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FILED
March 27, 2024
State of Nevada
E.M.R.B.
11:38 a.m.

8 Representative for Petitioner

9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 **STATE OF NEVADA**

11 * * *

12 IN RE:

13 CASE NO.: **2024-012**

14 PETITION FOR ELECTION TO DETERMINE
15 THE EXCLUSIVE REPRESENTATIVE OF
16 BARGAINING UNIT L PURSUANT TO
17 SENATE BILL 166 OF THE OF THE 82nd
18 SESSION OF THE NEVADA LEGISLATURE

19 **NPOA PETITION**
20 **FOR ELECTION TO DESIGNATE**
21 **THE EXCLUSIVE**
22 **REPRESENTATIVE**
23 **FOR BARGAINING UNIT L,**
24 **CATEGORY I LAW**
25 **ENFORCEMENT SUPERVISORS**

26 Pursuant to Senate Bill (SB) 166 of the 82nd Session of the Nevada Legislature (the “Act”) as enrolled, the Nevada Peace Officers Association (NPOA or collectively “labor organization”) and the Nevada Association of Public Safety Officers (NAPSO or collectively “labor organization”) file this petition to request an election to designate the exclusive representative pursuant to NRS 288.525, of the bargaining unit established by the State of Nevada, Government Employee-Management Relations Board (“EMRB”) for the Category I Law Enforcement Supervisors as indicated by Section 2 of the Act. Currently, no labor organization has been designated as the exclusive representative of Unit L consisting of Supervisory employees who are currently Category I peace officers.

27 NPOA certifies that it “has been authorized to serve as a representative by at least 30 percent but not more than 50 percent of the employees within” Unit L as required by NRS 288.525(1)(a) and that no other election to choose, change or discontinue representation has been

1 conducted within the bargaining unit during the immediately preceding 12 months. NRS
2 288.525(1)(b).

3 **DHRM Designated Positions for Unit L: Category I Peace Officers Supervisory Employees**

4 The State of Nevada (State), Department of Administration, Division of Human Resource
5 Management (DHRM) recommended and/or was ordered to place the following positions in Unit
6 L:

- 7 Unit L, Job Title Code: 13.101, Job Title: Agricultural Police Officer III
- 8 Unit L, Job Title Code: 13.115, Job Title: Staff Game Warden
- 9 Unit L, Job Title Code: 13.121, Job Title: Game Warden IV
- 10 Unit L, Job Title Code: 13.135, Job Title: Park Supervisor III (Commissioned)
- 11 Unit L, Job Title Code: 13.136, Job Title: Park Supervisor II (Commissioned)
- 12 Unit L, Job Title Code: 13.137, Job Title: Park Supervisor I (Commissioned)
- 13 Unit L, Job Title Code: 13.205, Job Title: DPS Sergeant
- 14 Unit L, Job Title Code: 13.204, Job Title: DPS Lieutenant
- 15 Unit L, Job Title Code: 13.215, Job Title: University Police Lieutenant
- 16 Unit L, Job Title Code: 13.221, Job Title: University Police Sergeant

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18 Unit L, as recommended by DHRM, appears to consist of 171 positions. NPOA/NAPSO
19 certify that it “has been authorized to serve as a representative by no less than 30 percent and no
20 more than 50 percent of the employees within” the DHRM recommended Unit L as required by
21 the NRS and Act. Well over 30 percent of the employees within Unit L have authorized NPOA to
22 serve as their representative.

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1 **Evidence Showing that NPOA/NAPSO Has Been Authorized to Serve as The**
2 **Exclusive Representative by No Less than 30 Percent and No More Than 50 Percent of the**
3 **Employees Within Unit L**

4
5 NPOA/NAPSO “has been authorized to serve as a representative by no less than 30 percent
6 and no more than 50 percent of the employees” Unit L as required by the Act. It is respectfully
7 submitted that the EMRB shall order an election to designate a labor organization as the exclusive
8 representative of the bargaining unit if a labor organization files with the Board a list of its
9 membership or other evidence showing that the labor organization has been authorized to serve as
10 a representative by no less than 30 percent and no more than 50 percent of the employees within
11 the bargaining unit.

12 This petition is accompanied separately with lists of NPOA/NAPSO’s members and/or
13 employees that have signed the labor organization’s membership or “Authorization for
14 Representation” card that authorizes NPOA/NAPSO to represent employees as their exclusive
15 representative¹. Please note that the Membership/Authorization Excel Spreadsheet (Alphabetized
16 spreadsheet) and Signed Authorization Cards are only being provided to the EMRB for the
17 purposes of establishing majority support and to become certified as the exclusive representative
18 of Unit L. The Exhibit(s) are submitted in confidence and should not be shared with any others,
19 without Union’s express authority. Attached hereto is an exemplar of the signature authorization
20 card which was signed by employees.

