

FILED

AUG 06 2019

STATE OF NEVADA
E.M.R.B.

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

NYE COUNTY MANAGEMENT EMPLOYEES
ASSOCIATION,

Petitioner,

vs.

NYE COUNTY,

Respondent.

CASE NO. 2018-012

NOTICE OF ENTRY OF ORDER

To: Petitioner and its attorneys of record, Adam Levine, Esq. and the Law Office of Daniel Marks;

To: Respondent and its attorneys of record, Nicolas Crosby, Esq. and Marquis Aurbach Coffing.

PLEASE TAKE NOTICE that the **ORDER ON PETITION FOR REHEARING AND
RECONSIDERATION** was entered in the above-entitled matter on August 5, 2019.

A copy of said order is attached hereto.

DATED this 6th day of August, 2019.

GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY


MARISU ROMUALDEZ ABELLAR
Executive Assistant

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 6th day of August 2019, I served a copy of the foregoing **NOTICE OF ENTRY**
4 **OF ORDER** by mailing a copy thereof, postage prepaid to:

5 Law Office of Daniel Marks
6 Daniel Marks, Esq.
7 Adam Levine, Esq.
8 610 South Ninth Street
9 Las Vegas, NV 89101

10 Nick D. Crosby, Esq.
11 MARQUIS AURBACH COFFING
12 10001 Park Run Drive
13 Las Vegas, NV 89145

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MARISU ROMUALDEZ ABELLAR
16 Executive Assistant
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GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

NYE COUNTY MANAGEMENT
EMPLOYEES ASSOCIATION,

Complainant,

v.

NYE COUNTY,

Respondent.

Case No. 2018-012

PANEL E

**ORDER ON PETITION FOR
REHEARING AND
RECONSIDERATION**

Item No. 844-A

On August 5, 2019, this matter came before the State of Nevada, Government Employee-Management Relations Board ("Board") for consideration and decision pursuant to the provisions of the Government-Management Relations Act (the "Act"), NAC Chapter 288 and NRS Chapter 233B.

The Board previously found that the Deputy District Attorneys do not share a sufficient community of interest with the existing bargaining unit employees. Currently, before the Board is Complainant's Petition for Rehearing and Reconsideration.¹

In terms of the Petition for Rehearing, Complainant accepts the Board's prior decision not to accrete the DDAs into the NCMEA existing bargaining unit. However, NCMEA requests that the Board issue an order recognizing the NCMEA as the exclusive bargaining representative of the DDAs in their own bargaining unit.

In the Board's prior Order, it noted that Complainant had previously requested this Board to recognize Teamsters Local 14 as the DDAs' exclusive bargaining representative. The Board found it was inappropriate to do so at that stage for a number of reasons stated therein, including those pursuant to NRS 288.160 and NAC 288.143. However, the Board invited Complainant to file a petition for hearing as provided for in NAC 288.364, which Complainant has now done.

¹ Pursuant to NAC 288.2718, a petition for reconsideration may be filed if a party is aggrieved by a split decision of a panel. As there was no split decision in this matter, the petition for reconsideration is not properly before the Board.

1 Complainant argues that the Board's Order is incomplete as Complainant's closing brief, filed
2 after the hearing, indicated that the prosecutors now wished to be represented by NCMEA and withdrew
3 the request for recognition by Local 14. Complainant argues that all the requisites for representation by
4 NCMEA have been met (as part of a separate bargaining unit for the prosecutors), including requesting
5 representation, a pledge not to strike, and the County already having the Constitution and bylaws of
6 NCMEA.

7 Good cause appearing, the Board grants the Petition for Rehearing on this issue (*i.e.*, whether the
8 Board should enter an order recognizing the NCMEA as the exclusive bargaining representative of the
9 prosecutors and whether it should modify its prior order accordingly).

10 **ORDER**

11 Based on the foregoing, and good cause appearing, it is hereby ordered that the Board GRANTS
12 the Petition for Rehearing as provided for above. Pursuant to NAC 288.360 through 288.368, the Board
13 orders the County to file an answer and brief in response to this Order within 15 days after the issuance
14 of this Order. Complainant shall file a responding brief thereto within 15 days after receipt of the
15 County's answer and brief. The County may file a reply brief thereto within 5 days after receipt of
16 Complainant's responding brief. If the County fails to file an initial response to this Order, the Board
17 shall deem that requirements have been satisfied and recognize the NCMEA as the exclusive bargaining
18 representative of the prosecutors in their own bargaining unit.

19 DATED this 6 day of August, 2019.

20
21 GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

22
23 By: 
BRENT ECKERSLEY, ESQ., Chair

24
25 By: 
SANDRA MASTERS, Vice-Chair

26
27 By: 
28 GARY COTTINO, Board Member