

BEFORE THE NEVADA GOVERNMENT  
EMPLOYEE-MANAGEMENT RELATIONS BOARD

In re:

CASE NO. 2024-007

Petition for Designation as the Exclusive  
Representative of a Bargaining Unit  
Pursuant to NRS 288.520.

**BATTLE BORN FIREFIGHTERS  
ASSOCIATION'S PETITION FOR  
DESIGNATION AS THE EXCLUSIVE  
REPRESENTATIVE FOR SUPERVISORY  
BARGAINING UNIT O-FIREFIGHTER  
SUPERVISORS**

Petitioner, the Battle Born Firefighters Association, Local 3895 of the International Association of Fire Fighters ("Local 3895"), a Nevada Non-Profit Corporation, by and through Dyer Lawrence, LLP, and Thomas J. Donaldson, Esq., respectfully submits this petition pursuant to NRS 288.515 *et seq.* Petitioner requests that the Nevada Government Employee-Management Relations Board ("Board") enter an Order designating Local 3895 as the exclusive representative of Firefighter Supervisors employed by the State of Nevada, Supervisory Bargaining Unit O. In support of its Petition, Local 3895 asserts the following:

1 Local 3895 is a labor organization as the term is defined in NRS 288.048.

2 Local 3895 represents more than fifty percent (50%) of the Firefighter Supervisors employed by the State of Nevada as determined by the Board.

3 Local 3895 files with the Board's Commissioner a list of its membership and/or other evidence showing that it has been authorized to serve as a representative by more than fifty percent (50%) of the State Firefighter Supervisors.

4 No labor organization has been designated as the exclusive representative of Bargaining Unit O-Firefighter Supervisors.

**I.**

**DESIGNATION OF BARGAINING UNIT O-FIREFIGHTER SUPERVISORS  
BY THE BOARD**

In 2023, during Nevada's 82<sup>nd</sup> Legislative Session, the Nevada Legislature passed, and the Governor signed into law, Senate Bill ("SB") 166, which created four (4) new supervisory bargaining

1 units in NRS 288.515(1), including “[s]upervisory employees who are firefighters” (“Unit O”).  
 2 NRS 288.215(1)(o). NRS 288.215(1) requires the Board to establish one (1) bargaining unit for each  
 3 of the fifteen (15) occupational groups set forth in subsections (a) through (o) of NRS 288.215(1),  
 4 including the four (4) new supervisory bargaining units and Unit O.

5 On or about August 16, 2023, the Division of Human Resource Management in the  
 6 Department of Administration (“DHRM”) submitted to the Board its recommendations for the  
 7 establishment of the four (4) new supervisory bargaining units, including Unit O:

8

9 **O) Firefighter Supervisors**

TITLE CODE	CLASSIFICATION	# OF EMPLOYEES	CLASS GRADE
1.816	BATTALION CHIEF	2	35
1.835	HELITACK SUPERVISOR	1	37
1.850	FIRE CAPTAIN	4	33
1.868	CONSERVATION CAMP AREA SUPERVISOR	2	37
1.870	CONSERVATION CAMP SUPERVISOR	9	35
11.702	ASSISTANT FIRE CHIEF-AIR NAT'L GUARD	4	36

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22 On or about September 5, 2023, IAFF 3895 filed a timely objection to DHRM’s  
 23 recommendations, agreeing that the above-referenced six (6) job classifications should be in Unit O,  
 24 but also requesting that two (2) other positions, Fire Management Officer (“FMO”) I (1.814) and  
 25 FMO II (1.812), be added to Unit O in accordance with NRS 288.515(3) due to “the similarity of the  
 26 new classification[s] to other classifications within the bargaining unit.” By Decision dated  
 27 March 7, 2024, the Board granted Local 3895's objection and added the job classifications of FMO I  
 28 (one (1) employee) and FMO II (two (2) employees) to Unit O. Thus, there are currently a total of

1 twenty-five (25) State supervisory employees in Unit O.<sup>1</sup> Thus, Local 3895 needs to represent at  
2 least thirteen (13) of those employees to represent a majority of Unit O.