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22 **PRAYER FOR RELIEF**

23 WHEREFORE, NPOA/NAPSO request that the EMRB order an election to designate the
24 exclusive representative of Unit L, Category I Law Enforcement Supervisors, based on its
25 demonstrated support as required by NRS 288.525.

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¹ See, Letter dated March 27, 2024 enclosing Ex. 1 & 2 Membership/Authorization Spreadsheet and Signed Authorization Cards respectively.

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DATED this 27 day of March 2024.

Respectfully Submitted,

**NEVADA ASSOCIATION OF
PUBLIC SAFETY OFFICERS**

By: /s/ Andrew Regenbaum
ANDREW REGENBAUM, J.D.
Executive Director
145 Panama Street
Henderson, Nevada 89015

Representative for Petitioners



NEVADA PEACE OFFICER ASSOCIATION

The purpose of this form is to document your preference in having the Nevada Peace Officer Association (NPOA) (*formerly NSLEOA*) become the exclusive collective bargaining representative for State employed Category 1 Law Enforcement Supervisors.

Name _____

Mailing Address _____

Cell Phone _____

Work Email _____

Personal Email _____

Agency you work for _____

Job Title/Rank _____

REPRESENTATION AUTHORIZATION

I hereby designate the Nevada Peace Officer Association (NPOA) / Nevada Association of Public Safety Officers (NAPSO) as my exclusive collective bargaining representative.

Signature

Date Signed

CERTIFICATE OF ELECTRONIC FILING

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This is to certify that on the 21 day of March, 2024, the undersigned, the office manager at the Nevada Association of Public Safety Officers, electronically filed the foregoing NPOA/NAPSO Petition for an election to designate the exclusive representative for Bargaining Unit L, Category I Law Enforcement Supervisors with the EMRB (emrb@business.nv.gov) and the following:

Administrator, Department of Human Resources Management
Blasdel Building
209 East Musser Street, Suite 101
Carson City, Nevada 89701-4204

By: Christine LoVasco
Christine LoVasco

1 ANDREW REGENBAUM, J.D.
2 NEVADA ASSOCIATION OF PUBLIC SAFETY OFFICERS
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FILED
April 25, 2024
State of Nevada
E.M.R.B.
10:45 a.m.

8 Representative for Petitioner

9 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 **STATE OF NEVADA**

11 * * *

12 IN RE:

13 CASE NO.: **2024-012**

14 PETITION FOR ELECTION TO DETERMINE
15 THE EXCLUSIVE REPRESENTATIVE OF
16 BARGAINING UNIT L PURSUANT TO
17 SENATE BILL 166 OF THE OF THE 82nd
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19 **NPOA PETITION**
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21 **THE EXCLUSIVE**
22 **REPRESENTATIVE**
23 **FOR BARGAINING UNIT L,**
24 **CATEGORY I LAW**
25 **ENFORCEMENT SUPERVISORS**

26 Pursuant to Senate Bill (SB) 166 of the 82nd Session of the Nevada Legislature (the “Act”) as enrolled, the Nevada Peace Officers Association (NPOA or collectively “labor organization”) and the Nevada Association of Public Safety Officers (NAPSO or collectively “labor organization”) file this supplemental petition to request an election to designate the exclusive representative pursuant to NRS 288.525, of the bargaining unit established by the State of Nevada, Government Employee-Management Relations Board (“EMRB”) for the Category I Law Enforcement Supervisors as indicated by Section 2 of the Act. Currently, no labor organization has been designated as the exclusive representative of Unit L consisting of Supervisory employees who are currently Category I peace officers.

27 NPOA certifies that it “has been authorized to serve as a representative by at least 30 percent but not more than 50 percent of the employees within” Unit L as required by NRS 288.525(1)(a) and that no other election to choose, change or discontinue representation has been

1 conducted within the bargaining unit during the immediately preceding 12 months. NRS
2 288.525(1)(b). NPOA submitted a Petition for Election to Designate the Exclusive Representative
3 for Bargaining Unit L, pursuant to NRS 288.525, on or about March 27, 2024. This supplemental
4 petition is solely to file additional signatures of employees within the proposed bargaining unit
5 who wish to authorize NPOA to serve as their representative.

