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

5
6 IN RE:

Case No. 2024-004

7 PETITION TO BE DESIGNATED AS THE
8 EXCLUSIVE REPRESENTATIVE OF A
9 BARGAINING UNIT PURSUANT TO
10 SENATE BILL 166 OF THE 82ND SESSION OF
11 THE NEVADA LEGISLATURE

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

ITEM NO.

12
13 On March 21, 2024, this matter came before the State of Nevada, Government Employee-
14 Management Relations Board (“Board”) for consideration and decision pursuant to the provisions of
15 the Government Employee-Management Relations Act (the “Act”); NAC Chapter 288; and NRS
16 Chapter 233B.

17 At issue was a petition filed on March 4, 2024 by the Nevada Peace Officer Association and the
18 Nevada Association of Public Safety Officers (the “Petitioners”), seeking to be designated as the
19 exclusive representative for Bargaining Unit M, which consists of Category II Peace Officer
20 Supervisors. On March 7, 2024, staff issued its audit report on the petition and its supporting
21 information. This audit report was presented to the Board at its March 19-21, 2024 meeting. The State
22 of Nevada (“State”) provided no response to the petition.¹

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

24 NRS 288.520 provides a means for the Board to designate a labor organization as the exclusive
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26 ¹ 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 representative of a bargaining unit without an election. NRS 288.520 reads:

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

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

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

15 As detailed in the audit report, staff obtained from the State a spreadsheet of all classified
16 employees who were employed by the State as of March 6, 2024.² Based on the report, the bargaining
17 unit had a total of 31 employees as detailed in Table 1.

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

Title Code	Job Title	Count
13.242	Supervisory Criminal Investigator	3
13.246	Deputy Chief Investigator	3
13.247	AG Criminal Investigator, Supervisor	7
13.255	Supervisory Compliance/Enforcement Investigator	12
13.263	Unit Manager	6
	Total	31

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

22 As detailed in the audit report, staff was able to determine that the petitioner has evidence of
23 support of 28 employees, equaling 90.3%, which is detailed below:

- 24 1. There were 28 instances in which the Petitioners listed an employee as a member on its List and
25 the employee was also listed on the Unit M Roster – and thus are shown as holding a job title
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1 within the bargaining unit. These individuals also had a valid authorization card. Credit should
2 be given for these 28 persons.

3 2. There was 1 instance in which the Petitioners listed an employee on its List as having signed an
4 authorization card and for which it also produced a copy of the authorization card with a
5 signature. However, the employee was not listed on the Unit M Roster as holding a position
6 within the bargaining unit. Staff further looked for the person's name in the Master Roster but
7 could not find the person listed as employed anywhere within the State. Credit should not be
8 given for this person.

9
10 3. There were 3 instances of employees listed on the Unit M Roster but who were not listed on the
11 List and no authorization card was produced. Presumably these employees elected not to sign an
12 authorization card. Credit should not be given for these 3 persons.

13 **Summary**

14 As detailed in Step 1 above, there are 31 employees in the bargaining unit. Thus, to meet the
15 requirement of NRS 288.520 there must be evidence supporting the petition of at least 16 employees,
16 which is 50% plus one.

17 As further detailed in Step 2 above, there are 28 bargaining unit employees who have signed an
18 authorization card, all of whom have been verified through the staff audit process. This would place the
19 percentage at 90.3% (28/31).

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27 ² The date of reports from the State will not always match the date petitions are received by the EMRB
28 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.

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DESIGNATION ORDER

Based on the foregoing,

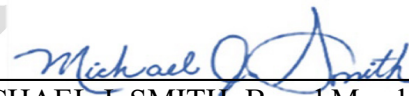
IT IS HEREBY ORDERED that the Board designates the Nevada Peace Officer Association and the Nevada Association of Public Safety Officers as the exclusive representative of Bargaining Unit M in that the petitioners have met their burden of proof to show they has been authorized to serve as a representative by more than 50 percent of the employees within Bargaining Unit M.

DATED this 21st day of March 2024.

GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By: 
BRENT ECKERSLEY, ESQ., Chair

By: 
SANDRA MASTERS, Vice-Chair

By: 
MICHAEL J. SMITH, Board Member

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STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

IN RE:
PETITION TO BE DESIGNATED AS THE
EXCLUSIVE REPRESENTATIVE OF A
BARGAINING UNIT PURSUANT TO
SENATE BILL 166 OF THE 82ND SESSION OF
THE NEVADA LEGISLATURE

Case No. 2024-004

NOTICE OF ENTRY OF ORDER

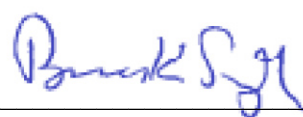
TO: Petitioner and its representative, Andrew Regenbaum, J.D.; and
TO: State of Nevada, Department of Human Resource Management and its representatives, Bachera
Washington, Administrator and Matthew Lee, Supervisory Personnel Analyst.

