	October 13, 2020 State of Nevada
1	BEFORE THE NEVADA GOVERNMENT E.M.R.B.
	10:10 a.m.
2	EIVIPLOTEE-IVIAINAGEIVIENT KELATIONS BOARD
3	
4	In re: CASE NO. 2020-023
5	Petition for Designation as the Exclusive Representative of a Bargaining UnitBATTLE BORN FIREFIGHTERS ASSOCIATION'S PETITION FOR
6	Pursuant to NRS 288.520 DESIGNATION AS THE EXCLUSIVE
7	REPRESENTATIVE FOR BARGAINING / UNIT K-FIREFIGHTERS
8	Petitioner, the Battle Born Firefighters Association ("BBFFA"), a Nevada Non-Profit
• 9	Corporation, by and through Dyer Lawrence, LLP, and Thomas J. Donaldson, Esq., respectfully
10	submits this petition pursuant to NRS 288.515 et seq. Petitioner requests that the Nevada
11	Government Employee-Management Relations Board ("Board") enter an Order designating BBFFA
12	as the exclusive representative of Firefighters employed by the State of Nevada. In support of its
13	Petition, BBFFA asserts the following:
14	1 BBFFA is a labor organization as the term is defined in NRS 288.048.
15	2 BBFFA represents more than fifty percent (50%) of the Firefighters employed by the
16	State of Nevada as determined by the Board.
17	3 BBFFA files herewith a list of its membership and/or other evidence showing that
18	it has been authorized to serve as a representative of fifty-six percent (56%) of the State Firefighters.
19	4 No labor organization has been designated as the exclusive representative of
20	Bargaining Unit K-Firefighters.
21	I.
22	DESIGNATION OF BARGAINING UNIT K-FIREFIGHTERS BY THE BOARD
23	During Nevada's 80 th Legislative Session, the Nevada Legislature passed, and the Governor
24	signed into law, Senate Bill 135 ("SB 135"), which was enacted as NRS 288.500 et seq.
25	NRS 288.215 requires the Board to establish one (1) bargaining unit for each of the eleven (11)
26	occupational groups set forth in subsections (a) through (k) of NRS 288.215(1). Section 53 of
27	SB 135 requires the Division of Human Resource Management in the Department of Administration
28	("DHRM") to submit to the Board a recommendation for the establishment of bargaining units

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pursuant to section 29 of SB 135. DHRM submitted its recommendation for the establishment of
bargaining units as required by Section 53 of SB 135 and the Board subsequently designated the
following job titles in Unit K–Firefighters:

4		K) Firefighters		
Ĩ			CLASS	GRADE
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7	TITLE CODE	т	LEGISI	ATIVE
8	2.5	TITLE / OPTION	ADJUS	TMENT
9- 10	1.819	FIREFIGHTER 2		31
11	1.852	FIREFIGHTER 1		28
12	1.828	SEASONAL FIREFIGHTER 3		28
13	1.829	SEASONAL FIREFIGHTER 2	,	27
14	1.831	SEASONAL FIREFIGHTER 1	ĸ	26
15	11.703	CREW CHIEF-AIR NAT'L GUARD		34
16	11.705	FIREFIGHTER/DRIVER OPERATOR		32
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II.

EVIDENCE

On September 23, 2020, BBFFA submitted its initial domestic, non-profit corporation formation filing with the Nevada Secretary of State and subsequently started offering and collecting Representation Authorizations from State employees in Unit K. A sample of the Representation Authorization is attached hereto as Exhibit 1. BBFFA currently represents thirty-one (31) employees in Unit K, which constitutes 56.4% of the fifty-five (55) State employees in Unit K and more than fifty percent (50%) of State Firefighters as required by NRS 288.520. *See* Exhibit 2, BBFFA's list of Unit K members; Exhibit 3, total current number of State employees in Bargaining Unit K. Additionally, BBFFA attaches hereto a declaration from BBFFA President Michael Lucey verifying the attached membership list. *See* Exhibit 4, Declaration of Michael Lucey. Since no labor