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7 **Evidence Showing that NPOA/NAPSO Has Been Authorized to Serve as The**
8 **Exclusive Representative by No Less than 30 Percent and No More Than 50 Percent of the**
9 **Employees Within Unit L**

10
11 NPOA/NAPSO “has been authorized to serve as a representative by no less than 30 percent
12 and no more than 50 percent of the employees” Unit L as required by the Act. It is respectfully
13 submitted that the EMRB shall order an election to designate a labor organization as the exclusive
14 representative of the bargaining unit if a labor organization files with the Board a list of its
15 membership or other evidence showing that the labor organization has been authorized to serve as
16 a representative by no less than 30 percent and no more than 50 percent of the employees within
17 the bargaining unit.

18 This supplemental petition is accompanied separately with a list of additional
19 NPOA/NAPSO’s members and/or employees that have signed the labor organization’s
20 membership or “Authorization for Representation” card that authorizes NPOA/NAPSO to
21 represent employees as their exclusive representative¹ since the March, 2024 filing. Please note
22 that the Membership/Authorization Excel Spreadsheet (Alphabetized spreadsheet) and Signed
23 Authorization Cards are only being provided to the EMRB for the purposes of establishing
24 majority support and to become certified as the exclusive representative of Unit L. The Exhibit(s)
25 are submitted in confidence and should not be shared with any others, without Union’s express
26 authority.

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¹ See, Letter dated April 25, 2024 enclosing Ex. 1 & 2 Membership/Authorization Spreadsheet and Signed
Authorization Cards respectively.

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PRAYER FOR RELIEF

WHEREFORE, NPOA/NAPSO request that the EMRB order an election to designate the exclusive representative of Unit L, Category I Law Enforcement Supervisors, based on its demonstrated support as required by NRS 288.525.

DATED this 25th day of April 2024.

Respectfully Submitted,

**NEVADA ASSOCIATION OF
PUBLIC SAFETY OFFICERS**

By: /s/ Andrew Regenbaum
ANDREW REGENBAUM, J.D.
Executive Director
145 Panama Street
Henderson, Nevada 89015

Representative for Petitioners

CERTIFICATE OF ELECTRONIC FILING

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This is to certify that on the 25th day of April, 2024, the undersigned, the office manager at the Nevada Association of Public Safety Officers, electronically filed the foregoing NPOA/NAPSO Petition for an election to designate the exclusive representative for Bargaining Unit L, Category I Law Enforcement Supervisors with the EMRB (emrb@business.nv.gov) and the following:

Administrator, Department of Human Resources Management
Blasdel Building
209 East Musser Street, Suite 101
Carson City, Nevada 89701-4204

By: Christine LoVasco
Christine LoVasco

FILED
May 1, 2024
State of Nevada
E.M.R.B.

EMRB CASE 2024-012

**AUDIT REPORT OF THE PETITION FOR ELECTION TO
DESIGNATE THE EXCLUSIVE REPRESENTATIVE**

Filed by

**NEVADA PEACE OFFICER ASSOCIATION AND
NEVADA ASSOCIATION OF PUBLIC SAFETY
OFFICERS**

For

**UNIT L – CATEGORY I PEACE OFFICER
SUPERVISORS BARGAINING UNIT**

Background Information

On March 27, 2024, the Nevada Peace Officer Association (“NPOA”), affiliated with the Nevada Association of Public Safety Officers, filed the NPOA Petition for Election to Designate the Exclusive Representative for Bargaining Unit L, Category I Law Enforcement Supervisors. The purpose of the petition is to seek to request that an election be held for Unit L pursuant to NRS 288.525. Unit L was established by signing into law Senate Bill 166 of the most recent legislative session. The employees in this bargaining unit are Category I Peace Officer Supervisors. These peace officer supervisors work in various State agencies including the Nevada System of Higher Education (“NSHE”).

Also submitted by the Petitioner was 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 this report.

Subsequently, on April 25, 2024 the NPOA filed a supplemental petition and separately sent three additional authorization cards for inclusion in their petition.

Methodology

In addition to the information provided by the Petitioners as detailed above, staff also obtained a master roster of all employees currently employed by the State (“State Master Roster”). This spreadsheet was dated as of April 8, 2024. The spreadsheet not only contains the names of 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 unit¹, thus creating a new spreadsheet entitled “State Unit L Roster.”

¹ 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.

In addition to the State Master Roster, on April 10, 2024, the EMRB also received from NSHE a list of employees (“NSHE Unit L Roster”) in the bargaining unit that had information similar to that on the State Unit L Roster.

