           **II.     Memorandum of points and authorities**

2           The Nevada Police Union objects to DHRM’s exclusion of Staff Game Wardens,  
3 University Police Lieutenants, and DPS Lieutenants—including Parole and Probation, Nevada  
4 Highway Patrol, and any other DPS Lieutenants—from its recommendation for a new  
5 supervisory group. The Nevada Police Union proposes that the following employees be  
6 included in the New Supervisory Bargaining Group for Unit L:

- 7           • Agricultural Police Officer III (13.101)
- 8           • Staff Game Warden (13.115)
- 9           • Game Warden IV (13.121)
- 10          • Park Supervisor III (13.135)
- 11          • Park Supervisor II (13.136)
- 12          • Park Supervisor I (13.137)
- 13          • DPS Sergeant (13.205)
- 14          • DPS Lieutenant (13.204)
- 15          • University Police Lieutenant (13.215)
- 16          • University Police Sergeant (13.215)

17           Its position incorporates the Objection to Recommendation already on file with this  
18 Board.

19           **III.    Statement of related proceedings.**

20           None.

21           **IV.    List of witnesses**

22           **1.    Person most Knowledgeable, NPU**

23           NPU’s person most knowledgeable is expected to testify to the duties and responsibilities of  
24 various supervisors who have been excluded from the bargaining unit and explain how these  
25 duties and responsibilities are supervisory in nature as opposed to managerial, as well as the  
26 community of interest and the effect DHRM’s decision will have on collective bargaining.

27           **2.    Trooper Dan Gordon**

          Trooper Gordon is expected to testify to the duties and responsibilities of various  
supervisors who have been excluded from the bargaining unit and explain how these duties and  
responsibilities are supervisory in nature as opposed to managerial, as well as the community  
of interest and the effect DHRM’s decision will have on collective bargaining.



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**3. Lt. Andrew Granata**

Lt. Granata is expected to testify to the duties and responsibilities of various supervisors who have been excluded from the bargaining unit and explain how these duties and responsibilities are supervisory in nature as opposed to managerial, as well as the community of interest and the effect DHRM's decision will have on collective bargaining.

**V. Estimated time needed**

NPU estimates four hours of time to present its case-in-chief, depending on DHRM's presentation of evidence.

The Union reserves its rights to all arguments before the Board.

DATED this 24<sup>th</sup> day of October, 2023.

HUTCHISON & STEFFEN, PLLC



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Alex Velto, Esq. (14961)  
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Reno, Nevada 89511  
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dreese@hutchlegal.com  
avelto@hutchlegal.com  
*Attorneys for the Nevada Police Union,*

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1 AARON D. FORD  
Attorney General  
2 NATHAN C. HOLLAND (Bar No. 15247)  
Deputy Attorney General  
3 State of Nevada  
Office of the Attorney General  
4 100 North Carson Street  
Carson City, NV 89701-4717  
5 T: (775) 684-1254  
E: [nholland@ag.nv.gov](mailto:nholland@ag.nv.gov)  
6 *Attorneys for Respondents*

**FILED**  
**October 26, 2023**  
**State of Nevada**  
**E.M.R.B.**  
4:57 p.m.

7  
8 **STATE OF NEVADA**  
**GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
9

10 NEVADA POLICE UNION, formerly  
known as Nevada Highway Patrol  
11 Association, Inc.,

12 Complainant.

13 vs.

14 STATE OF NEVADA, DEPARTMENT  
OF PUBLIC SAFETY; JOSEPH  
15 LOMBARDO, in his capacity as Governor  
of the State of Nevada,

16 Respondents.  
17

Case No. 2023-019

**STATE OF NEVADA'S**  
**RESPONSE TO OBJECTION TO**  
**DHRM'S RECOMMENDATION**  
**REGARDING UNIT CLASSIFICATION**

18 Respondents, State of Nevada, Department of Public Safety; Joseph Lombardo, in  
19 his capacity as Governor of the State of Nevada (hereafter "the State"), by and through  
20 counsel, Nevada Attorney General Aaron D. Ford and Deputy Attorney General Nathan C.  
21 Holland, hereby files this Response to Objection to DHRM's Recommendation Regarding  
22 Unit Classification.

23 **I. STATEMENT OF ISSUES FOR DETERMINATION**

24 **a. Determining the Appropriateness of Including the Contested Job**  
25 **Classifications in the Relevant Bargaining Units**

26 ///

27 ///

28

1 **II. MEMORANDUM OF LAW**

2 **a. Titles and of Disputed Positions the Union Seeks to Incorporate into the**  
3 **Bargaining Units**

4 **Barging Unit L:**

- 5 • Staff Game Warden (Title Code 13.115)
- 6 • DPS Lieutenant (Title Code 13.204)
- 7 • University Police Lieutenant (Title Code 13.215)

8 **Barging Unit M:**

- 9 • Unit Manager, Youth Parole Bureau (Title Code 13.263)
- 10 • Attorney General Deputy Chief Investigator (Title Code 13.246)

11 **Bargaining Unit O:**

- 12 • Fire Management Officer II (Title Code 01.812)
- 13 • Fire Management Officer I (Title Code 01.814)

14 **b. Criteria Employed by DHRM's Classification Unit to Determine Position**  
15 **Placement within the Supervisory/Managerial Hierarchy**

