

FILED

MAY 16 2016

STATE OF NEVADA  
E.M.R.B.

STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

NYE COUNTY,

Case No. 2016-005

Petitioner,

**ORDER**

v.

**ITEM NO. 815**

NYE COUNTY LAW ENFORCEMENT  
MANAGEMENT ASSOCIATION,

Respondent.

On or about January 28, 2016, Nye County ("the County") filed a Request for Hearing and Petition for Permission to Withdraw Recognition of Bargaining Unit with the Employee – Management Relations Board (the "Board"). On or about March 21, 2016, the County filed an Amended Petition for Permission to Withdraw Recognition of Bargaining Unit Nunc Pro Tunc with the Board pursuant to NRS 288.160 and NAC 288.145. On or about April 4, 2016, the County's services copy of the Amended Petition was returned to the Nye County District Attorney's Office by the U.S. Postal Service marked "RETURN TO SENDER – NOT DELIVERABLE AS ADDRESSED – UNABLE TO FORWARD." There has been no answer to the Amended Petition. On May 11, 2016, this matter came on before the Board for deliberation and decision, the Board has jurisdiction, and the hearing was properly noticed pursuant to Nevada's open meeting laws.

The County is a local government employer and Respondent is an employee organization recognized by the County as the exclusive bargaining representative for county employees with Peace Officer status assigned to specific management classifications. There are currently zero (0) members of Respondent due to retirements, resignations, and general attrition. As there are no members of Respondent, the withdraw of recognition is not a voluntary withdrawal of recognition.

NRS 288.160 provides, in pertinent part:

3. A local government employer may withdraw recognition from an employee organization which:

...

1 (c) Ceases to be supported by a majority of the local government employees in the bargaining  
2 unit for which it is recognized; ...

3 NAC 288.145 provides that a local government employer can seek withdrawal of recognition of  
4 an employee organize from the Board for any other reason than voluntary withdrawal. The NLRB has  
5 recognized "the principle of collective bargaining presupposed that there is more than one eligible  
6 person who desired to bargain." *Int'l Transp. Serv., Inc. v. N.L.R.B.*, 449 F.3d 160, 164 (D.C. Cir.  
2006), *citing Luckenbach Steamship Co.*, 2 N.L.R.B. 181, 193 (1936).

7 Based on the above and good cause appearing:

8 IT IS, THEREFORE, ORDERED that the Amended Petition is GRANTED and Nye County has  
9 the written permission of the Board to withdraw recognition of the Nye County Law Enforcement  
10 Management Association as a bargaining unit pursuant to NRS 288.160 and NAC 288.145.

11  
12 DATED this 16th day of May, 2016.

13 LOCAL GOVERNMENT EMPLOYEE-  
14 MANAGEMENT RELATIONS BOARD

15 By:   
16 PHILIP LARSON, Chairman

17 By:   
18 BRENT ECKERSLEY, ESQ., Vice-Chairman


19 By:   
20 SANDRA MASTERS, Board Member  
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 17th day of May, 2016, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Angela Bello, Esq.  
Nye County District Attorney  
Christi Kindel  
1520 E. Basin Ave., Suite 107  
Pahrump, Nevada 89060

  
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MARISU ROMUALDEZ ABELLAR  
Board Secretary