

FILED

DEC 29 2022

STATE OF NEVADA  
E.M.R.B.

STATE OF NEVADA

GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

IN RE: CATEGORY III PEACE OFFICERS  
BARGAINING UNIT "I"

Case No. 2022-014

REQUEST FOR ELECTION BY FRATERNAL  
ORDER OF POLICE NEVADA C.O. LODGE  
21 PURSUANT TO NRS 288.525(2)(a)(1)

**NOTICE OF ENTRY OF ORDER**

**ITEM NO. 883**

TO: Petitioner FOP Nevada C.O. Lodge 21 and its attorneys of record, by and through their counsel, Daniel Marks, Esq. and Adam Levine, Esq., and Law Office of Daniel Marks;

TO: AFSCME, LOCAL 4041, by and through its representative, Fernando R. Colon; and its counsel, Jessica Guerra, Esq., Branstetter, Stranch & Jennings, PLLC

TO: State of Nevada, Department of Administration, Human Resources Management.

PLEASE TAKE NOTICE that the **ORDER ON RESULTS OF THE ELECTION** was entered in the above-entitled matter on December 29, 2022.

A copy of said order is attached hereto.

DATED this 29th day of December 2022.

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 29th day of December 2022, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Fernando R. Colon, Representative  
AFSCME Local 4041  
1107 17<sup>th</sup> Street, N.W., Suite 900  
Washington, DC 20036

Jessica Guerra, Esq.  
Branstetter, Stranch & Jennings, PLLC  
703 S. 8th Street  
Las Vegas, NV 89101

Law Office of Daniel Marks  
Daniel Marks, Esq.  
Adam Levine, Esq.  
610 South Ninth Street  
Las Vegas, NV 89101

Mandee Bowsmith  
Interim Administrator, Human Resources Management  
State of Nevada  
Department of Administration  
209 E. Musser Street  
Carson City, NV 89701

  
\_\_\_\_\_  
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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**RELATIONS BOARD**

IN RE: CATEGORY III PEACE OFFICERS  
BARGAINING UNIT "I"

Case No. 2022-014

REQUEST FOR ELECTION BY  
FRATERNAL ORDER OF POLICE  
NEVADA C.O. LODGE 21 PURSUANT TO  
NRS 288.525(2)(a)(1)

**ORDER ON RESULTS OF THE  
ELECTION**

**En Banc**

**ITEM NO. 883**

On December 29, 2022, this matter came before the State of Nevada, Government Employee-Management Relations Board (Board) for consideration and decision pursuant to the provisions of the Employee-Management Relations Act (NRS Chapter 288, EMRA) and NAC 288. At issue was certification of the results of the recently held election.

**History**

On October 4, 2022, Complainant filed a Request for Election. After a review of the record, including the staff audit of the request, the Board deliberated on October 13, 2022, and decided to grant the request for an election and recommend an election be held pursuant to NRS 288.525(2)(a)-(c). Thereupon, on November 3, 2022, the Board ordered the holding of a representation election, including the adoption of the election plan as proposed by the Commissioner.

The election closed on December 12, 2022, and a counting of the ballots was completed on December 13, 2022. A copy of the Tally of Ballots is attached hereto. Section 5.01 of the Election Plan allowed any party to file objections as to the conduct of the election by December 23, 2022. None were filed.

NRS 288.530(4) states the standard for determining the outcome of an election, which reads as follows:

1 4. If a labor organization receives a majority of the votes cast at the initial election or at  
2 any runoff election, the Board shall designate the labor organization as the exclusive  
3 representative of the bargaining unit.

4 Thus, according to the standard used for determining the outcome of the election, it is determined  
5 that the Fraternal Order of Police Nevada C.O. Lodge 21 received a majority of the votes cast and thus  
6 is designated as the exclusive representative of the bargaining unit.

7 **ORDER**

8 Based on the foregoing, it is hereby DECLARED and ORDERED that the Fraternal Order of  
9 Police Nevada C.O. Lodge 21 is hereby designated as the exclusive representative of State of Nevada  
10 Bargaining Unit I (i.e., Category III Peace Officers) effective immediately and that all prior designations  
11 of exclusive representatives for this bargaining unit are hereby null and void.

12 Dated this 29<sup>th</sup> day of December 2022.

13 GOVERNMENT EMPLOYEE-  
14 MANAGEMENT RELATIONS BOARD

15 By:   
16 BRENT ECKERSLEY, ESQ., Chair

17 By:   
18 SANDRA MASTERS, Vice-Chair

19 By:   
20 MICHAEL J. SMITH, Board Member