16 **Level 3A *Technical supervisor:*** Responsibility for controlling work methods and  
17 procedures but does not exercise control over employees' time and conduct. Example: a  
18 budget manager in a central fiscal office establishes procedures for field offices to follow in  
19 developing and maintaining their budgets. (Classification Manual)

20  
21 **Level 3B *Administrative supervisor:*** Responsibility for the time and conduct  
22 of employees (who may be at the same or higher grade level) within the context of work  
23 unit activities and agency plans and policies. This type of supervisor does not possess the  
24 technical expertise to provide specific direction regarding the work methods, assignments  
25 or workflow of the employee(s) supervised. Example: a non-medical hospital administrator  
26 exercises administrative supervision over surgeons. (Classification Manual)

27  
28 **Level 4 *First-line supervisor:*** Responsible for establishing work

1 assignments and standards for the quality and quantity of work performed by  
2 subordinates; evaluating performance and conducting performance appraisal interviews;  
3 providing counseling and recommending disciplinary measures; training employees and  
4 making hiring recommendations; and approving various types of leave requests. (This level  
5 may include supervision of organizationally subordinate line supervisors.) (Classification  
6 Manual)

7  
8 **Level 5 Managerial supervisor:** In addition to first-line supervisory  
9 responsibility for subordinate supervisors, a manager determines organizational structure  
10 within a component of an agency; develops work plans and objectives; develops, monitors  
11 and implements policies to accomplish long-range goals; coordinates and integrates various  
12 program activities and goals into the general mission of the agency; prepares budgets and  
13 monitors costs and expenditures; and implements higher level disciplinary measures.  
14 (Classification Manual)

15  
16 **c. Key Provisions from the Nevada Revised Statutes Pertaining to**  
17 **Collective Bargaining Inclusion and Exclusion**

18 In the intricate landscape of labor relations, the State of Nevada, through its codified  
19 laws, delineates clear guidelines about the inclusion and exclusion of various employee  
20 categories within collective bargaining units. The Nevada Revised Statutes (NRS) Chapter  
21 288, titled "Public Employees' Right to Organize," provides vital insights into the roles and  
22 responsibilities of managerial and supervisory employees vis-à-vis collective bargaining.  
23 The subsequent sections elucidate these pivotal provisions, offering clarity on the state's  
24 stance on this paramount matter.

25 **NRS 288.425 (Definition of Managerial Employee):** This section defines a  
26 "managerial employee" as an individual endowed with significant responsibilities related  
27 to formulating or administrating policies and programs. Employees fitting this description  
28 are customarily excluded from bargaining units to ensure impartiality and to prevent

1 conflicts of interest.

2       **NRS 288.138 (Definition of Supervisory Employee):** Under this section, a  
3 "supervisory employee" is defined as an individual possessing the authority, in the  
4 employer's interest, to perform functions such as hiring, transferring, suspending,  
5 recalling, promoting, discharging, and disciplining other employees. They also have the  
6 authority to responsibly direct them. Given their elevated role and influence within the  
7 organizational hierarchy, supervisory employees are generally considered distinct from  
8 regular employees in the context of collective bargaining. NRS 288.515(j) and NAC  
9 288.108(10) places Supervisory employees in their own bargaining units.

10  
11       **Nevada State Law (Nev. Rev. Stat. § 288.170(3)):** According to the Nevada  
12 Revised Statutes § 288.170, a head of a department, an administrative employee, or a  
13 supervisory employee in any local government entity should not belong to the same  
14 bargaining unit as the employees under their oversight. This stipulation is expressly  
15 maintained to avoid any potentially compromising situations that could arise from having  
16 management and staff in the same bargaining unit.

17       The statute further elaborates that school district administrators, including  
18 principals, assistant principals, and others, unless the school district employs fewer than  
19 five principals, should not belong to the same bargaining unit as public-school teachers.  
20 However, they may join together to negotiate as a separate bargaining unit.

21       **Nevada Administrative Code (Nev. Admin. Code § 288.108):** The Nevada  
22 Administrative Code § 288.108 establishes various bargaining units for employees of the  
23 Executive Department in Nevada, excluding "supervisory employees" from these units.  
24 This regulation is consistent with NRS 288.515(j) and reinforces the separation of  
25 management roles, such as supervisors, from the regular employee pool for the purpose of  
26 setting up collective bargaining units. The applies universally across all units mentioned  
27 in the regulation.

28       The overall intention behind these Nevada State laws is to maintain a clear

1 delineation in bargaining units to ensure the proper functioning of negotiation processes,  
2 thereby adhering to the federal act of the National Labor Relations Act's mandate that  
3 separates supervisory roles from typical employee roles in collective bargaining contexts.

4 To encapsulate, the Nevada Revised Statutes meticulously chart the course for labor  
5 relations, particularly concerning who may or may not participate in collective bargaining  
6 units. By differentiating managerial and supervisory roles, the state ensures that the  
7 collective bargaining process remains untainted by potential conflicts of interest, thereby  
8 upholding the principles of fairness, representation, and transparency. As labor dynamics  
9 evolve, these statutes remain a bedrock, guiding the harmonious interplay between  
10 employers and employees in the Silver State.

