1 2 3 4 5 6 7 8 9 10 11 12	STATE OF E GOVERNMENT EMPLO RELATION 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.	YEE-MANAGEMENT
 13 14 15 16 17 18 	NORTH LYON FIRE PROTECTION DISTRICT, Complainant, v. NORTH LYON FIREFIGHTERS ASSOCIATION, IAFF 4547, Respondents.	
 19 20 21 22 23 24 25 26 27 28 	attorney, Thomas J. Donaldson, Esq. and DyerTO: Respondent/Complainant, North Lyon Fire FNick D. Crosby, Esq. and Marquis Aurbach.	Protection District, by and through their attorney, SS OF FACT, CONCLUSIONS OF LAW AND

1	A copy of said order is attached hereto.		
2	DATED this 26th day of December 2023.		
3	GOVERNMENT EMPLOYEE-		
4	MANAGEMENT RELATIONS BOARD		
5	BY Manela		
6	MARISU ROMUALDEZ ABELLAR Executive Assistant		
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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. Marquis Aurbach			
7	10001 Park Run Drive			
8	Las Vegas, NV 89145			
9	Thomas J. Donaldson, Esq. Dyer Lawrence, LLP			
10	2805 Mountain Street Carson City, Nevada 89703			
11	Carson City, Nevada 67765			
12				
13	GOVERNMENT EMPLOYEE-			
14	MANAGEMENT RELATIONS BOARD			
15	BY Manela			
16	MARISU ROMUALDEZ ABELLAR Executive Assistant			
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	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,	CONSOLIDATED CASE NOS. 2023-006 and 2023-007	
Complainants,	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	
V.		
NORTH LYON FIRE PROTECTION DISTRICT	ORDER	
	<u>ITEM NO. 889</u>	
	PANEL C	
NORTH LYON FIRE PROTECTION DISTRICT,		
Complainant,		
V.		
NORTH LYON FIREFIGHTERS ASSOCIATION, IAFF 4547.		
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		
	e Employee-Management Relations Act (the Act),	
BACKGROUND		
	RELATION: 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. NORTH LYON FIRE PROTECTION DISTRICT, Complainant, v. NORTH LYON FIRE PROTECTION DISTRICT, Complainant, v. NORTH LYON FIREFIGHTERS ASSOCIATION, IAFF 4547, Respondents. On December 14, 2023, this matter came bet Management Relations Board ("Board") for consider bad faith negotiations pursuant to the provision of the NRS Chapter 233B, and NAC Chapter 288.	

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.

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

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

FINDINGS OF FACT

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

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

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

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.

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1 7. If any of the foregoing findings is more appropriately construed as a conclusion of law, 2 it may be so construed. 3 4 **CONCLUSIONS OF LAW** 5 1. The Board is authorized to hear and determine complaints arising under the Local 6 Government Employee-Management Relations Act. 7 2. The Board has exclusive jurisdiction over the parties and the subject matters of the 8 Complaint on file herein pursuant to the provisions of NRS Chapter 288. 9 3. The Board has jurisdiction over unfair labor practices and to hear cases alleging bad 10 faith bargaining under NRS 288.270(1)(e). Las Vegas Peace Officers Association v. City of Las Vegas, 11 EMRB Case No. 2022-034, Item No. 821. 12 4. In order to show bad faith, a complainant must present substantial evidence of fraud, 13 deceitful action or dishonest conduct. Id., citing to Boland v, Item No. 802, at 5, quoting Amalgamated 14 Ass 'n of St., Elec. Ry. and Motor Coach Emp. of America, 403 U.S. at 301. 15 5. Neither side presented sufficient evidence to support a bad faith bargaining claim under See e.g., Las Vegas Peace Officers Association, supra, see also International 16 NRS 288.270. Association of Firefighters, Local 5046 v. Elko County Fire Protection District, EMRB Case No. 17 18 2019-011, Item 847-A and Nevada Classified School Employee Association Chapter 5, Nevada AFT, 19 Churchill County School District, EMRB Case No. 2020-008, Item No. 863. 20 6. If any of the foregoing findings is more appropriately construed as a finding of fact, it 21 may be so construed. 22 **ORDER** 23 Based on the foregoing, it is hereby **ORDERED** that Local 4547's claims in Case No. 2023-006 24 for bad faith bargaining are hereby **DENIED**. 25 . . . 26 . . . 27 . . . 28 -3-

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 RELATIONS BOARD		
5	RELATIONS BOARD		
6	By: Michael J. SMITH, Vice-Chair		
7	MICHAEL J. SMITH, Vice-Chair		
8	By: Marter		
9	SANDRA MASTERS, Board Member		
10 11	By: Michael A. Ul		
11	MICHAEL A. URBAN, Board Member		
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