

FILED  
June 4, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

In RE:

PETITION FOR ELECTION TO DETERMINE  
THE EXCLUSIVE REPRESENTATIVE OF  
BARGAINING UNIT L PURSUANT TO  
SENATE BILL 166 OF THE 82<sup>ND</sup> SESSION OF  
THE NEVADA LEGISLATURE

Case No. 2024-012

**NOTICE OF ENTRY OF ORDER**

**ITEM NO. 899**

TO: Petitioner Nevada Peace Officer Association and its representative, Andrew Regenbaum, J.D.  
and Nevada Association of Public Safety Officers;

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 NPOA PETITION FOR  
ELECTION TO DESIGNATE THE EXCLUSIVE REPRESENTATIVE FOR BARGAINING  
UNIT L** was entered in the above-entitled matter on June 4, 2024.

A copy of said order is attached hereto.

DATED this 4th day of June 2024.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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3 **CERTIFICATE OF MAILING**

4 I hereby certify that I am an employee of the Government Employee-Management Relations  
5 Board, and that on the 4th day of June 2024, I served a copy of the foregoing **NOTICE OF ENTRY**  
6 **OF ORDER** by mailing a copy thereof, postage prepaid to:


7 Nevada Association of Public Safety Officers  
8 Andrew Regenbaum, J.D.  
9 145 Panama Street  
10 Henderson, NV 89015

11 Alex Velto, Esq.  
12 Paul Cotsonis, Esq.  
13 Reese Ring Velto, PLLC  
14 200 S. Virginia St., Suite 655  
15 Reno, NV 89501

16 Bachera Washington  
17 Administrator DHRM  
18 State of Nevada  
19 7251 Amigo Street, Suite 120  
20 Las Vegas, NV 89119

21 Matthew Lee, DHRM  
22 State of Nevada  
23 100 North Stewart St., Suite 200  
24 Carson City, NV 89701

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GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

BY   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
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PETITION FOR ELECTION TO DETERMINE  
THE EXCLUSIVE REPRESENTATIVE OF  
BARGAINING UNIT L PURSUANT TO  
SENATE BILL 166 OF THE 82<sup>ND</sup> SESSION OF  
THE NEVADA LEGISLATURE

Case No. 2024-012

**ORDER REGARDING NPOA PETITION  
FOR ELECTION TO DESIGNATE THE  
EXCLUSIVE REPRESENTATIVE FOR  
BARGAINING UNIT L**

**ITEM NO. 899**

On May 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.

Also at issue was the Supplemental Petition filed on April 25, 2024, by the Nevada Peace Officer Association (“NPOA”) seeking to have the Board conduct an election under NRS 288.525 for Bargaining Unit L.<sup>1</sup> The Board had considered a Petition from the Nevada Police Union (“NPU”) immediately prior to this Petition and determined that the NPU had met the threshold for mandatory recognition under NRS 288.520.

Board staff prepared an Audit Report for the NPOA Petition, and the Board considered the Audit Report at the May 21, 2024, EMRB meeting. The Petition from NPOA contained the following:

1. A list of employees in Unit L who signed authorization cards (the “List”);
2. Copies of the authorization cards for the employees on the List; and
3. A copy of a blank authorization card, which is included at the end of the Audit Report.

<sup>1</sup> The Board realized it could not consider the Petition of NPU and NPOA in a vacuum, even though there are two separate petitions and case numbers assigned and both parties argued both cases together. See NPU’s Petition in EMRB Case No. 2024-011. In addition, the original NPOA Petition was filed March 27, 2024.

1 NPOA added three additional authorization cards in their Supplemental Petition on April 25, 2024,

2 **I. Audit Report Methodology.**

3 In addition to the information provided by the Petitioner set forth above, Board Staff (“Staff”)  
4 also obtained a master roster of all employees currently employed by the State (“State Master Roster”).  
5 The State Master Roster not only contained the names of employees but also contained, among other  
6 information, each employee’s job title and code. Staff extracted from the Master Roster all the  
7 employees who have a job title included for this bargaining unit,<sup>2</sup> thus creating a new spreadsheet  
8 entitled “State Unit L Roster.” In addition to the State Master Roster, the EMRB also received from  
9 Nevada System of Higher Education (“NHSE”) a list of employees (“NSHE Unit L Roster”) in the  
10 bargaining unit that had information similar to the State Unit L Roster. The number of employees for  
11 each specific job title for this bargaining unit are contained in Table 1. Staff determined there are a  
12 total of 185 employees in the bargaining unit.

