STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

| | |
|---|---|
| NEVADA CLASSIFIED SCHOOL EMPLOYEES ASSOCIATION,<br><br>Petitioner,<br><br>-vs-<br><br>LYON COUNTY SCHOOL BOARD TRUSTEES,<br><br>Respondent. | ITEM NO. 303<br><br>CASE NO. A1-045534<br><br>**DECLARATORY ORDER** |

For Petitioner: Michael E. Langton, Esq.
LANGTON & KILBURN

For Respondent: Nat Lommori, Associate Superintendent
LYON COUNTY SCHOOLS

For the EMRB: Salvatore C. Gugino, Chairman
Tamara Barengo, Vice Chairman
Howard Ecker, Board Member

Nevada Classified School Employees Association ("NCSEA") has requested that the Lyon County School Board of Trustees recognize it (NCSEA) as the exclusive bargaining representative for the bargaining unit consisting of Lyon County classified school employees. NCSEA provided the Board of Trustees with copies of its Constitution and By-Laws, a current list of officers and a pledge in writing not to strike, pursuant to NRS 288.160(1), at a meeting of the Board of Trustees on October 13, 1992. NCSEA also presented to the Board of Trustees, at the same meeting, one hundred eighteen (118) membership applications allegedly signed by 57% of the members of the bargaining unit. Upon the recommendations of Lyon County School Administration, the Board of Trustees voted

to "offer tentative recognition of the Lyon County Classifie School Employees Association, with final approval if feasible at the next meeting. Mr. Bauer indicated this would allow time for the signatures to be verified."

Upon review of the membership applications, Administration found the following alleged discrepancies:

> (1) Five (5) names were not valid as three (3) had terminated and two (2) were substitutes, thus leaving one hundred thirteen (113) names of classified employee of the two hundred six (206) employees in the bargaining unit; i.e., 54.8%.
>
> (2) There were allegedly three (3) separate forms utilized by those submitting membership applications, with eighty-three (83) applicants not indicating any chapter affiliation; twenty-one (21) indicating Chapter 7; four (4) indicating Chapter 8; one (1) indicating Chapter 2; and four (4) placing a check mark in the blank.
>
> (3) In the Constitution and By-laws submitted to the Board of Trustees, Article III Membership, Section 4 - Dues shall be $10.00 per month. However, on the application for membership, not a single person indicated that the dues were $10.00 per month, rather, eighty-eight (88) did not indicate any amount; three (3) showed $4.00 per month; seven (7) indicated $6.00 per month; seven (7) indicated $4.00 biweekly; two (2) indicated $8.00 per month; three (3) indicated $12.00 per month; and three (3) indicated $5.00 for a six month trial offer. (Allegedly, when the NCSEA leadership presented the By-laws and Constitution to the Superintendent and Associate Superintendent, they questioned the "promotional" $5.00 for six month trial period offer, as it was not listed in the By-laws and Constitution.)
>
> (4) On Monday, October 19, 1992, a classified employee allegedly asked the Associate Superintendent when the election was to be held. He allegedly indicated that he had signed a membership card at an organizational meeting like most that attended, but had not made up his mind and was wondering when the vote for recognition would take place.

There was no exception taken to any of the membership

applications based upon an alleged inability to verify the signature, which was the stated reason for reviewing the applications for membership.

With the exception of the three (3) applications for membership signed by individuals who had been terminated, this Board ("EMRB") finds that none of the alleged discrepancies alluded to by Lyon County School District Administration constitute a statutory basis for denying recognition to NCSEA as the exclusive bargaining agent for Lyon County classified school employees. The EMRB's review of the membership applications submitted reveals they are identical in form and substance and none of the alleged discrepancies involve information or documentation required by NRS 288.160.

Notwithstanding the board's findings as set forth above, it appears that it has been almost a year since many of the membership applications submitted by NCSEA were signed. (Some are even dated - perhaps erroneously - in January and February, 1991.) Accordingly, under the facts and circumstances of this particular case, and in view of the relatively long period of time involved in securing the requisite number of signed membership applications, the Board believes that an election should be held, pursuant to NRS 288.160(4), to determine whether or not NCSEA currently represents a majority of employees in the bargaining unit. For this reason,

IT IS HEREBY ORDERED that the parties promptly meet with this Board's Commissioner and negotiate an election agreement,

providing for an election by secret ballot within forty-five (45) days from the date of this Order, upon the question of representation for the Classified Employees of Lyon County Schools.

Each party shall bear its own fees and costs in the above-captioned matter.

DATED this 1st day of December, 1992.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By _____
SALVATORE C. GUGINO, Chairman

By _____
TAMARA BARENGO, Vice Chairman

By _____
HOWARD ECKER, Member