11 **d. The National Labor Relations Act: Prohibiting the Inclusion of**  
12 **Managers in Bargaining Units**

13 The National Labor Relations Act, a federal law, excludes 'supervisors' from the  
14 definition of 'employee', thus freeing employers from the obligation to extend collective  
15 bargaining rights to supervisory employees (*Coral Harbor Rehab. & Nursing Ctr. v. Nat'l*  
16 *Labor Relations Bd.*). Under the NLRA, it is understood that supervisors do not fall within  
17 the protected umbrella of the Act or within a bargaining unit (29 U.S.C. § 152(3)). Moreover,  
18 other decisions, such as *Schnurmacher Nursing Home v. N.L.R.B.*, have upheld the notion  
19 that certain employees can be classified as 'supervisors' under the Labor Management  
20 Relations Act, thereby excluding these individuals from collective bargaining units.

21 **B. The Imperative of Distinct Roles: Why Managers Should Remain**  
22 **Outside Bargaining Units**

23 The structure and dynamics of labor relations rest on the tenets of representation,  
24 fairness, and the separation of duties. It is with these principles in mind that the rationale  
25 for excluding managers from bargaining units becomes evident.

26 **Clear Demarcation of Roles:** At the heart of effective labor relations is the clear  
27 distinction between management and employee roles. Including managers in bargaining  
28

1 units blurs this line. potentially undermining the distinct responsibilities and functions  
2 that each group serves within an organization.

3       **Avoidance of Conflict of Interest:** Managers are often tasked with the  
4 responsibility of operational oversight, financial budgeting, and strategic planning. Their  
5 inclusion in bargaining units could create conflicts of interest, given that they might be  
6 privy to sensitive company information that could influence bargaining strategies and  
7 decisions.

8       **Upholding Managerial Autonomy:** Managers are typically decision-makers. To  
9 effectively steer their teams and align with organizational objectives, they must have a  
10 degree of autonomy. Their presence within a bargaining unit could compromise this  
11 autonomy, given the collective nature of decision-making within such units.

12       **Promotion of Impartiality:** For bargaining units to function effectively, there  
13 must be trust in their impartiality. The inclusion of managers, who often have to balance  
14 both company objectives and employee well-being, could raise questions about the unit's  
15 neutrality and intent.

16       **Ensuring Effective Advocacy:** Bargaining units exist to advocate for the collective  
17 interests of their members. If managers were included, there might be concerns about  
18 whether the unit truly represents the broader employee base or is unduly influenced by  
19 managerial perspectives.

20       **Streamlined Communication Channels:** By keeping managers outside of  
21 bargaining units, organizations can maintain clear and streamlined channels of  
22 communication. Managers can interface with bargaining units as representatives of the  
23 company, ensuring that both sides are adequately represented and heard.

24  
25       In conclusion, the exclusion of managers from bargaining units isn't a mere  
26 convention; it's a strategic decision rooted in the principles of labor relations. By  
27 maintaining this separation, organizations can ensure clarity in roles, uphold the integrity



1 of the bargaining process, and foster a harmonious environment where both management  
2 and employees work towards mutual success.

3  
4 **B. STATEMENT OF RELATED PROCEEDINGS**

5 September 18-20, 2023

6 **C. STATEMENT OF ANTICIPATED WITNESSES AND TESTIMONY**

7 Mande Bowsmith, serving as the Administrator for the Labor Relations Unit within  
8 the Department of Human Resources Management, State of Nevada, is anticipated to  
9 provide testimony concerning the responsibilities associated with the positions in focus, as  
10 well as the pertinent rules and regulations that govern them.

11 In addition to Mande Bowsmith The State of Nevada intends for managers, Deputy  
12 Directors, and Directors to provide testimonies regarding the following positions and their  
13 respective job duties. Furthermore, specialists Beverly Ghan and Heather Dapice,  
14 renowned for their expertise in position classification, will also offer their insights.

15  
16  
17 **III. ESTIMATE OF TIME NEEDED TO RESENT POSITION AT HEARING**

18 The State anticipates it will need approximately 3 hours to present its position at  
19 the hearing on this matter.

20  
21 DATED this \* day of \*, 2023.

22 AARON D. FORD  
23 Attorney General

24 By: /s/ Nathan C. Holland  
25 NATHAN C. HOLLAND  
26 Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General,  
and that on this \* day of \*, 2023, I served a true and correct copy of the foregoing \*, by  
electronic service to:

Devon T. Reese, Esq.  
Alex Velto, Esq.  
HUTCHISON & STEFFEN, PLLC  
5371 Kietzke Lane  
Reno, NV 89511  
E: [dreese@hutchlegal.com](mailto:dreese@hutchlegal.com)  
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/s/ Dorene A. Wright

FILED  
October 26, 2023  
State of Nevada  
E.M.R.B.  
4:58 pm.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

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In re: CASE NO. 2023-022

THE ASSIGNMENT OF EXECUTIVE )  
DEPARTMENT JOB CLASSIFICATIONS )  
TO BARGAINING UNITS PURSUANT )  
TO SENATE BILL 166 OF THE 82<sup>ND</sup> )  
SESSION OF THE NEVADA )  
LEGISLATURE. )

**BATTLE BORN FIREFIGHTERS' PRE-HEARING STATEMENT**

COMES NOW BATTLE BORN FIREFIGHTERS ASSOCIATION, IAFF LOCAL 3895 ("BBFFA"), by and through counsel, and pursuant to NAC 288.250 and the directive of the Commissioner of the Nevada Government Employee-Management Relations Board ("Board" or "EMRB") on September 21, 2023, hereby submits the following Pre-Hearing Statement in the above-captioned action. BBFFA reserves the right to supplement or amend this Statement based upon new or additional information.