3 **II.**

4 **EVIDENCE**

5 There are currently eight (8) Job Classifications in Unit O and twenty-five (25) positions  
6 allocated to those Classifications. Exhibit 1. Local 3895 has filed with the Board's Commissioner  
7 signature cards demonstrating proof that it currently represents fourteen (14) Firefighter Supervisors,  
8 which equates to more than fifty percent (50%) of State Firefighter Supervisors as required by  
9 NRS 288.520. Additionally, Local 3895 attaches hereto a declaration from Local 3895 President  
10 Eric Roussel verifying that Local 3895 currently represents more than fifty percent (50%) of the State  
11 Firefighter Supervisors. Exhibit 2.

12 Since no labor organization has been designated as the exclusive representative of Bargaining  
13 Unit O—Firefighter Supervisors, this Board must designate a labor organization as the exclusive  
14 representative if that labor organization requests to be the exclusive representative and can  
15 demonstrate proof that it represents more than fifty percent (50%) percent of Firefighter Supervisors.  
16 NRS 288.520. In this instance, Local 3895 has properly petitioned this Board to be the exclusive  
17 representative and filed the appropriate evidence as required by NRS 288.520.

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28 <sup>1</sup> Some of the twenty-five (25) Firefighter Supervisor positions are currently vacant.

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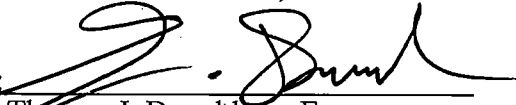
III.

CONCLUSION

In light of the abovementioned, Petitioner requests that this Board enter an Order designating Battle Born Firefighters Association, IAFF Local 3895, as the exclusive representative of Supervisory Bargaining Unit O-Firefighter Supervisors pursuant to NRS 288.520.

DATED this 19<sup>th</sup> day of March, 2024.

DYER LAWRENCE, LLP

By: 

Thomas J. Donaldson, Esq.  
Nevada State Bar No. 5283  
2805 Mountain Street  
Carson City, NV 89701  
(775) 885-1896 telephone  
(775) 885-8728 facsimile  
Attorneys for IAFF Local 3895

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

**EXHIBIT 1**

**EXHIBIT 1**

**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)

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

13.241	Supervisory Criminal Investigator II	M	J	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

13.310	Correctional Lieutenant	N	Managerial	53	
13.311	Correctional Sergeant	N	J	83	
13.321	Forensic Specialist IV	N	J	17	

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

**EXHIBIT 2**

**EXHIBIT 2**

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**DECLARATION OF ERIC ROUSSEL**

I, ERIC ROUSSEL, am submitting this Declaration in support of the BATTLE BORN FIREFIGHTERS ASSOCIATION'S PETITION FOR DESIGNATION AS THE EXCLUSIVE REPRESENTATIVE FOR SUPERVISORY BARGAINING UNIT O: FIREFIGHTER SUPERVISORS. I declare that I have personal knowledge, unless stated otherwise, and am competent to testify to the following facts:

1. I am over the age of eighteen (18) years.


2. I am employed by the State of Nevada, Division of Forestry as a Conservation Crew Supervisor III.

3. I am a member of the Battle Born Firefighters Association, Local 3895 of the International Association of Fire Fighters ("Local 3895"), a Nevada Non-Profit Corporation, which is the Petitioner in the subject matter.

4. I currently hold the position of President on Local 3895's Executive Board and at all times relevant to this matter I have held the position of President.

5. I verify that the membership list that Local 3895 has provided with its Petition is a true representation of Local 3895's membership and that the numbers Local 3895 has provided to prove that it represents more than fifty percent (50%) of State Firefighter Supervisors is accurate to the best of my knowledge.

6. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

  
ERIC ROUSSEL

3/19/24  
Date



FILED  
April 9, 2024  
State of Nevada  
E.M.R.B.

