



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
***Division of Human Resource Management***  
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**MEMORANDUM**  
**REVISED - HR#54-20**

**October 28, 2020**

**TO:** Directors  
Deputy Directors  
Administrators  
Agency Personnel Liaisons

**FROM:** Peter Long, Administrator *Peter Long*  
Division of Human Resource Management

**SUBJECT:** INFORMATION REGARDING EXCLUSIVE REPRESENTATION

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Senate Bill 135 of the 2019 Legislative Session authorized collective bargaining between the State of Nevada and certain State employees and provided the Government Employee-Management Relations Board (EMRB) with the responsibility of hearing and deciding certain disputes between the State and these employees. When an employee organization has been recognized by the EMRB as the exclusive representative for a bargaining unit, no other employee organization may represent any employee in that bargaining unit. The following information will ensure that the status of an exclusive representative is respected, that a representative of the recognized bargaining agent is present if requested and that the State of Nevada does not commit a prohibited practice.

Pursuant to Chapters 284 and 289 of the Nevada Revised Statutes and Chapter 284 of the Nevada Administrative Code, there are several processes that permit an employee to be represented by a person of their choosing, which include the grievance, nursing mother complaint, disciplinary and appeal processes. The sexual harassment and discrimination investigation process also permits an employee to be represented by a person of their choosing. In addition, some employing agencies permit an employee to bring a representative to certain informal meetings. Regardless of the authority for the designation of a representative, the following obligations apply.

The EMRB recently reaffirmed<sup>1</sup> that when an employee designates any person to appear as their representative, if such representation is permitted, an employer has the obligation to ask the employee whether they are a member of the employee organization recognized as the exclusive representative for the bargaining unit to which they belong. The EMRB also reaffirmed that an employer is obligated to inquire as to the nature of the relationship between the employee and their representative and the employment or affiliation of the representative. Finally, the EMRB reaffirmed that in any matter involving an employee who is not a member of the recognized bargaining agent, the recognized bargaining agent is entitled to be present to monitor compliance with the bargaining agreement and the provisions of Chapter 288 of the Nevada Revised Statutes.

Depending on the type of meeting, the employing agency or the Division of Human Resource Management may be responsible for making the inquiry. For example, if an employee designates a representative early in the grievance process, the employing agency would make the inquiry. If an employee does not designate a representative until he or she has submitted the grievance to the Employee-Management Committee, the Division of Human Resource Management would make the inquiry.

In order to help facilitate this requirement, the Division of Human Resource Management has revised the forms listed below. Please be aware some form numbers have been revised to reflect HR rather than NPD. It is also important to employing agencies to revise any internal procedures based on the above requirements.

Notice of Employee Rights During an Internal Investigation ([HR-32](#))

Specificity of Charges ([HR-41](#))

Appeal of “Whistleblower” Retaliation under the Provisions of NRS 281.641 ([HR-53](#))

Appeal of Dismissal, Suspension, Demotion or Involuntary Transfer ([HR-54](#))

Formal Grievance ([HR-50](#))

Nursing Mother Request of Retaliation Complaints Pursuant to NRS 281.755 ([HR-88](#))

Sexual Harassment or Discrimination Complaint Form ([HR-30](#))

If you have questions or concerns regarding this information, please contact Frank Richardson, Labor Relations Unit Deputy Administrator, at [frichardson@admin.nv.gov](mailto:frichardson@admin.nv.gov) or (775) 684-0105.

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<sup>1</sup> Government Employee-Management Relations Board Declaratory Order, Case No. 2020-011.