**I. ISSUES OF FACT**

1. Does the Job Classification of Fire Management Officer ("FMO") I have **qualifications** similar to the other six (6) supervisory Job Classifications in the Firefighters Supervisory Bargaining Unit ("Unit O"): Battalion Chief ("BC"); Helitack Supervisor ("HS"); Fire Captain ("FS"); Conservation Camp Area Supervisor ("CAS"); Conservation Camp Supervisor ("CCS"); and Assistant Fire Chief-Air National Guard ("AFC")?<sup>1</sup>

2. Does the Job Classification of FMO II have **qualifications** similar to the other six (6) supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

3. Does the Job Classification of FMO I have **duties** similar to the other six (6) supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

<sup>1</sup> Seven (7) (FMO I, FMO II, BC, HS, FC, CAS and CCS) of the eight (8) Job Classifications at issue are employed by the Nevada Division of Forestry ("NDF") within the Department of Conservation and Natural Resources ("DCNR").

Dyer Lawrence, LLP  
2805 Mountain Street  
Carson City, Nevada 89703  
(775) 885-1896

1 4. Does the Job Classification of FMO II have **duties** similar to the other six (6)  
2 supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

3 5. Does the Job Classification of FMO I have **responsibilities** similar to the other six (6)  
4 supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

5 6. Does the Job Classification of FMO II have **responsibilities** similar to the other  
6 six (6) supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

7 7. Does the Job Classification of FMO I have a **pay grade** similar to the other six (6)  
8 supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

9 8. Does the Job Classification of FMO II have a **pay grade** similar to the other six (6)  
10 supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

11 9. Does the Job Classification of FMO I have an **EEO-4 category** similar to the other  
12 six (6) supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

13 10. Does the Job Classification of FMO II have an **EEO-4 category** similar to the other  
14 six (6) supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

15 11. Does the Job Classification of FMO I have a **rank** similar to the other six (6)  
16 supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

17 12. Does the Job Classification of FMO II have a **rank** similar to the other six (6)  
18 supervisory Job Classifications in Unit O: BC; HS; FS; CAS; CCS; and AFC?

19 13. Are the Job Classifications of FMO, HS and CAS all "equally qualified experts"  
20 under NDF's Regional Management Teams?

## 21 II. ISSUES OF LAW

22 1. Should the Board assign the Job Classification of FMO I to Unit O based upon the  
23 similarity of FMO I to other six (6) supervisory Job Classifications within Unit O (BC, HS, FC,  
24 CAS, CCS and AFC) in accordance with NRS 288.515(2)?

25 2. Should the Board assign the Job Classification of FMO II to Unit O based upon the  
26 similarity of FMO II to other six (6) supervisory Job Classifications within Unit O (BC, HS, FC,  
27 CAS, CCS and AFC) in accordance with NRS 288.515(2)?

28 ///

1 **III. MEMORANDUM OF POINTS & AUTHORITIES**

2 **A. Facts**

3 BBFFA, a labor organization pursuant to NRS 288.048, is currently recognized as the  
4 exclusive representative of State of Nevada non-supervisory Firefighters Bargaining Unit (“Unit K”).  
5 Senate Bill (“SB”) 166 (2023) created four (4) new supervisory bargaining units, including Unit O.  
6 BBFFA intends to petition the Board to be designated the exclusive representative of Unit O once  
7 the composition of Unit O is finalized by the Board.

8 On or about August 16, 2023, the Board received and published the Nevada Department of  
9 Administration, Division of Human Resource Management’s (“DHRM”), recommendations  
10 (“DHRM’s recommendations”) to move certain Job Classifications to the new supervisory units,  
11 including Unit O. Specifically, DHRM recommended adding the following positions to Unit O:

<u>Title</u>	<u>Job Classification</u>	<u>Grade</u>	<u>From<sup>2</sup></u>	<u>To</u>
1.816	Battalion Chief	35	K	O
1.835	Helitack Supervisor	37	K	O
1.850	Fire Captain	33	K	O
1.868	Conservation Camp Area Supr.	37	J	O
1.870	Conservation Camp Supr.	35	J	O
11.702	Asst. Fire Chief, Air Nat’l Guard	36	K	O

16  
17 Board’s Order and Notice dated August 16, 2023,

18 BBFFA completely agrees with DHRM’s Recommendations moving the six (6) Job  
19 Classifications set forth immediately above to Unit O. However, on or about September 5, 2023,  
20 BBFFA filed an Objection to DHRM’s Recommendations requesting an order from the Board  
21 adding two (2) additional Job Classifications to Unit O based upon the similarity of those  
22 classifications to other classifications within the bargaining unit.<sup>3</sup>

23 ///

24 ///

25  
26 <sup>2</sup> Bargaining Unit J is the general Supervisory Bargaining Unit and Bargaining Unit K is the  
27 non-supervisory Firefighters Bargaining Unit.

28 <sup>3</sup> All of the relevant Class Specifications for the eight (8) supervisory Job Classifications at  
issue herein are attached to BBFFA’s Objection as Exhibits 1-4.