**EMRB CASE 2024-007**

**AUDIT REPORT OF THE PETITION FOR  
RECOGNITION**

**Filed by**

**BATTLE BORN FIREFIGHTERS ASSOCIATION**

**For**

**UNIT 0 – FIREFIGHTER SUPERVISORY  
BARGAINING UNIT**

## **Background Information**

On March 19, 2024, the Battle Born Firefighters Association (“BBFFA”) filed a Petition for Recognition pursuant to NRS 288.520. The purpose of the petition is to seek to be recognized as the exclusive representative of State bargaining unit O. Unit O was established by signing into law Senate Bill 166 of the most recent legislative session. The employees in this bargaining unit are firefighter supervisors. These firefighter supervisors work in various State agencies.

Also submitted by the Petitioners were the following:

1. A list of employees in Unit O who are signed authorization cards (the “List”);
2. Copies of the authorization cards for the employees on the List;
3. A declaration by Eric Roussel verifying the List; and
4. A copy of a blank authorization card, which is included at the end of this report.

## **Methodology**

In addition to the information provided by the Petitioners as detailed above, staff also obtained a master roster of all employees currently employed by the State (“Master Roster”). This spreadsheet was dated as of March 5, 2024. The spreadsheet not only contains the names of employees but also contains, among other information, each employee’s job title and code.

Staff extracted from the Master Roster all the employees who have a job title included for this bargaining unit<sup>1</sup>, thus creating a new spreadsheet entitled “Unit O Roster.” The number of employees for each specific job title for this bargaining unit are contained in Table 1. There are a total of 20 employees in the bargaining unit.

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<sup>1</sup> The job titles in the bargaining unit include those ordered by the Board in Case 2023-022 to be moved from the managerial category to Unit O.

**Table 1: Number of Employees in Unit O By Job Title**

<u>Title Code</u>	<u>Job Title</u>	<u>Count</u>
01.812	Fire Management Officer II	2
01.814	Fire Management Officer I	0
01.816	Battalion Chief	2
01.835	Helitack Supervisor	0
01.850	Fire Captain	3
01.868	Conservation Camp Area Supervisor	2
01.870	Conservation Camp Supervisor	7
<u>11.702</u>	<u>Assistant Fire Chief-Air National Guard</u>	<u>4</u>
	Total	20

Staff then compared the List as provided by BBFFA with the copies of the authorization cards submitted. Staff also compared the List to the Unit O Roster to ensure that the persons listed on the List were current employees of the State assigned to a job classification within the bargaining unit. Staff also inspected the authorization cards to ensure the cards had a date within one year of submittal of the petition<sup>2</sup> as well as a signature.

**Limitations on the Audit**

The audit only looked at the four corners of the authorization cards, the information as provided by the Petitioners and the Unit O Roster as provided by the State. The audit did not seek to verify the accuracy of any of the signatures on the authorization cards nor did the staff conduct any interviews of those signing authorization cards for the purpose of determining whether a given employee’s signature may have been unlawfully obtained.

**Audit Results**

The results of the audit are as follows:

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<sup>2</sup> The Board has previously held in other cases that only authorization cards signed in the year prior to the submission of a petition should be considered.

1. There were 14 instances in which the Petitioners listed an employee as a member on its List and the employee was also listed on the Unit O Roster – and thus are shown as holding a job title within the bargaining unit. These individuals also had a valid authorization card.
2. There were 6 instances of employees listed on the Unit O Roster but who were not listed on the List and no authorization card was produced. Presumably these employees elected not to sign an authorization card.

### **Standard for Designation of an Exclusive Representative Without an Election**

NRS 288.520 provides:

If no labor organization is designated as the exclusive representative of a bargaining unit and a labor organization files with the Board a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by more than 50 percent of the employees within the bargaining unit, the Board shall designate the labor organization as the exclusive representative of the bargaining unit without ordering an election.