13 **Table 1: Number of Employees in Unit L By Job Title**

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<u>Title Code</u>	<u>Job Title</u>	<u>Count</u>
13.101	Agricultural Police Officer III	1
13.115	Staff Game Warden	3
13.121	Game Warden IV	4
13.135	Park Supervisor III (Commissioned)	4
13.136	Park Supervisor II (Commissioned)	8
13.137	Park Supervisor I (Commissioned)	4
13.204	DPS Lieutenant	45
13.205	DPS Sergeant	101
13.215	University Police Lieutenant	6 (NSHE)
13.221	University Police Sergeant	9 (NSHE)
Total		185

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22 Staff then compared the List provided by NPOA with the copies of the authorization cards  
23 submitted. Staff also compared the List to the State Unit L Roster and the NSHE Unit L Roster to  
24 ensure that the persons listed on the List were current employees of the State (or NSHE) assigned to a  
25 job classification within the bargaining unit. Staff also inspected the authorization cards to ensure the  
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28 <sup>2</sup> The job titles in the bargaining unit include those ordered by the Board in Case 2023-022 to be moved from the managerial category to Unit L.

1 cards had a date within one year of submittal of the petition as well as a signature.<sup>3</sup> In the end Staff  
2 determined the following:

3 **Findings for NPOA:**

4 Staff indicated there were 58 verified bargaining unit employees. This would place the  
5 percentage of NPOA verified bargaining unit employees at 31.4% out of the 185 employees in the  
6 bargaining unit. If the Board eliminated the duplicates between NPU and NPOA, the percentage would  
7 drop to 20.5%.

8 **II. The Legal Standard.**

9 NPOA's has sought to become the exclusive representative of Bargaining Unit L following an  
10 election as provided under NRS 288.525, which states:

11 288.525. Requirements for designating labor organization as exclusive representative for  
12 bargaining unit following election.

- 13 1. If no labor organization is designated as the exclusive representative of a bargaining  
14 unit, the Board shall order an election to be conducted within the bargaining unit if:  
15 (a) A labor organization files with the Board a written request for an election  
16 which includes a list of its membership or other evidence showing that it has  
17 been authorized to serve as a representative by at least 30 percent but not more  
18 than 50 percent of the employees within the bargaining unit; and  
19 (b) No other election to choose, change or discontinue representation has been  
20 conducted within the bargaining unit during the immediately preceding 12  
21 months.  
22 2. If the Board designates a labor organization as the exclusive representative of a  
23 bargaining unit following an election pursuant to subsection 1 or pursuant to NRS  
24 288.520, the Board shall order an election:  
25 (a) If either:  
26 (1) Another labor organization files with the Board a written request for  
27 an election which includes a list of its membership or other evidence  
28 showing that the labor organization has been authorized to serve as a  
representative by at least 50 percent of the employees within the  
bargaining unit; or  
(2) A group of employees within the bargaining unit files with the Board a  
written request for an election which includes a list or other evidence  
showing that more than 50 percent of the employees within the

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<sup>3</sup> The Board has previously held in other cases that only authorization cards signed in the year prior to the submission of a petition should be considered. *See In Re: Petition to be Designated as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 135 of the 80<sup>th</sup> Session of the Nevada Legislature*, Case No. 2019-019, Item 858 (EMRB, Jan. 22, 2020).

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bargaining unit have requested that an election be conducted to change or discontinue representation;  
(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days and not less than 225 days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and  
(c) If no other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Under NRS 288.525(1) an election is not warranted if another labor organization has already been deemed to be the exclusive representative under NRS 288.520. Since the Board already determined that NPU had met the 50% threshold under NRS 288.520 in EMRB Case No. 2024-011 and designated NPU as the exclusive representative for bargaining unit L, this matter is moot. This finding is consistent with this Board’s prior decision in *IN RE: Petition for Designation as the Exclusive Representative of a Bargaining Unit Pursuant to Senate Bill 135 (2019)*, Consolidated Case No. 2019-023/024, Item No. 856 (EMRB, Jan. 27, 2020).

Furthermore, Petitioner has failed to provide evidence that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation as required under NRS 288.525(2). However, nothing in this Order prevents Petitioner from providing this type of evidence in the future.

Based on the foregoing, it is hereby **ORDERED** that Respondent’s Petition is hereby **DENIED**.  
Dated this 4th day of June, 2024.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

By:   
BRENT ECKERSLEY, ESQ., Chair

By:   
MICHAEL J. SMITH, Vice-Chair

By:   
SANDRA MASTERS, Board Member

By:   
TAMMARA M. WILLIAMS, Board Member