

FILED  
April 23, 2024  
State of Nevada  
E.M.R.B.

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. 2024-007

**NOTICE OF ENTRY OF ORDER**

**ITEM NO. 897**

TO: Petitioner and its representative, Thomas J. Donaldson, Esq. and Dyer Lawrence, LLP;  
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 O** was entered in the above-  
entitled matter on April 23, 2024.

A copy of said order is attached hereto.

DATED this 23<sup>rd</sup> day of April 2024.

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 23<sup>rd</sup> day of April 2024, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Thomas J. Donaldson, Esq.  
Dyer Lawrence, LLP  
2805 Mountain Street  
Carson District, Nevada 89703

Bachera Washington  
Administrator DHRM  
State of Nevada  
7251 Amigo Street, Suite 120  
Las Vegas, NV 89119

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

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IN RE:  
PETITION FOR DESIGNATION AS THE  
EXCLUSIVE REPRESENTATIVE OF A  
BARGAINING UNIT PURSUANT NRS 288.520

Case No. 2024-007

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

**ITEM NO. 897**

On April 23, 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 19, 2024 by the Battle Born Firefighters Association (“BBFFA”), seeking to be designated as the exclusive representative for Bargaining Unit O, which consists of Firefighter Supervisors. On April 9, 2024, staff issued its audit report on the petition and its supporting information. This audit report was presented to the Board at its April 18, 22-24, 2024 meeting. The State of Nevada (“State”) provided no response to the petition.<sup>1</sup>

**Standard for Designation of an Exclusive Representative**

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

If no labor organization is designated as the exclusive representative of a bargaining unit and a labor organization files with the Board a list of its membership or other evidence

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<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 showing that the labor organization has been authorized to serve as a representative by  
2 more than 50 percent of the employees within the bargaining unit, the Board shall  
3 designate the labor organization as the exclusive representative of the bargaining unit  
4 without ordering an election.

5 Thus, the issue at hand is whether the petition and supporting information show that the  
6 Petitioners have been authorized to serve as a representative by more than 50 percent of the employees  
7 within Bargaining Unit O. Based upon the wording of NRS 288.520, the burden of proof is on the  
8 petitioners. To determine whether this burden has been met requires a two-step process. The first step is  
9 to determine the size of the bargaining unit. The second step is then to determine the percentage of  
10 support for the petitioner.

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

12 As detailed in the audit report, staff obtained from the State a spreadsheet of all classified  
13 employees who were employed by the State as of March 5, 2024.<sup>2</sup> Based on the report, the bargaining  
14 unit had a total of 20 employees as detailed in Table 1.

15 **Table 1: Number of Employees in Unit O By Job Title**

Title Code	Job Title	Count
01.812	Fire Management Officer II	2
01.814	Fire Management Officer I	0
01.816	Battalion Chief	2
01.835	Helitack Supervisor	0
01.850	Fire Captain	3
01.868	Conservation Camp Area Supervisor	2
01.870	Conservation Camp Supervisor	7
11.702	Assistant Fire Chief-Air National Guard	4
	Total	20

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

23 As detailed in the audit report, staff was able to determine that the petitioner has evidence of  
24 support of 14 employees, equaling 70.0%, which is detailed below:

- 25 1. There were 14 instances in which BBFFA listed an employee as a member on its List and the  
26 employee was also listed on the Unit O Roster – and thus are shown as holding a job title within

27  
28 <sup>2</sup> The date of reports from the State will not always match the date petitions are received by the EMRB  
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 the bargaining unit. These individuals also had a valid authorization card. Credit should be  
2 given for these 14 persons.

- 3 2. There were 6 instances of employees listed on the Unit O Roster but who were not listed on the  
4 List and no authorization card was produced. Presumably these employees elected not to sign an  
5 authorization card. Credit should not be given for these 6 persons.

6 **Summary**

7 As detailed in Step 1 above, there are 20 employees in the bargaining unit. Thus, to meet the  
8 requirement of NRS 288.520 there must be evidence supporting the petition of at least 11 employees,  
9 which is 50% plus one.

10 As further detailed in Step 2 above, there are 14 bargaining unit employees who have signed an  
11 authorization card, all of whom have been verified through the staff audit process. This would place the  
12 percentage at 70.0% (14/20).

13 Based on the foregoing,

14 IT IS HEREBY ORDERED that the Board designates the Battle Born Firefighters Association,  
15 as the exclusive representative of Bargaining Unit O in that the petitioner has met its burden of proof to  
16 show they has been authorized to serve as a representative by more than 50 percent of the employees  
17 within Bargaining Unit O.

18 DATED this 23<sup>rd</sup> day of April 2024.

19 GOVERNMENT EMPLOYEE-  
20 MANAGEMENT RELATIONS BOARD

21 By:   
22 BRENT ECKERSLEY, ESQ., Chair

23 By:   
24 SANDRA MASTERS, Board Member

25 By:   
26 MICHAEL A. URBAN, Board Member  
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