As detailed in Table 1 above, there are 20 employees in the bargaining unit. Thus, to meet the requirement of NRS 288.520 there must be evidence supporting the petition of at least 11 employees.

### **Staff Recommendation**

Staff believes that the employees listed under group 1 under the Audit Results above are verified and thus should be counted. Staff believes that the employees listed under group 2 remain unverified and should not be counted. Based on the above paragraph, staff believes there are 14 verified bargaining unit employees who have signed a valid authorization card. This would place the percentage at 70.0%.

It is the province of the Board to make the final decision, after taking into consideration the petition filed by the Petitioners and this audit report. In doing so the Board may either designate the Petitioners as the exclusive representative of Unit O or call for a hearing to obtain additional evidence to determine whether a given standard has or has not been met.



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2 **STATE OF NEVADA**  
3 **GOVERNMENT EMPLOYEE-MANAGEMENT**  
4 **RELATIONS BOARD**

5  
6 IN RE:

7 PETITION FOR DESIGNATION AS THE  
8 EXCLUSIVE REPRESENTATIVE OF A  
9 BARGAINING UNIT PURSUANT NRS 288.520

Case No. 2024-007

**ORDER REGARDING THE  
DESIGNATION OF AN EXCLUSIVE  
REPRESENTATIVE FOR BARGAINING  
UNIT O**

**ITEM NO. 897**

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11  
12 On April \_\_, 2024, this matter came before the State of Nevada, Government Employee-  
13 Management Relations Board (“Board”) for consideration and decision pursuant to the provisions of  
14 the Government Employee-Management Relations Act (the “Act”); NAC Chapter 288; and NRS  
15 Chapter 233B.

16 At issue was a petition filed on March 19, 2024 by the Battle Born Firefighters Association  
17 (“BBFFA”), seeking to be designated as the exclusive representative for Bargaining Unit O, which  
18 consists of Firefighter Supervisors. On April 9, 2024, staff issued its audit report on the petition and its  
19 supporting information. This audit report was presented to the Board at its April 18, 22-24, 2024  
20 meeting. The State of Nevada (“State”) provided no response to the petition.<sup>1</sup>

21 **Standard for Designation of an Exclusive Representative**

22 NRS 288.520 provides a means for the Board to designate a labor organization as the exclusive  
23 representative of a bargaining unit without an election. NRS 288.520 reads:

24 If no labor organization is designated as the exclusive representative of a bargaining unit  
25 and a labor organization files with the Board a list of its membership or other evidence

26 <sup>1</sup> At the Board meeting of December 17, 2019, Peter Long, Interim Director of the Department of  
27 Administration, remarked that the State would not be responding to any of the petitions for recognition  
28 as it was the State’s position that it is solely the purview of the Board to make such decisions. Nothing  
to the contrary has been stated by the State since then.

1 showing that the labor organization has been authorized to serve as a representative by  
2 more than 50 percent of the employees within the bargaining unit, the Board shall  
3 designate the labor organization as the exclusive representative of the bargaining unit  
4 without ordering an election.

5 Thus, the issue at hand is whether the petition and supporting information show that the  
6 Petitioners have been authorized to serve as a representative by more than 50 percent of the employees  
7 within Bargaining Unit O. Based upon the wording of NRS 288.520, the burden of proof is on the  
8 petitioners. To determine whether this burden has been met requires a two-step process. The first step is  
9 to determine the size of the bargaining unit. The second step is then to determine the percentage of  
10 support for the petitioner.

11 **Step 1: Determination of the Size of the Bargaining Unit**

12 As detailed in the audit report, staff obtained from the State a spreadsheet of all classified  
13 employees who were employed by the State as of March 5, 2024.<sup>2</sup> Based on the report, the bargaining  
14 unit had a total of 20 employees as detailed in Table 1.