1 Specifically, BBFFA requested in the Objection that the following FMO positions be added  
2 to Unit O:

3 <u>Title</u>	<u>Job Classification</u>	<u>Grade</u>	<u>From</u> <sup>4</sup>	<u>To</u>
4 1.812	Fire Management Officer II	37	Managerial	O
5 1.814	Fire Management Officer I	36	Managerial	O

6 Oddly, DHRM's Recommendations do not include these two (2) FMO Job Classifications. Board  
7 Notice dated August 16, 2023.

8 At the Board's meeting on September 20, 2023, the Board deliberated on the assignment of  
9 specific Job Classifications to each of the four (4) new supervisory bargaining units, including  
10 Unit O, pursuant to NRS 288.515(2), the Board's Notice dated August 16, 2023, and the three (3)  
11 objections raised pursuant to those documents, including BBFFA's Objection. At the meeting,  
12 BBFFA reiterated the similarity, *i.e.*, "community of interest," of the FMO positions to the six (6)  
13 other supervisory Job Classifications, recommended by DHRM to be included in Unit O. DHRM,  
14 on the other hand, simply asserted that FMO's should remain as Managerial employees, who do not  
15 have collective bargaining rights under NRS Chapter 288. The Board ordered an evidentiary hearing  
16 concerning whether the Job Classifications of FMO should be added to Unit O, which has been  
17 scheduled for January 11, 2024.

### 18 **B. Argument**

19 Laws granting employees the rights to organize and collectively bargain with their employers,  
20 such as NRS Chapter 288, are intended to promote peace in labor relations. *See Truckee Meadows*  
21 *Fire Protection Dist. v. International Ass'n of Firefighters, Local 2487*, 109 Nev. 367. 376-77, 849  
22 P.2d 343, 350 (1993). The EMRB is concerned with the chilling effect which an employer's actions  
23 may have on rights of the employees that are guaranteed under NRS Chapter 288. *Esmeralda Cty.*  
24 *Classroom Teachers Ass'n v. Esmeralda Cty. Brd. of School Trustees*, EMRB Case No. A1-045497,  
25 Item No. 273 (1991) (*citing* NRS 288.270(1)). In fact, the very first decision of the EMRB

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26  
27 <sup>4</sup> Certain Managerial employees are currently not assigned to any of the State bargaining units.  
28 However, DHRM's Recommendations include moving certain Managerial Job Classifications to other  
supervisory bargaining units. Board Notice dated August 16, 2023.

1 concerned whether an employee was improperly discharged from his employment because of union  
2 activity. *Laborers' Int'l Union of North America, Local Union No. 169 v. Washoe Medical Center*,  
3 EMRB Case No. 1, Item No 1 (1970). Moreover, through NRS 288270(1), an employee organization  
4 is protected from actions which would undercut its ability to fulfill its statutory role as exclusive  
5 bargaining agent and defender of collective bargaining agreements. *Nevada Service Employees*  
6 *Union, SEIU Local 1107, AFL-CIO, v. Clark Cty*, EMRB Case No. A1-045759, Item No. 540B  
7 (2005). Finally, interests of employers and employees are best served by establishing large  
8 bargaining units rather than a proliferation of smaller units. *Teamsters Local No.14 v. City of Las*  
9 *Vegas*, EMRB Case No. A1-045307, Item No. 76, pp. 4-5 (1978), citing *AFSCME v. City of Las*  
10 *Vegas*, EMRB Case No. 72-2, Item No. 9 (1972). To the greatest extent practicable, any decision  
11 issued by the Board before October 1, 2019, relating to the interpretation of, or the performance  
12 under, the provisions of NRS 288.270 shall be deemed to apply to any complaint arising out of the  
13 interpretation of, or performance under, the provisions of NRS 288.620. NRS 288.620(4).

14 The Nevada Legislative's findings and declarations regarding collective bargaining between  
15 the Executive Department and State employees are set forth in NRS 288.400:

- 16 1. The Legislature hereby finds and declares that there is a great need to:  
17 (a) Promote orderly and constructive relations between the State and its  
18 employees; and  
19 (b) Increase the efficiency of the Executive Department of State Government.  
20 2. It is therefore within the public interest that the Legislature enact  
21 provisions:  
22 (a) Granting certain state employees the right to associate with others in  
23 organizing and choosing representatives for the purpose of engaging in collective  
24 bargaining;  
25 (b) Requiring the State to recognize and negotiate wages, hours and other  
26 terms and conditions of employment with labor organizations that represent state  
27 employees and to enter into written agreements evidencing the result of collective  
28 bargaining; and  
(c) Establishing standards and procedures that protect the rights of employees,  
the Executive Department and the people of the State.

