

1 **DISCUSSION**

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3 **WHAT CONSTITUTES AN APPROPRIATE UNIT**
4 **FOR THE PURPOSE OF AN ELECTION FOR**
5 **REPRESENTATION REGARDING SAID APPLICATION?**

6 The Petition for Recognition submitted by CCPTA requests recognition as the sole collective
7 bargaining representative for trade workers employed in the General Services/Facilities Division of
8 the County. Testimony and evidence introduced at the Hearing showed that the County lawfully
9 recognized SEIU as the exclusive bargaining agent of the employees of the proposed unit.

10 It is the responsibility of the Applicant to provide clear and convincing evidence as to the
11 appropriateness of the carve out. In American Federation of State, County and Municipal
12 Employees, AFL-CIO, Local 1863 vs. City of Las Vegas, Nevada, (Item No. 9), the Board stated,
13 "Despite the fact that conclusive evidence in this regard was not established, the Board does not
14 conclude that such a unit classification might not exist. However, the evidence has failed to allow
15 a contrary conclusion to the position that the lawfully recognized CEA now occupies."

16 At the hearing of May 1, 1997, or by pleading, CCPTA failed to prove by clear and
17 convincing evidence that the community of interest as alleged in the petition was sufficiently distinct
18 from the general membership as currently represented by SEIU. The evidence supporting the carve
19 out is not sufficient to warrant granting said application for recognition.

20 **FINDINGS OF FACT**

- 21 1. That the Petitioner, Clark County, is a local government employer.
- 22 2. That the Applicant, Clark County Professional Traders Association, has
23 appropriately filed a Petition for Recognition.
- 24 3. That the Intervenor, SEIU Local 1107, is the recognized bargaining agent for the
25 represented employees of Clark County who are the subject of said Petition for Recognition.
- 26 4. That the Applicant failed to meet the burden of clear and convincing evidence to
27 support a carve out of this proposed unit.

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1 **CONCLUSIONS OF LAW**

2 1. That the Local Government Employee-Management Relations Board has jurisdiction
3 over the parties and the subject matter of this Petition pursuant to the provisions of NRS Chapter
4 288.

5 2. That the Petitioner, Clark County, is a local government employer as defined by NRS
6 288.060.

7 3. That the Applicant, Clark County Professional Traders Association, has
8 appropriately filed a Petition for Recognition as provided for under NRS 288.160.

9 4. That the Intervenor, SEIU Local 1107, is an employee organization as defined by NRS
10 288.040.

11 5. That the Applicant failed to show clear and convincing evidence of a community of
12 interest as provided for under NRS 288.170(1).

13 **DECISION AND ORDER**

14 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Application for
15 Recognition is denied without prejudice, each side to bear its own costs and attorney fees.

16 DATED this 30th day of June 1997.

17 LOCAL GOVERNMENT EMPLOYEE-
18 GOVERNMENT RELATIONS BOARD

19 By Christopher W. Voisin
20 CHRISTOPHER W. VOISIN, Chairman

21 By Tamara E. Barengo
22 TAMARA BARENGO, Vice-Chairman

23 By David Goldwater
24 DAVID GOLDWATER, Board Member