BEFORE THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

IN THE MATTER OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, Local 1863, THOMAS MILLER, President. vs. CITY OF LAS VEGAS, NEVADA, A Municipal corporation; ORAN GRAGSON, its Mayor; Commissioners GEORGE E. FRANKLIN, Jr., HAL F. MORELLI, HANK THORNLEY, DR. ALEXANDER KOBELENTZ; and ART TRELEASE, City Manager.	Case No. 72-2

D E C I S I O N

This matter was submitted to the Local Government Employee-Management Relations Board upon a complaint filed by the American Federation of State, County and Municipal Employees, hereinafter referred to as AFSCME, and a hearing was conducted on June 2, 1972.

The complaint requested that the City of Las Vegas recognize Local 1863 of AFSCME as the sole collective bargaining agent for those employees comprising the blue collar workers of the City of Las Vegas, or in the alternative, that the City of Las Vegas hold an election among the blue collar workers for the purpose of determining whether AFSCME or the City Employees Association, hereinafter referred to as CEA, should serve as collective bargaining agent for said workers.

At the time of said hearing the evidence introduced showed that the City of Las Vegas lawfully recognized CEA as the exclusive negotiating representative of the non-uniformed employees of the City of Las Vegas. AFSCME failed to establish that CEA does not represent the majority of employees of the City of Las Vegas in the non-uniformed bargaining unit.

The Complainant also failed to demonstrate that a distinct unit described as a blue collar unit exists among the non-uniformed

employees of the City of Las Vegas. Despite the fact that conclusive evidence in this regard was not established, the Board does not conclude that such a unit classification might not exist. However, the evidence has failed to allow a contrary conclusion to the position that the lawfully recognized CEA now occupies.

The Board in good faith believes that the CEA represents a majority of the employees in the non-uniformed employee negotiating unit at the present time. In labor relations within the public sector, particularly where a no-strike clause prevails, large units more effectively serve the interests of the employees and therefore, clear and convincing evidence is necessary to persuade the Board to "carve out" smaller units from a large unit.

FINDINGS OF FACT

As findings of fact the Board finds as follows:

1. That in November of 1970 the City of Las Vegas recognized the CEA as the exclusive bargaining unit for the non-uniformed employees of the City of Las Vegas pursuant to the provisions of the Local Government Employee-Management Relations Act Chapter 288, Nevada Revised Statutes, and said recognition did comply with the Act.

2. That sufficient criteria to establish a distinct unit designation as a blue collar unit has not been shown to exist at the present time within the non-uniformed unit of the CEA.

3. That the evidence presented did not establish a good faith doubt that the CEA does not represent a majority of employees in the lawfully recognized non-uniformed employees bargaining unit.

CONCLUSIONS OF LAW

1. The CEA is the duly recognized exclusive bargaining unit of the non-uniformed employees in the City of Las Vegas.

2. No distinct unit designation, described as a blue collar unit, exists at the present time among the non-uniformed

employees of the City of Las Vegas which would warrant the recognition of a separate community of interest from that of other employees in that unit.

3. No good faith doubt exists that the CEA represents a majority of the employees in the non-uniformed employee bargaining unit of the City of Las Vegas.

ORDER

The Board therefore orders the complaint dismissed without prejudice.

Las Vegas, Nevada July 31, 1972

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

Fred V. Scarpello, Chairman

Dennis Pletzke, Vice Chairman

Paul H. Dahlberg, Member