24 "Supervisory employee" has the meaning ascribed to it in paragraph (a) of subsection 1 of  
25 NRS 288.138. NRS 288.515(3)(e). The definition of "Supervisory employee" in NRS 288.138  
26 states:

- 27 1. "Supervisory employee" includes:  
28 (a) Any individual having authority in the interest of the employer to hire,  
transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline

1 other employees or responsibility to direct them, to adjust their grievances or  
2 effectively to recommend such action, if in connection with the foregoing, the  
3 exercise of such authority is not of a merely routine or clerical nature, but requires  
4 the use of independent judgment. The exercise of such authority shall not be deemed  
5 to place the employee in supervisory employee status unless the exercise of such  
6 authority occupies a significant portion of the employee's workday. If any of the  
7 following persons perform some, but not all, of the foregoing duties under a  
8 paramilitary command structure, such a person shall not be deemed a supervisory  
9 employee solely because of such duties:

- (1) A police officer, as defined in NRS 288.215;
- (2) A firefighter, as defined in NRS 288.215; or
- (3) A person who:

10 (I) Has the powers of a peace officer pursuant to NRS 289.150,  
11 289.170, 289.180 or 289.190; and

12 (II) Is a local government employee who is authorized to be  
13 in a bargaining unit pursuant to the provisions of this chapter.

14 (b) Any individual or class of individuals appointed by the employer and  
15 having authority on behalf of the employer to:

16 (1) Hire, transfer, suspend, lay off, recall, terminate, promote,  
17 discharge, assign, reward or discipline other employees or responsibility to direct  
18 them, to adjust their grievances or to effectively recommend such action;

19 (2) Make budgetary decisions; and

20 (3) Be consulted on decisions relating to collective bargaining,  
21 if, in connection with the foregoing, the exercise of such authority is not of a merely  
22 routine or clerical nature, but requires the use of independent judgment. The exercise  
23 of such authority shall not be deemed to place the employee in supervisory employee  
24 status unless the exercise of such authority occupies a significant portion of the  
25 employee's workday.

26 2. Nothing in this section shall be construed to mean that an employee who  
27 has been given incidental administrative duties shall be classified as a supervisory  
28 employee.

“Firefighters” means those persons who are salaried employees of a fire prevention or suppression  
unit organized by a political subdivision of the State and whose principal duties are controlling and  
extinguishing fires.” NRS 288.215(1)(a).

“Employee” is defined in NRS 288.425 as:

1. “Employee” means a person who:

(a) Is employed in the **classified service of the State** pursuant to chapter 284  
of NRS; or

(b) Is employed by the Nevada System of Higher Education in the classified  
service of the State or is required to be paid in accordance with the pay plan for the  
classified service of the State.

2. The term **does not include**:

(a) A **managerial employee** whose **primary function**, as determined by the  
Board, is to **administer and control** the business of any agency, board, bureau,  
commission, department, division, elected officer or any other unit of the Executive  
Department and who is **vested with discretion and independent judgment** with

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///



1 regard to the **general conduct and control** of that agency, board, bureau,  
2 commission, department, division, elected officer or unit;

3 \* \* \*

4 (Emphasis added.)

5 Finally, NRS 288.515(2) provides:

6 The Board shall determine the classifications of employees within each  
7 bargaining unit. The parties to a collective bargaining agreement may assign a new  
8 classification to a bargaining unit based upon the similarity of the new classification  
9 to other classifications within the bargaining unit. If the parties to a collective  
10 bargaining agreement do not agree to the assignment of a new classification to a  
11 bargaining unit, **the Board must assign a new classification to a bargaining unit  
12 based upon the similarity of the new classification to other classifications within  
13 the bargaining unit.** (Emphasis supplied.)

14 Initially, by definition, the FMO positions are State “Employees” because they are “employed  
15 in the classified service of the State” in accordance with NRS 288.425(1)(a). The positions of FMO  
16 I and FMO II are **Grades 36 and 37**, respectively. BBFFA’s Objection, Exhibit 1. The supervisory  
17 Job Classifications of Helitack Supervisor and Conservation Camp Area Supervisor included in  
18 DHRM’s Recommendations are also **Grade 37**. *Id.*, Exhibits 2 and 3. Similarly, the supervisory  
19 Job Classification of Assistant Fire Chief, Air National Guard, also included in DHRM’s  
20 Recommendations, is **Grade 36**. *Id.*, Exhibit 4. Thus, the FMO’s are at the same pay grades as the  
21 other Supervisory employees in Unit O recommended by DHRM.

22 Similarly, the FMO positions have the same EEO-4 code (D) as the Supervisory positions  
23 of BC, FC and AFC. BBFFA’s Objection, Exhibits 1 and 4. Code D for Protective Service Workers  
24 is defined as:

25 Occupations in which workers are entrusted with public safety, security and  
26 protection from destructive forces. Includes: police patrol officers, fire fighters,  
27 guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor  
28 patrol officers, game and fish wardens, park rangers (except maintenance), and  
kindred workers.

The remaining Supervisory positions in Unit O (HS, CAS and CCS) are designated EEO-4 code B,  
Professionals, which are:

Occupations which require specialized and theoretical knowledge which is usually  
acquired through college training or through work experience and other training  
which provides comparable knowledge. Includes: personnel and labor relations  
workers, social workers, doctors, psychologists, registered nurses, economists,  
dieticians, lawyers, systems analysts, accountants, engineers, employment and

1 vocational rehabilitation counselors, teachers or instructors, police and fire captains  
2 and lieutenants, librarians, management analysts, airplane pilots and navigators,  
surveyors and mapping scientists, and kindred workers.

