

FILED
December 26, 2023
State of Nevada
E.M.R.B.

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

NORTH LYON FIREFIGHTERS ASSOCIATION,
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL 4547,

Complainants,

v.

NORTH LYON FIRE PROTECTION DISTRICT
and JASON NICHOLL, in his official capacity,

Respondents.

**CONSOLIDATED CASE NOS.
2023-006 and 2023-007**

NOTICE OF ENTRY OF ORDER

ITEM NO. 889

PANEL C

NORTH LYON FIRE PROTECTION DISTRICT,

Complainant,

v.

NORTH LYON FIREFIGHTERS ASSOCIATION,
IAFF 4547,

Respondents.

TO: Complainant/Respondent, North Lyon Firefighters Association IAFF 4547, by and through their attorney, Thomas J. Donaldson, Esq. and Dyer Lawrence, LLP;

TO: Respondent/Complainant, North Lyon Fire Protection District, by and through their attorney, Nick D. Crosby, Esq. and Marquis Aurbach.

PLEASE TAKE NOTICE that the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** was entered in the above-entitled matter on December 26, 2023.

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A copy of said order is attached hereto.

DATED this 26th day of December 2023.

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 26th day of December 2023, I served a copy of the foregoing **NOTICE OF**
4 **ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

5
6 Nick D. Crosby, Esq.
7 Marquis Aurbach
8 10001 Park Run Drive
9 Las Vegas, NV 89145

10 Thomas J. Donaldson, Esq.
11 Dyer Lawrence, LLP
12 2805 Mountain Street
13 Carson City, Nevada 89703

14 GOVERNMENT EMPLOYEE-
15 MANAGEMENT RELATIONS BOARD

16 BY



17 _____
18 MARISU ROMUALDEZ ABELLAR
19 Executive Assistant
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State of Nevada
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GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

NORTH LYON FIREFIGHTERS ASSOCIATION,
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL 4547,

Complainants,

v.

NORTH LYON FIRE PROTECTION DISTRICT
and JASON NICHOLL, in his official capacity,

Respondents.

**CONSOLIDATED CASE NOS.
2023-006 and 2023-007**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

ITEM NO. 889

PANEL C

NORTH LYON FIRE PROTECTION DISTRICT,

Complainant,

v.

NORTH LYON FIREFIGHTERS ASSOCIATION,
IAFF 4547,

Respondents.

On December 14, 2023, this matter came before the State of Nevada, Government Employee-Management Relations Board (“Board”) for consideration and decision regarding competing claims of bad faith negotiations pursuant to the provision of the Employee-Management Relations Act (the Act), NRS Chapter 233B, and NAC Chapter 288.

BACKGROUND

On January 31, 2023, the North Lyon Firefighters Association, International Association of Firefighters, Local 4547 (“Local 4547”) submitted a letter to the North Lyon Fire Protection District (“North Lyon FPD”) indicating a desire to negotiate a new Collective Bargaining Agreement (“CBA”).

1 Fire Chief Nicholl did not take the news well and reacted angrily to Mr. Mendoza who was, at the time,
2 President of Local 4547. Later, on the same date, Chief Nicholl provided the FPD's proposed changes
3 to the CBA.

4 The parties held their first negotiating session on February 6, 2023. A subsequent bargaining
5 session was held on February 10, 2023, and Local 4547 objected to the presence of Fernley City
6 Council member Ryan Hanan whom Local 4547 believed was hostile to them. The parties suspended
7 negotiations over the failure to agree on the presence of Mr. Hanan, disputes about how new provisions
8 should be negotiated and whether the sessions should be recorded.

9 Subsequently, both parties filed bad faith bargaining claims against each other in Case Nos.
10 2023-006 and 2023-007. The parties in case 2023-006 initially included Mr. Ryan Hanan but
11 Respondents North Lyon FPD, Hanan and Nicholl filed a Motion to Dismiss the matter as to Mr.
12 Hanan. The Board granted Respondents' Motion to Dismiss with prejudice on June 21, 2023. There
13 were also issues regarding the issuance of subpoenas.

14 FINDINGS OF FACT

15 1. The parties provided their respective positions regarding the new collective bargaining
16 agreement in a timely manner and via an appropriate method. *See* discussion above.

17 2. The parties held their first negotiating session on February 6, 2023.

18 3. A subsequent bargaining session was held on February 10, 2023, and Local 4547
19 objected to the presence of Fernley City Council member Ryan Hanan whom Local 4547 believed was
20 hostile to them.

21 4. Local 4547 has been informed by the Board in its Order dated June 21, 2023, that the
22 North Lyon FPD had the right to choose its representatives under NRS 288.150 and that Mr. Hanan
23 may continue in his role as a member of the bargaining team.

24 5. The Board determined that the manner that Chief Nicholl responded to the Local 4547's
25 notice of intent to bargain during his discussion with Mr. Mendoza was primarily related to his personal
26 relationship with Mr. Mendoza rather than evidence of animus towards the union.

27 6. The Board determined that neither side presented sufficient evidence of conduct that
28 would support a bad faith bargaining claim under NRS 288.170.

1 It is further **ORDERED** that North Lyon County Fire Protection District's Counterclaims in
2 Case No. 2023-007 for bad faith bargaining are hereby **DENIED**.

3 Dated this 26th day of December 2023.

4 GOVERNMENT EMPLOYEE-MANAGEMENT
5 RELATIONS BOARD

6 By: 
7 MICHAEL J. SMITH, Vice-Chair

8 By: 
9 SANDRA MASTERS, Board Member

10 By: 
11 MICHAEL A. URBAN, Board Member
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