

FILED  
March 22, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

IN RE:  
PETITION TO BE DESIGNATED AS THE  
EXCLUSIVE REPRESENTATIVE OF A  
BARGAINING UNIT PURSUANT TO SENATE  
BILL 166 OF THE 82<sup>ND</sup> SESSION OF THE  
NEVADA LEGISLATURE

Case No. 2024-004

**NOTICE OF ENTRY OF ORDER**  
**ITEM NO. 894**

TO: Petitioner and its representative, Andrew Regenbaum, J.D.; and,  
TO: State of Nevada, Department of Human Resource Management and its representatives, Bachera  
Washington, Administrator and Matthew Lee, Supervisory Personnel Analyst.

PLEASE TAKE NOTICE that the **ORDER REGARDING THE DESIGNATION OF AN  
EXCLUSIVE REPRESENTATIVE FOR BARGAINING UNIT M** was entered in the above-  
entitled matter on March 21, 2024.

A copy of said order is attached hereto.

DATED this 22nd day of March 2024.

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 22<sup>nd</sup> day of March 2024, I served a copy of the foregoing **NOTICE OF ENTRY**  
4 **OF ORDER** by mailing a copy thereof, postage prepaid to:

5 Nevada Association of Public Safety Officers  
6 Andrew Regenbaum, J.D.  
7 145 Panama Street  
8 Henderson, NV 89015

8 Bachera Washington  
9 Administrator DHRM  
10 State of Nevada  
11 7251 Amigo Street, Suite 120  
12 Las Vegas, NV 89119

11 Matthew Lee, DHRM  
12 State of Nevada  
13 100 North Stewart St., Suite 200  
14 Carson City, NV 89701

15 GOVERNMENT EMPLOYEE-MANAGEMENT  
16 RELATIONS BOARD

17 BY   
18 MARISU ROMUALDEZ ABELLAR  
19 Executive Assistant  
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Case No. 2024-004

**ORDER REGARDING THE  
DESIGNATION OF AN EXCLUSIVE  
REPRESENTATIVE FOR BARGAINING  
UNIT M**

**ITEM NO. 894**

On March 21, 2024, 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 March 4, 2024 by the Nevada Peace Officer Association and the Nevada Association of Public Safety Officers (the “Petitioners”), seeking to be designated as the exclusive representative for Bargaining Unit M, which consists of Category II Peace Officer Supervisors. On March 7, 2024, staff issued its audit report on the petition and its supporting information. This audit report was presented to the Board at its March 19-21, 2024 meeting. The State of Nevada (“State”) provided no response to the petition.<sup>1</sup>

...

<sup>1</sup> At the Board meeting of December 17, 2019, Peter Long, 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. Nothing to the contrary has been stated by the State since then.

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 exclusive  
3 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 bargaining unit  
5 and a labor organization files with the Board a list of its membership or other evidence  
6 showing that the labor organization has been authorized to serve as a representative by  
7 more than 50 percent of the employees within the bargaining unit, the Board shall  
8 designate the labor organization as the exclusive representative of the bargaining unit  
9 without ordering an election.

10 Thus, the issue at hand is whether the petition and supporting information show that the  
11 Petitioners have been authorized to serve as a representative by more than 50 percent of the employees  
12 within Bargaining Unit M. Based upon the wording of NRS 288.520, the burden of proof is on the  
13 petitioners. To determine whether this burden has been met requires a two-step process. The first step is  
14 to determine the size of the bargaining unit. The second step is then to determine the percentage of  
15 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 March 6, 2024.<sup>2</sup> Based on the report, the bargaining  
19 unit had a total of 31 employees as detailed in Table 1.

20 **Table 1: Number of Employees in Unit M By Job Title**

Title Code	Job Title	Count
13.242	Supervisory Criminal Investigator	3
13.246	Deputy Chief Investigator	3
13.247	AG Criminal Investigator, Supervisor	7
13.255	Supervisory Compliance/Enforcement Investigator	12
13.263	Unit Manager	6
	Total	31

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

22 As detailed in the audit report, staff was able to determine that the petitioner has evidence of  
23 support of 28 employees, equaling 90.3%, which is detailed below:

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27 <sup>2</sup> The date of reports from the State will not always match the date petitions are received by the EMRB  
28 as such reports from the State are produced at the end of each calendar month. The EMRB attempts to  
use the reports that best match the date of the petition.

- 1 1. There were 28 instances in which the Petitioners listed an employee as a member on its List and  
2 the employee was also listed on the Unit M Roster – and thus are shown as holding a job title  
3 within the bargaining unit. These individuals also had a valid authorization card. Credit should  
4 be given for these 28 persons.
- 5 2. There was 1 instance in which the Petitioners listed an employee on its List as having signed an  
6 authorization card and for which it also produced a copy of the authorization card with a  
7 signature. However, the employee was not listed on the Unit M Roster as holding a position  
8 within the bargaining unit. Staff further looked for the person’s name in the Master Roster but  
9 could not find the person listed as employed anywhere within the State. Credit should not be  
10 given for this person.
- 11 3. There were 3 instances of employees listed on the Unit M Roster but who were not listed on the  
12 List and no authorization card was produced. Presumably these employees elected not to sign an  
13 authorization card. Credit should not be given for these 3 persons.

14 **Summary**

15 As detailed in Step 1 above, there are 31 employees in the bargaining unit. Thus, to meet the  
16 requirement of NRS 288.520 there must be evidence supporting the petition of at least 16 employees,  
17 which is 50% plus one.

18 As further detailed in Step 2 above, there are 28 bargaining unit employees who have signed an  
19 authorization card, all of whom have been verified through the staff audit process. This would place the  
20 percentage at 90.3% (28/31).

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Based on the foregoing,

IT IS HEREBY ORDERED that the Board designates the Nevada Peace Officer Association, which is affiliated with the Nevada Association of Public Safety Officers, as the exclusive representative of Bargaining Unit M in that the petitioners have met their burden of proof to show they has been authorized to serve as a representative by more than 50 percent of the employees within Bargaining Unit M.

DATED this 22<sup>nd</sup> day of March 2024.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

By:   
BRENT ECKERSLEY, ESO., Chair

By:   
SANDRA MASTERS, Vice-Chair

By:   
MICHAEL J. SMITH, Board Member