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	1	organization has been designated as the exclusive representative of Bargaining Unit K–Firefighters,
	2	this Board must designate a labor organization as the exclusive representative if that labor
	3	organization requests to be the exclusive representative and can demonstrate proof that it represents
	4	more than fifty percent (50%) percent of Firefighters. NRS 288.520. In this instance, BBFFA
	5	currently represents 56% of Unit K, has properly petitioned this Board to be the exclusive
	6	representative, and has submitted the appropriate evidence as required by NRS 288.520.
	7	III.
	8	CONCLUSION
	9	In light of the abovementioned, Petitioner requests that this Board enter an Order designating
	10	BBFFA as the exclusive representative of Bargaining Unit K–Firefighters pursuant to NRS 288.520.
	11	DATED this 13 th day of October, 2020.
	12	DYER LAWRENCE, LLP
	13	$>$ \times (
	14	By: Thomas J. Donaldson, Esq.
	15	Nevada State Bar No. 5283 2805 Mountain Street
	16	Carson City, NV 89701 (775) 885-1896 telephone
	17	(775) 885-8728 facsimile
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	3	1				Sample										1
	4	2				BBFFA I							ly)			1
	5	3	3.			State en										1
	6	4	ŀ		·	Declarat	ion of	BBFF	A Pres	siden	t Michae	el Luce	ey			1
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Dyer Lawrence, LLP 2805 Mountain Street Carson City, Nevada 89703 (775) 885-1896 **EXHIBIT 1**

BATTLE BORN FIREFIGHTERS ASSOCIATION

REPRESENTATION AUTHORIZATION

Name:		
Last	First	MI
Address:	*	
City	State	ZIP
Phone:Home	Cell	*
Personal email:	-	5
Employer:		а 1
Agency	Division	
Position/Classification:		×

I hereby designate the Battle Born Firefighters Association as my exclusive collective bargaining representative in matters pertaining to wages, hours, and other terms and conditions of my employment and rescind any prior representation authorization that I signed.

Signature:

Date:

Pursuant to NRS 288.400 *et seq.* specified State employees have the right to organize, form, join and assist labor organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities.

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BBFFA UNIT K MEMBERS

Job Code	Position Title	ORG	Agency	Budget	Department	Last	First	MI
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	ALM	JOSHUA	В
01.852	FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	ARRIOLA	ALEXANDER	M
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	BERNARDI	CRUZ	S
01.819	FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	BRANDEBURG	COLE	M
01.829	SEASONAL FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	CORRILO ORTIZ	FRANCISCO	
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	DAYTON	JARED	К
01.828	SEASONAL FIREFIGHTER 3	706	FORESTRY DIVISION	4195	HR-FORESTRY	ESCH	BRIAN	E
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	FOSTER	LOGAN	A
01.819	FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	GONZALEZ-SANCHEZ	JOSUE	
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	HARDING	JON	M
01.852	FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	JARES	ALEX	В
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	KUNTZ	CHRISTIAN	T
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	MACDONALD	CHASE	A
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	METZ	DAVID	E
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	MOLINA	GABRIEL	A
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	MOORE	AUSTIN	C
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	MORSE	DEREK	T
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	ORTIZ	SETH	M
01.819	FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	PARKIN	ALAN	S
01.829	SEASONAL FIREFIGHTER 2	706	FORESTRY DIVISION	4195	HR-FORESTRY	RAUH	AUSTIN	L
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	RYAN	DANIEL	M
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	SCHULTZ	ROBERT	C
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	SIMPSON	JERRY	D
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	SINDLINGER	ALBERT	E
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	SMITH	LOGAN	M
01.828	SEASONAL FIREFIGHTER 3	706	FORESTRY DIVISION	4195	HR-FORESTRY	STEIN	SAMUEL	С
01.852	FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	TUSING	NATHAN	Т
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	VAN RENSSELAER	MAXIMILIAN	
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	WEIL	KODY	A
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	WELSCH	ANDREA	Т
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	WOODWORTH	WYATT	J

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EXHIBIT 3

CURRENT EMPLOYEES IN EACH JOB CLASSIFICATION

Effective 8/31/2020

	K) Firefighters			
			CLASS	GRADE
			pl	us
TITLE CODE			LEGISI	ATIVE
	TITLE /OPTION	CURRENT EMPLOYEES	ADJUS	TMENT
1.819	FIREFIGHTER 2	3		31
1.852	FIREFIGHTER 1	3		28
1.828	SEASONAL FIREFIGHTER 3	-2		28
1.829	SEASONAL FIREFIGHTER 2	2		27
1.831	SEASONAL FIREFIGHTER 1	37	1.91	26
11.703	CREW CHIEF-AIR NAT'L GUARD	4		34
11.705	FIREFIGHTER/DRIVER OPERATOR	4		32