3 BBFFA's Objection, Exhibits 2 and 3.

4 Further, the FMO positions are included in the same Class Specification for State Firefighters  
5 that also includes the Job Classifications of BC (Title 1.816) and FC (Title 1.850) in DHRM's  
6 Recommendations. BBFFA's Objection, Exhibit 1. The "Series Concept" described in the  
7 Firefighters Class Specification apparently applies to all six (6) of the specified Job Classifications.  
8 *Id.* Further, the Firefighters Class Specification is similar to the Class Specifications for HS, CAS,  
9 CCS and AFC. BBFFA's Objection, Exhibits 1, 2, 3 and 4. A comparison of the "Class Concepts"  
10 and "Minimum Qualifications" for the positions of FMO, BC, FC, HS, CAS, CCS and AFC  
11 confirms the similarity of these supervisory Job Classifications. *Id.*

12 Additionally, the FMO positions fall under NDF's "Fire and Air Operations" on NDF's  
13 Organizational Chart along with the other Supervisory positions in Unit O of HS, BC and FC. Thus,  
14 in addition to being included in the same Firefighters Class Specification, the FMO's are also  
15 "Firefighters," *i.e.*, "persons who are salaried employees of a fire prevention or suppression unit . . .  
16 whose principal duties are controlling and extinguishing fires" in accordance with  
17 NRS 288.215(1)(a), and, hence, should be included in Unit O.

18 Regarding NDF's Organization Chart, the FMO positions are at the same rank as the HS and  
19 CAS Supervisory positions already recommended for Unit O. All of these Supervisory positions  
20 (Grades 36-37) are on the fourth (4<sup>th</sup>) level of NDF's hierarchy, below the State Forester/Firewarden  
21 Kacey KC (unclassified), Deputy Administrator Eric Antle (Grade 44) and Forestry Program  
22 Manager, Fire Management Ron Bollier (Grade 39). Again, no reason to single-out the FMO's.

23 Next, as explained by NDF Helitack Supervisor Brett Taylor, who is BBFFA's President, at  
24 the EMRB meeting on September 20, 2023, NDF's Regional Management Teams ("RMT") are  
25 comprised of the Supervisory positions of FMO, HS and CAS, all of whom annually rotate as the  
26 RMT Lead. Indeed, the specified purpose of the RMT is:

27 To create a team of **equally qualified experts** that work together to provide  
28 administrative oversight of regional function to effectively and efficiently meet the  
mission of the [NDF]. (Emphasis added.)

1 Finally, the FMO positions are more properly classified as “Supervisory employees,” in  
2 accordance with NRS 288.138 and NRS 288.515(3)(e) rather than “Managerial employees” under  
3 NRS 288.425(2)(a). DHRM will be unable to prove that the FMO’s “primary function” is “to  
4 administer and control the business” of DCNR or NDF and who is “vested with discretion and  
5 independent judgment with regard to the general conduct and control” of DCNR or NDF. Thus, the  
6 FMO’s should properly be included in Unit O.

7 **C. Conclusion**

8 In light of the above-mentioned and based upon the anticipated evidentiary record on  
9 January 11, 2024, the Job Classifications of FMO I and II are clearly similar to the other six (6) Job  
10 Classifications in DHRM’s Recommendations to be added to new Unit O, *i.e.*, BC, HS, FC, CAS,  
11 CCS and AFC. Therefore, BBFFA requests an Order from the Board determining that all eight (8)  
12 Job Classifications should be included in Unit O pursuant to NRS 288.515(2)

13 **IV. PENDING PROCEEDINGS**

14 There are no other proceedings pending related to this matter.

15 **V. LIST OF WITNESSES**

16 BBFFA anticipates calling the following witnesses at the hearing of this matter, exclusive  
17 of rebuttal witnesses:

- 18 1. NDF Helitack Supervisor Brett Taylor, BBFFA President, who will testify regarding  
19 the similarities of FMO to the other six (6) Job Classifications in Unit O (BC, HS, FC, CAS, CCS  
20 and AFC).
- 21 2. NDF Western Region Fire Management Officer II Anthony Seghieri, who will testify  
22 regarding the similarities of FMO to the other six (6) Job Classifications in Unit O (BC, HS, FC,  
23 CAS, CCS and AFC).
- 24 3. NDF Western Zone Camp Area Supervisor Taylor Chambers, who will testify  
25 regarding the similarities of FMO to the other six (6) Job Classifications in Unit O (BC, HS, FC,  
26 CAS, CCS and AFC).
- 27 4. Any witness identified or called by DHRM.

28 ///

1 BBFFA reserves the right to modify its list of witnesses and to call rebuttal witnesses at the  
2 evidentiary hearing in this matter.

3 **VI. TIME NEEDED FOR PRESENTATION OF BBFFA'S POSITION**

4 BBFFA estimates that presentation of its case-in-chief will require approximately four (4)  
5 hours at the hearing in this matter on January 11, 2024.

