BEFORE THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

IN THE MATTER OF THE LAS VEGAS FEDERATION OF TEACHERS, LOCAL 2170, A.F.T.

versus

CLARK COUNTY SCHOOL DISTRICT, AND CLARK COUNTY CLASSROOM TEACHERS ASSOCIATION

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D E C I S I O N

HAVING COME REGULARLY FOR HEARING, on the 28th day of April, 1972, and petitioner and respondent having appeared and presented evidence through their counsel and the matter having been submitted for decision; the BOARD, having jurisdiction over the matter pursuant to NRS 288, hereby enters its decision as follows:

I.

The issues raised by the complainant, Las Vegas Federation of Teachers, Local 2170, A.F.T., revolved upon the relationship of the Clark County Classroom Teachers Association (CCCTA) to the state-level affiliate, the Nevada State Education Association (NSEA) and national affiliate, the National Education Association (NEA). NSEA and NEA admit to membership local supervisory personnel who have authority to direct members of the bargaining unit at work. The complainant charged that members of CCCTA could be dominated through this channel, contrary to the requirements of NRS 288, and asked, therefore, that recognition be withdrawn from CCCTA and awarded to the A.F.T. local.

II.

The NSEA has a membership of approximately 300 principals and other administrators and a membership of approximately

4,200 teachers. The general membership ratio as well as the ratio shown to exist for the constitution of the NSEA Board of Directors shows no domination by principals and administrators. While no direct evidence of domination could be found nor could any be assumed through the ratios of general membership or constitution of the Board of Directors, the Board, in considering the domination question, expresses its concern over the possible subtle psychological pressures that might make NSEA a much different expression of Nevada teachers' aspirations than would exist if the organization was constituted entirely of non-supervisory membership.

III.

The question of affiliation has permeated the correspondence, pleadings and evidence presented at the hearing on this matter. According to evidence offered by the respondents, the NSEA and NEA are considered to be "an association of affiliations." (Transcript page 36.) Respondents stated that the general purpose of the affiliation is to carry out mutually desirable goals from the local level to the state and national levels and to foster this goal a portion of the membership dues are forwarded to the higher level as is similarly done between locals and internationals of more traditional private sector labor organizations. The dues deduction question came before this Board on November 17, 1970, in the "Pen decision" whereby the exclusive right to contract for payroll dues deductions was granted to the CCCTA as the exclusive negotiating representative for teachers in that unit. In furtherance of their affiliation goals and in reliance upon the aforementioned decision, the CCCTA contracted with the Clark County School District on September 28, 1971, and an agreement was reached whereby payroll deductions for three affiliated organizations would be made. From that time, the Clark County School District has made payroll dues deductions for not only the CCCTA

but for its affiliated organizations, the NSEA and the NEA. This Board confirms its decision of November 17, 1970, known as the "Pen decision" and interprets that decision so as to allow the CCCTA to contract as it has with the Clark County School District for payroll dues deductions for not only itself but its affiliates as well.

IV.

NRS 288.270 (2) (a) provides as follows:

"It is a prohibitive practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter."

Evidence at the hearing indicated unequivocally that all members of CCCTA, as a condition of membership, must join NSEA and NEA. The Board finds this requirement to be a direct violation of the aforementioned statutory provision in that the CCCTA is in effect coercing membership in a separate an autonomous organization even though that organization is an affiliate. Such requirement of membership cannot be allowed.

WHEREFORE, The Board finds as follows:

FINDINGS OF FACT

1. That no principals or administrators in the NSEA belong to nor are they allowed membership in the local bargaining unit known as the CCCTA.

2. That no evidence of a possibility of significant domination of teachers by principals or administrators through the structure of NSEA or NEA has been shown.

3. That the CCCTA conducts a dues checkoff for itself

and its affiliate organization pursuant to its right to contract for the services under the Board's decision of November 17, 1970, known as the "Pen decision".

4. That the CCCTA represents a majority of the eligible employees in its appropriate negotiating unit.

5. The CCCTA makes as a condition of membership in its organization the required membership in the NEA and NSEA.

CONCLUSIONS OF LAW

1. The CCCTA negotiating unit does not allow administrators or principals to its membership and there is no violation of NRS 288.170.

2. No domination of teachers by principals or administrators through the structure of NSEA or NEA exists and there is no violation of domination prohibitions of Chapter 288 of Nevada Revised Statutes.

3. CCCTA is the recognized employee organization for its appropriate unit and is supported by a majority of the local government employees in the particular negotiating unit.

4. The CCCTA makes membership in the NEA and NSEA a condition precedent to membership in its organization in violation of NRS 288.270 (2) (a).

The Board hereby orders that the complaint on file be dismissed and that CCCTA remove within 90 days of this date any compulsory requirement for a teacher to join NSEA or NEA and that this fact of voluntary membership be made known to all members of CCCTA.

Las Vegas, Nevada June 9, 1972

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

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