TOTAL NUMBER OF EMPLOYEES IN BARGAINING UNIT K: 55

50% = 27.5

MEMBERS OF UNIT K REPRESENTED BY BBFFA: 31 PERCENTAGE OF BARGAINING UNIT K: 56.4%

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DECLARATION OF MICHAEL LUCEY

I, Michael Lucey, am submitting this Declaration in support of the BATTLE BORN FIREFIGHTERS ASSOCIATION'S PETITION FOR DESIGNATION AS THE EXCLUSIVE REPRESENTATIVE FOR BARGAINING UNIT K: FIREFIGHTERS. I declare that I have personal knowledge, unless stated otherwise, and am competent to testify to the following facts:

1. I am over the age of eighteen (18) years.

2. I am employed by the State of Nevada as a Crew Supervisor III.

3. I am a member of the Battle Born Firefighters Association ("BBFFA"), a Nevada Non-Profit Corporation, which is the Petitioner in the subject matter.

I currently hold the position of President on BBFFA's Executive Board and at all
times relevant to this matter I have held the position of President.

I verify that the membership list that BBFFA has provided with its Petition is a true
representation of BBFFA's membership and that the numbers BBFFA has provided to prove that it
represents more than fifty percent (50%) of State Firefighters is accurate to the best of my
knowledge.

6. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

18 19 Michael/Lucey 20

10/12/20 Date

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FILED OCT 14 2020 STATE OF NEVADA E.M.R.B.

EMRB CASE 2020-023

AUDIT REPORT OF THE REPRESENTATION PETITION

Filed by

BATTLE BORN FIREFIGHTERS ASSOCIATION

For

UNIT K – FIREFIGHTERS

Background Information

On October 13, 2020, the Battle Born Firefighters Association ("BBFFA") filed a Petition for Recognition for Unit K pursuant to NRS 288.520. The employees in this bargaining unit are full-time and seasonal firefighters. All the employees in the bargaining unit work for the state proper and none are employed by the Nevada System of Higher Education.

Attached to the Petition for Recognition were four exhibits as follows:

- 1. Sample BBFFA Representation Authorization Card;
- 2. BBFFA Membership List for Unit K Bargaining Unit Members Only;
- 3. State Employees in Unit K as of August 31, 2020; and
- 4. Declaration of BBFFA President Michael Lucey.

Exhibits 1 and 2 are attached to this audit report as Appendix A and Appendix B.

Methodology

In addition to using the exhibits, as submitted by BBFFA, staff also obtained one additional document from the State of Nevada. This document was a spreadsheet of all classified employees employed by the State ("Master Roster"), dated as of August 31, 2020, which was the most recent copy available at the time the petition was filed. The spreadsheet not only contains the names of classified employees but also contains, among other information, each employee's job title and code. Staff extracted from the Master Roster all the employees who have a job title included for this bargaining unit, thus creating a new spreadsheet entitled "Unit K Roster." The number of employees for each specific job title for this bargaining unit are contained in Table 1. There are 55 employees in the bargaining unit, as follows:

Table 1: Number of Employees in Unit K by Job Title

Title Code	Job Title	Count
1.819	Firefighter 2	3
1.852	Firefighter 1	3
1.828	Seasonal Firefighter 3	2
1.829	Seasonal Firefighter 2	2
1.831	Seasonal Firefighter 1	37
11.703	Crew Chief-Air Nat'l Guard	4
<u>11.705</u>	Firefighter/Driver Operator	4
	Total	55

Staff then added an additional column to the Unit K Roster spreadsheet and placed in "X" in that column for each person who appeared on Exhibit 2 as submitted with the petition filed by BBFFA. It should be noted that the numbers in the above table also match Exhibit 3 as submitted as part of the petition. Staff also reviewed the 31 representation authorizations cards separately submitted by the petitioner.

