

FILED  
OCT 27 2020  
STATE OF NEVADA  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

IN RE:

Case No. 2020-023

PETITION FOR DESIGNATION AS THE  
EXCLUSIVE REPRESENTATIVE OF A  
BARGAINING UNIT PURSUANT TO NRS  
288.520

**NOTICE OF ENTRY OF ORDER**

**ITEM NO. 868**

TO: Peter Long, Administrator of the Division of Human Resource Management, and Frank Richardson, Deputy Administrator for Labor Relations of the Division of Human Resource Management, for the State of Nevada;

TO: Battle Born Firefighters Association and its attorney, Thomas J. Donaldson, Esq. of Dyer Lawrence LLP;

PLEASE TAKE NOTICE that the **ORDER REGARDING THE DESIGNATION OF AN EXCLUSIVE REPRESENTATIVE FOR BARGAINING UNIT K** was entered in the above-entitled matter on October 27, 2020.

A copy of said order is attached hereto.

DATED this 27<sup>th</sup> day of October 2020.

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 27<sup>th</sup> day of October 2020, I served a copy of the foregoing

**NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Peter Long  
Administrator, Division of Human Resource Management  
State of Nevada  
515 East Musser Street, Third Floor  
Carson City, Nevada 89701-4298

Frank Richardson  
Deputy Administrator, Division of Human Resource Management  
State of Nevada  
Blasdel Building  
209 East Musser Street, Suite 101  
Carson City, Nevada 89701-4204

Thomas J. Donaldson, Esq.  
Dyer Lawrence LLP  
2805 Mountain Street  
Carson City, Nevada 89701



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MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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. 2020-023

ORDER REGARDING THE  
DESIGNATION OF AN EXCLUSIVE  
REPRESENTATIVE FOR  
BARGAINING UNIT K

ITEM NO. 868

On October 27, 2020, 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 Employee-Management Relations Act (the "Act"); NAC Chapter 288; and NRS Chapter 233B.

At issue was a petition filed on October 13, 2020, by the Battle Born Firefighters Association ("BBFFA"), seeking to be designated as the exclusive representative for Bargaining Unit K, which consists of full-time and seasonal firefighters who work for the State of Nevada. On October 14, 2020, staff issued its audit report on the petition and its supporting information. This audit report was presented to the Board at its October 27, 2020, meeting. The State of Nevada ("State") provided no response to the petition.<sup>1</sup>

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<sup>1</sup> At the Board meeting of December 17, 2019, Peter Long, then Interim Director of the Department of Administration, remarked that the State would not be responding to any of the petitions for recognition as it was the State's position that it is solely the purview of the Board to make such decisions.

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

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

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

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

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

17 As detailed in the audit report, staff obtained from the State a spreadsheet of all classified  
18 employees who were employed by the State as of August 31, 2020.<sup>2</sup> Based on that report, the  
19 bargaining unit had a total of 55 employees as detailed in Table 1.

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26 <sup>2</sup> The date of reports from the State will not always match the date petitions are received by the  
27 EMRB as such reports from the State are produced at the end of each calendar month. The  
28 EMRB attempts to use the reports that best match the date of the petition. The August 31, 2020  
report was the most recent one issued by the State when the audit was conducted.

**Table 1: Number of Employees in Unit K by Job Title**

Title Code	Job Title	Count
1.819	Firefighter 2	3
1.852	Firefighter 1	3
1.828	Seasonal Firefighter 3	2
1.829	Seasonal Firefighter 2	2
1.831	Seasonal Firefighter 1	37
11.703	Crew Chief-Air Nat'l Guard	4
11.705	Firefighter/Driver Operator	4
	Total	55

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

As detailed in the audit report, staff was able to determine that the petitioner has evidence of support of 31 employees, equaling 56.4%, which is detailed below.

BBFFA provided an authorization card list and authorization cards for those employees who indicated they authorize BBFFA to be their bargaining agent. Staff reviewed the authorization cards and compared them to the list provided by BBFFA, and also compared the cards to the spreadsheet of bargaining unit K employees as provided by the State. All 31 authorization cards were matched, were signed and dated, and thus were verified. The level of support is accordingly 31 employees.

**Summary**

As detailed in Step 1 above, there are 55 employees in the bargaining unit. Thus, to meet the requirement of NRS 288.520 there must be evidence supporting the petition of at least 28 employees, which is 50% plus one.

As further detailed in Step 2 above, there are 31 bargaining unit employees who have signed an authorization card, all of whom have been verified through the staff audit process. This would place the percentage at 56.4% (31 / 55).

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1 **DESIGNATION ORDER**

2 Based on the foregoing,

3 IT IS HEREBY ORDERED that the Board designates the Battle Born Firefighters  
4 Association as the exclusive representative of Bargaining Unit K in that the petitioner has met its  
5 burden of proof to show it has been authorized to serve as a representative by more than 50  
6 percent of the employees within Bargaining Unit K.

7 DATED this 27<sup>th</sup> day of October 2020.

8 GOVERNMENT EMPLOYEE-  
9 MANAGEMENT RELATIONS BOARD

10 By:   
11 BRENT ECKERSLEY, ESQ., Chair

12 By:   
13 SANDRA MASTERS, Vice-Chair

14 By:   
15 GARY COTTINO, Board Member

16 By:   
17 BRETT HARRIS, ESQ., Board Member

18 By:   
19 MICHAEL J. SMITH, Board Member