PLEASE TAKE NOTICE that the **ORDER REGARDING THE DESIGNATION OF AN
EXCLUSIVE REPRESENTATIVE FOR BARGAINING UNIT M** was entered in the above-
entitled matter on March 21, 2024.

A copy of said order is attached hereto.

DATED this 21st day of March 2024.

GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY 
BRUCE K. SNYDER, Commissioner

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 21st day of March 2024, I served a copy of the foregoing **NOTICE OF ENTRY**
4 **OF ORDER** 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

8 Bachera Washington, Administrator DHRM
9 7251 Amigo Street, Suite 120
10 Las Vegas, NV 89119

10 Matthew Lee, DHRM
11 100 North Stewart St., Suite 200
12 Carson City, NV 89701

13 GOVERNMENT EMPLOYEE-MANAGEMENT
14 RELATIONS BOARD

15 BY Isabel Franco
16 ISABEL FRANCO
17 Administrative Assistant II
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1 ANDREW REGENBAUM, J.D.
2 NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS
3 145 Panama Street
4 Henderson, Nevada 89015
5 Telephone: (702) 431-2677
6 Facsimile: (702) 822-2677
7 E-mail: andrew@napso.net

8 Representative for Petitioner

9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 **STATE OF NEVADA**

11 * * *

12 IN RE:

13 CASE NO.:

14 PETITION TO BE DESIGNATED AS THE
15 EXCLUSIVE REPRESENTATIVE OF A
16 BARGAINING UNIT PURSUANT TO
17 SENATE BILL 166 OF THE OF THE 82nd
18 SESSION OF THE NEVADA LEGISLATURE

19 **NPOA, NPSO PETITION**
20 **TO BE DESIGNATED AS THE**
21 **EXCLUSIVE REPRESENTATIVE**
22 **FOR BARGAINING UNIT M,**
23 **CATEGORY II LAW**
24 **ENFORCEMENT SUPERVISORS**

25 Pursuant to Senate Bill (SB) 166 of the 82nd Session of the Nevada Legislature (the "Act")
26 as enrolled, the Nevada Peace Officers Association (NPOA or collectively "labor organization")
27 and the Nevada Association of Public Safety Officers (NAPSO or collectively "labor
28 organization") file this petition to be designated as the exclusive representative, without ordering
an election, of the bargaining unit established by the State of Nevada, Government Employee-
Management Relations Board ("EMRB") for the Category II Law Enforcement Supervisors as
indicated by Section 2 of the Act. Currently, no labor organization has been designated as the
exclusive representative of Unit M consisting of Supervisory employees who currently
Category II peace officers.

NPOA/NAPSO certify that it "has been authorized to serve as a represent^e by more
than 50 percent of the employees within" Unit M as required by the Act.

2024-004

1 **DHRM Designated Positions for Unit M: Category II Peace Officers Supervisory**

2 **Employees**

3 The State of Nevada (State), Department of Administration, Division of Human Resource
4 Management (DHRM) recommended and/or was ordered to place the following positions in Unit
5 M:

6 Unit M, Job Title Code: 13.241, Job Title: Supervisory Criminal Investigator II

7 Unit M, Job Title Code: 13.242, Job Title: Supervisory Criminal Investigator I

8 Unit M, Job Title Code: 13.247, Job Title: AG Criminal Investigator, Supervisor

9 Unit M, Job Title Code: 13.246, Job Title: AG Deputy Chief Investigator

10 Unit M, Job Title Code: 13.255, Job Title: Supervisory Compliance/Enforcement
11 Investigator

12 Unit M, Job Title Code: 13.263, Job Title: Unit Manager, Youth Parole Bureau

13
14 Unit M, as recommended by DHRM, appears to consist of 30 positions. NPOA/NAPSO
15 certify that it “has been authorized to serve as a representative by more than 50 percent of the
16 employees within” the DHRM recommended Unit M as required by the Act. In fact,
17 NPOA/NAPSO that it has been authorized by 29 of the 30 eligible employees.

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Evidence Showing that NPOA/NAPSO Has Been Authorized to Serve as The Exclusive Representative by More Than 50 Percent of the Employees Within Unit M

NPOA/NAPSO “has been authorized to serve as a representative by more than 50 percent of the employees within” Unit M as required by the Act. It is respectfully submitted that the EMRB shall designate the labor organization as the exclusive representative of the bargaining unit without ordering an election if 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.

This petition is accompanied separately with lists of NPOA/NAPSO’s members and/or employees that have signed the labor organization’s membership or “Authorization for Representation” card that authorizes NPOA/NAPSO to represent Unit M employees as their exclusive representative.¹ Please note that the Membership/Authorization List (Alphabetized Excel Spreadsheet) and authorization for representation signature cards are being provided to the EMRB separately for the purposes of establishing majority support and to become certified as the exclusive representative of Unit M. The Exhibit(s) are submitted in confidence and should not be shared with any others, without Union’s express authority. More than a majority of the employees in Unit M have authorized NPOA/NAPSO to serve as their exclusive representative.