15 **Table 1: Number of Employees in Unit O By Job Title**

Title Code	Job Title	Count
01.812	Fire Management Officer II	2
01.814	Fire Management Officer I	0
01.816	Battalion Chief	2
01.835	Helitack Supervisor	0
01.850	Fire Captain	3
01.868	Conservation Camp Area Supervisor	2
01.870	Conservation Camp Supervisor	7
11.702	Assistant Fire Chief-Air National Guard	4
	Total	20

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22 **Step 2: Determination of the Percentage of Support for the Petitioner**

23 As detailed in the audit report, staff was able to determine that the petitioner has evidence of  
24 support of 14 employees, equaling 70.0%, which is detailed below:

- 25 1. There were 14 instances in which BBFFA listed an employee as a member on its List and the  
26 employee was also listed on the Unit O Roster – and thus are shown as holding a job title within

27  
28 <sup>2</sup> The date of reports from the State will not always match the date petitions are received by the EMRB  
as such reports from the State are produced at the end of each calendar month. The EMRB attempts to  
use the reports that best match the date of the petition.

1 the bargaining unit. These individuals also had a valid authorization card. Credit should be  
2 given for these 14 persons.

- 3 2. There were 6 instances of employees listed on the Unit O Roster but who were not listed on the  
4 List and no authorization card was produced. Presumably these employees elected not to sign an  
5 authorization card. Credit should not be given for these 6 persons.

6 **Summary**

7 As detailed in Step 1 above, there are 20 employees in the bargaining unit. Thus, to meet the  
8 requirement of NRS 288.520 there must be evidence supporting the petition of at least 11 employees,  
9 which is 50% plus one.

10 As further detailed in Step 2 above, there are 14 bargaining unit employees who have signed an  
11 authorization card, all of whom have been verified through the staff audit process. This would place the  
12 percentage at 70.0% (14/20).

13 Based on the foregoing,

14 IT IS HEREBY ORDERED that the Board designates the Battle Born Firefighters Association,  
15 as the exclusive representative of Bargaining Unit O in that the petitioner has met its burden of proof to  
16 show they has been authorized to serve as a representative by more than 50 percent of the employees  
17 within Bargaining Unit O.

18 DATED this 24th day of April 2024.

19 GOVERNMENT EMPLOYEE-  
20 MANAGEMENT RELATIONS BOARD

21 By:   
22 BRENT ECKERSLEY, ESQ., Chair

23 By:   
24 MICHAEL J. SMITH, Vice-Chair

25 By:   
26 SANDRA MASTERS, Board Member

27 By:   
28 MICHAEL A. URBAN, Board Member



STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

IN RE:  
PETITION FOR DESIGNATION AS THE  
EXCLUSIVE REPRESENTATIVE OF A  
BARGAINING UNIT PURSUANT NRS 288.520

Case No. 2024-007

**NOTICE OF ENTRY OF ORDER**

**ITEM NO. 897**

TO: Petitioner and its representative, Thomas J. Donaldson, Esq. and Dyer Lawrence, LLP;  
TO: State of Nevada, Department of Human Resource Management and its representatives, Bachera  
Washington, Administrator and Matthew Lee, Supervisory Personnel Analyst.

PLEASE TAKE NOTICE that the **ORDER REGARDING THE DESIGNATION OF AN  
EXCLUSIVE REPRESENTATIVE FOR BARGAINING UNIT O** was entered in the above-  
entitled matter on April \_\_\_\_, 2024.

A copy of said order is attached hereto.

DATED this \_\_\_\_ day of April 2024.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of the Government Employee-Management Relations Board, and that on the \_\_\_\_ day of April 2024, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Thomas J. Donaldson, Esq.  
Dyer Lawrence, LLP  
2805 Mountain Street  
Carson District, Nevada 89703

Bachera Washington  
Administrator DHRM  
State of Nevada  
7251 Amigo Street, Suite 120  
Las Vegas, NV 89119

Matthew Lee, DHRM  
State of Nevada  
100 North Stewart St., Suite 200  
Carson City, NV 89701

GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

BY   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