Limitations on the Audit

The audit only looked at the four corners of the authorization cards, the two exhibits as provided by BBFFA, and the spreadsheet provided by the State. The audit did not seek to verify the accuracy of any of the signatures on the authorization cards nor did the staff conduct any interviews of those signing authorization cards for the purpose of determining whether a given employee's signature may have been unlawfully obtained.

Audit Results

The results of the audit are that there are 31 instances in which BBFFA listed the employee on its membership list (Exhibit 2 to the petition) and for which it also subsequently produced a representation authorization card with a signature and a date that was within one year of the filing of the petition for

recognition. There were also 24 instances in which an employee was on the Unit K Roster but for which

there was no evidence from any source that such an employee supported BBFFA.

Standard for Designation of an Exclusive Representative or to Call for an Election

NRS 288.520 provides:

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

As detailed in Table 1 above, there are 55 employees in the bargaining unit. Thus, to meet the

requirement of NRS 288.520 there must be evidence supporting the petition of at least 28 employees.

Staff Recommendation

Staff believes that the employees for whom representation authorization cards were produced are verified and thus should be counted. Accordingly, staff believes that there are 31 verified bargaining Unit K employees, which would place the percentage at 56.4%, and thus the requirements of NRS 288.520 are met and that the Board should thus designate the Battle Born Firefighters Association as the exclusive representative of the Unit K bargaining unit without ordering an election.

It is the province of the Board to make the final decision, after taking into consideration the original petition filed by BBFFA, this audit report and any response of the State to both the petition and this audit report. In doing so the Board may either designate BBFFA as the exclusive representative of Unit K or call for a hearing to obtain additional evidence to determine whether a given standard has or has not been met.

APPENDIX A

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BATTLE BORN FIREFIGHTERS ASSOCIATION

REPRESENTATION AUTHORIZATION

Name:		
Last	First	MI
Address:		
City	State	ZIP
Phone: Home	Ce	al
Personal email:		
Employer:		
Agency	Division	
Position/Classification:		

I hereby designate the Battle Born Firefighters Association as my exclusive collective bargaining representative in matters pertaining to wages, hours, and other terms and conditions of my employment and rescind any prior representation authorization that I signed.

Signature: _____ Date: _____

Pursuant to NRS 288.400 *et seq.* specified State employees have the right to organize, form, join and assist labor organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities.

APPENDIX B

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BBFFA UNIT K MEMBERS

lob Code	Position Title	ORG	Agency	Budget	Department	Last	First	MI
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	ALM	JOSHUA	B
01.852	FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	ARRIOLA	ALEXANDER	M
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	BERNARDI	CRUZ	5
01.819	FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	BRANDEBURG	COLE	M
01.829	SEASONAL FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	CORRILO ORTIZ	FRANCISCO	
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	DAYTON	JARED	K
01.828	SEASONAL FIREFIGHTER 3	706	FORESTRY DIVISION	4195	HR-FORESTRY	ESCH	BRIAN	E
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	FOSTER	LOGAN	A
01.819	FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	GONZALEZ-SANCHEZ	JOSUE	
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	HARDING	JON	M
01.852	FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	JARES	ALEX	B
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	KUNTZ	CHRISTIAN	T
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	MACDONALD	CHASE	A
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	METZ	DAVID	E
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	MOLINA	GABRIEL	A
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	MOORE	AUSTIN	C
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	MORSE	DEREK	T
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	ORTIZ	SETH	M
01.819	FIREFIGHTER 2	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	PARKIN	ALÁN	S
01.829	SEASONAL FIREFIGHTER 2	706	FORESTRY DIVISION	4195	HR-FORESTRY	RAUH	AUSTIN	L
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	RYAN	DANIEL	M
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	SCHULTZ	ROBERT	C.
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	SIMPSON	JERRY	D
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	SINDLINGER	ALBERT	E
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	SMITH	LOGAN	M
01.828	SEASONAL FIREFIGHTER 3	706	FORESTRY DIVISION	4195	HR-FORESTRY	STEIN	SAMUEL	C
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01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	VAN RENSSELAER	MAXIMILIAN	
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	WEIL	KODY	A
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4195	HR-FORESTRY	WELSCH	ANDREA	Т
01.831	SEASONAL FIREFIGHTER 1	706	FORESTRY DIVISION	4194	HR-WILDLAND FIRE PROTECTION PR	WOODWORTH	WYATT	J