PRAYER FOR RELIEF

WHEREFORE, NPOA/NAPSO request that the EMRB designate it as the exclusive representative of Unit M, Category II Law Enforcement Supervisors, based on its demonstrated support and without the need for an election.

¹ See, Letter dated March 4, 2024 enclosing Ex. 1 & 2 Membership/Authorization Spreadsheet and Signed Authorization Cards respectively.

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DATED this 4th day of March 2024.

Respectfully Submitted,

**NEVADA ASSOCIATION OF
PUBLIC SAFETY OFFICERS**

By: /s/ Andrew Regenbaum
ANDREW REGENBAUM, J.D.
Executive Director
145 Panama Street
Henderson, Nevada 89015

Representative for Petitioners



NEVADA PEACE OFFICER ASSOCIATION

The purpose of this form is to document your preference in having the Nevada Peace Officer Association (NPOA) (*formerly NSLEOA*) become the exclusive collective bargaining representative for State employed Category 1 Law Enforcement Supervisors.

Name _____

Mailing Address _____

Cell Phone _____

Work Email _____

Personal Email _____

Agency you work for _____

Job Title/Rank _____

REPRESENTATION AUTHORIZATION

I hereby designate the Nevada Peace Officer Association (NPOA) / Nevada Association of Public Safety Officers (NAPSO) as my exclusive collective bargaining representative.

Signature

Date Signed

CERTIFICATE OF ELECTRONIC FILING

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This is to certify that on the 4th day of March, 2024, the undersigned, the office manager at the Nevada Association of Public Safety Officers, electronically filed the foregoing NPOA/NAPSO Petition to be designated as the exclusive representative for Bargaining Unit M, Category II Law Enforcement Supervisors with the EMRB (emrb@business.nv.gov) and the following:

Administrator, Department of Human Resources Management
Bladel Building
209 East Musser Street, Suite 101
Carson City, Nevada 89701-4204

By: Christine LoVasco
Christine LoVasco

EMRB CASE 2024-004

**AUDIT REPORT OF THE PETITION FOR
RECOGNITION**

Filed by

**NEVADA PEACE OFFICER ASSOCIATION AND
NEVADA ASSOCIATION OF PUBLIC SAFETY
OFFICERS**

For

**UNIT N – CATEGORY II PEACE OFFICERS
SUPERVISORY BARGAINING UNIT**

Background Information

On March 4, 2024, the Nevada Peace Officer Association and the Nevada Association of Public Safety Officers (the “Petitioners”) 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 M. Unit M was established by signing into law Senate Bill 166 of the most recent legislative session. The employees in this bargaining unit are category II peace officer supervisors. These peace officer supervisors work in various State agencies.

Also submitted by the Petitioners concurrently or within one day of the Petition for Recognition were the following:

1. A list of employees in Unit M who are already members or who are not yet members but who have signed an authorization card (the “List”);
2. Copies of the authorization cards for the employees on the List; and
3. 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 6, 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 unit¹, thus creating a new spreadsheet entitled “Unit M Roster.” The number of employees for each specific job title for this bargaining unit are contained in Table 1. There are a total of 31 employees in the bargaining unit.

¹ 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 M.

Table 1: Number of Employees in Unit M By Job Title

<u>Title Code</u>	<u>Job Title</u>	<u>Count</u>
13.242	Supervisory Criminal Investigator	3
13.246	Deputy Chief Investigator	3
13.247	AG Criminal Investigator, Supervisor	7
13.255	Supervisory Compliance/Enforcement Investigator	12
13.263	Unit Manager	6
	Total	31

Staff then compared the List as provided by the Petitioners with the copies of the authorization cards submitted. Staff also compared the List to the Unit M 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 petition² 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 M 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:

1. There were 28 instances in which the Petitioners listed an employee as a member on its List and the employee was also listed on the Unit M Roster – and thus are shown as holding a job title within the bargaining unit. These individuals also had a valid authorization card.

² 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.

2. There was 1 instance in which the Petitioners listed an employee on its List as having signed an authorization card and for which it also produced a copy of the authorization card with a signature. However, the employee was not listed on the Unit M Roster as holding a position within the bargaining unit. Staff further looked for the person's name in the Master Roster but could not find the person listed as employed anywhere within the State.
3. There were 3 instances of employees listed on the Unit M 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 31 employees in the bargaining unit. Thus, to meet the requirement of NRS 288.520 there must be evidence supporting the petition of at least 16 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 groups 2 and 3 remain unverified and should not be counted. Based on the above paragraph, staff believes there are 28 verified bargaining unit employees who have signed a valid authorization card. This would place the percentage at 90.3%.

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 M or call for a hearing to obtain additional evidence to determine whether a given standard has or has not been met.