The number of employees for each specific job title for this bargaining unit are contained in Table

1. There are a total of 185 employees in the bargaining unit.

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

<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

Staff then compared the List as provided by NPOA with the copies of the authorization cards submitted. Staff also compared the List to the State Unit L Roster and the NSHE Unit L Roster to ensure that the persons listed on the List were current employees of the State (or NSHE) assigned to a job classification within the bargaining unit. Staff also inspected the authorization cards to ensure the cards had a date within one year of submittal of the petition² as well as a signature.

Limitations on the Audit

The audit only looked at the four corners of the authorization cards, the information as provided by the Petitioners and the Unit O Roster as provided by the State. The audit did not seek to verify the

² 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.

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 as follows:

1. There were 58 instances in which NPOA listed an employee as a member on its List and the employee was also listed on either the State Unit L Roster or the NSHE Unit L Roster – and thus are shown as holding a job title within the bargaining unit. These individuals also had a valid authorization card with a signature and a date within the last year.
2. There was 1 instance of an employee on the List and having a valid authorization card. However, the employee was not on either the State Unit L Roster or the NSHE Unit L Roster. Further investigation revealed that the employee had been recently promoted to the position of DPS Captain, which is not within the bargaining unit.

Standard for Calling for an Election to Designate an Exclusive Representative

NRS 288.525(1) provides:

1. If no labor organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:
 - (a) A labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it has been authorized to serve as a representative by at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and
 - (b) No other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

As detailed in Table 1 above, there are 185 employees in the bargaining unit. Thus, to meet the requirement of NRS 288.520 there must be evidence supporting the petition of at least 56 employees (185 X .30).

Staff Conclusion

Staff believes that the employees listed under group 1 under the Audit Results above are verified and thus should be counted. Staff believes that the employee listed under group 2 remains unverified and should not be counted. Based on the above paragraph, staff believes there are 58 verified bargaining unit employees. This would place the percentage at 31.4%.

Special Case of Duplicate Memberships in Labor Organizations

In prior decisions, the Board has held that employees may be members or sign authorization cards for more than one labor organization. *See, e.g., Item #858*. Below is an extract from that order:

At the Board meeting held December 17, 2019, Fernando Colon, Associate General Counsel for AFSCME, stated that there is nothing in the text of Senate Bill 135 which prohibits dual memberships when no labor organization has yet been named as the exclusive representative. Indeed, the plain and unambiguous text of NRS 288.520 that a labor organization seeking to be designated as the exclusive representative of a bargaining unit need only show evidence that it has been authorized to serve as “a” representative, not “the” representative. This, when coupled with the practice that the State itself has supported allowing employees to be members, and have dues deducted, from multiple unrecognized labor organizations, should not be used against a labor organization seeking to be recognized. *Brooklyn Gas Co.*, 110 NLRB 18, 20 (1955) (“There is no reason why employees, if they so desire, may not join more than one labor organization.”). *Pub. Employees’ Benefits Program v. Las Vegas Metro. Police Dep’t*, 124 Nev. 138, 147, 179 P.3d 542, 548 (2008) (“it is well established that, when interpreting a statute, the language of the statute should be given its plain meaning unless doing so violates the act’s spirit.”); *State, Div. of Ins. v. State Farm Mut. Auto. Ins. Co.*, 116 Nev. 290, 293–94, 995 P.2d 482, 485 (2000) (“Where the language of a statute is plain and unambiguous, and its meaning clear and unmistakable, there is no room for construction, and the courts are not permitted to search for its meaning beyond the statute itself.”).

To this end, 2 employees who signed cards presented by NPOA have also signed cards for the Nevada Police Union (“NPU”). Also, 16 employees who signed cards presented by NPOA are also currently members of NPU and show dues deducted for NPU by the State. Additionally, 2 employees who signed cards presented by NPOA are showing as having dues deducted for NPU by the State but do not show up on the NPU membership list. This totals 20 of the 58 employees for which staff recommends credit be given in the Staff Conclusion.



NEVADA PEACE OFFICER ASSOCIATION

The purpose of this form is to document your preference in having the Nevada Peace Officer Association (NPOA) (formerly NSLEOA) become the exclusive collective bargaining representative for State employed Category 1 Law Enforcement Supervisors.

Name _____

Mailing Address _____

Cell Phone _____

Work Email _____

Personal Email _____

Agency you work for _____

Job Title/Rank _____

REPRESENTATION AUTHORIZATION

I hereby designate the Nevada Peace Officer Association (NPOA) / Nevada Association of Public Safety Officers (NAPSO) as my exclusive collective bargaining representative.

Signature

Date Signed