6 DATED this 26<sup>th</sup> day of October, 2023.

7 DYER LAWRENCE, LLP

8 By: /s/ Thomas J. Donaldson  
9 Thomas J. Donaldson, Esq.  
10 Nevada State Bar No. 5283  
11 2805 Mountain Street  
12 Carson City, NV 89701  
13 (775) 885-1896 telephone  
14 (775) 885-8728 facsimile  
15 Attorneys for BBFFA,  
16 IAFF Local 3895  
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STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

IN RE:

Case No. 2023-022

THE ASSIGNMENT OF EXECUTIVE  
DEPARTMENT JOB CLASSIFICATIONS TO  
BARGAINING UNITS PURSUANT TO SENATE  
BILL 166 OF THE 82<sup>ND</sup> SESSION OF THE  
NEVADA LEGISLATURE

**AMENDED NOTICE OF HEARING**

- TO: Nathan C. Holland, Esq., Deputy Attorney General for the State of Nevada;
- TO: Andrew Regenbaum, J.D. of the Nevada Association of Public Safety Officers;
- TO: Thomas J. Donaldson, Esq. of Dyer Lawrence, LLP;
- TO: Devon T. Reese, Esq. and Alex Velto, Esq. of Hutchison & Steffen, PLLC.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE pursuant to NRS 233B.121(2),  
that the Government Employee-Management Relations Board (“Board”) will conduct a hearing in the  
above-captioned matter:

**Panel**

This case has been retained by the Full Board. Pursuant to NAC 288.271(3) the presiding officer  
shall be Chair Brent Eckersley.

**Dates and Times of Hearing**

Monday, January 8, 2024 at 8:15 a.m.; Tuesday, January 9, 2024 at 8:15 a.m.; and continuing on  
Wednesday, January 10, 2024 at 8:15 a.m.

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**Location of Hearing**

The hearing will be held in the Carl Dodge Conference Room, which is located at the EMRB Office located on the fourth floor of the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, NV 89102. The hearing will also be held virtually using a remote technology system called WebEx. The Commissioner and three of the panel members will be present in-person. The attorneys of record, witnesses, court reporter, remaining panel members and the Deputy Attorney General assigned to the EMRB will be present via WebEx. Preliminary motions will be heard at the beginning of the hearing. The Panel may deliberate and take possible action on this case after the hearing has concluded.

**Details Regarding Events Prior to the Hearing**

1. The parties shall submit five (5) sets of tagged joint exhibits to be received by the EMRB, 3300 W. Sahara Avenue, Suite 260, Las Vegas, Nevada 89102, no later than January 2, 2024, so as to enable the office staff to distribute the exhibits to all panel members in time for the hearing. Please note that the number of sets of exhibits to be received by the EMRB is in addition to any sets of exhibits that may be used by the attorneys of record. Each attorney shall also be responsible to have a set of exhibits at the designated location for its witnesses.

2. The parties will also need to submit an electronic version of the exhibits, along with a table of contents of the exhibits, no later than January 2, 2024. Each electronic exhibit shall be a .pdf file. Arrangements on the means of transmittal shall be made with the Board Secretary.

3. Unless otherwise excused by the Chair for good cause, all subpoena requests must be submitted to the EMRB no later than one week prior to the hearing.

**Details of Hearing**

1. The legal authority and jurisdiction for this hearing are based upon NRS 288.110, NRS 288.280 and the Nevada Administrative Code, Chapter 288.

2. The time allotted for the hearing shall be four (4) hours for each of the labor organizations and four (4) hours for the State for each unit, including cross-examination.

//



1                    **Battle Born Firefighters' Association**

2                    1. Should the Board assign the Job Classification of FMO I to Unit O based upon the similarity of  
3                    FMO I to other six (6) supervisory Job Classifications within Unit O (BC, HS, FC, CAS, CCS  
4                    and AFC) in accordance with NRS 288.515(2)?

5                    2. Should the Board assign the Job Classification of FMO II to Unit O based upon the similarity of  
6                    FMO II to other six (6) supervisory Job Classifications within Unit O (BC, HS, FC, CAS, CCS  
7                    and AFC) in accordance with NRS 288.515(2)?

8                    The Issues of Fact are incorporated herein by reference.

9                    **State's Statement of Issues**

10                   **State of Nevada**

11                   1. Determining the Appropriateness of Including the Contested Job Classifications in the Relevant  
12                   Bargaining Units.

13                   This Amended Notice of Hearing will further serve as notice to all parties herein, that upon  
14                   conclusion of the Hearing, or as otherwise necessary to deliberate toward a decision on the complaint,  
15                   the Board may move to go into closed session pursuant to NRS 288.220(5).

16                   DATED this 29<sup>th</sup> day of November 2023.

17  
18                   GOVERNMENT EMPLOYEE-  
19                   MANAGEMENT RELATIONS BOARD

20                   BY   
21                   BRUCE K. SNYDER, Commissioner

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1 CERTIFICATE OF MAILING

2 I hereby certify that I am an employee of the Government Employee-Management Relations  
3 Board, and that on the 29<sup>th</sup> day of November 2023, I served a copy of the foregoing **AMENDED**  
4 **NOTICE OF HEARING** by mailing a copy thereof, postage prepaid to:

5 Nevada Association of Public Safety Officers  
6 Andrew Regenbaum, J.D.  
7 145 Panama Street  
8 Henderson, NV 89015

9 Thomas J. Donaldson, Esq.  
10 Dyer Lawrence, LLP  
11 2805 Mountain Street  
12 Carson City, NV 89701

13 Devon T. Reese, Esq.  
14 Alex Velto, Esq.  
15 Hutchison & Steffen, PLLC  
16 5371 Kietzke Lane  
17 Reno, NV 89511

18 Nathan C. Holland, Deputy Attorney General  
19 State of Nevada  
20 Office of the Attorney General  
21 100 North Carson Street  
22 Carson City, NV 89701-4717

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24  
25  
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27  
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ISABEL FRANCO  
Administrative Assistant II