

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
4

5 CARSON-TAHOE HOSPITAL,
6 Petitioner,

7 vs.

8 OPERATING ENGINEERS, LOCAL NO. 3,
9 OF THE INTERNATIONAL UNION OF
10 OPERATING ENGINEERS, AFL-CIO,
11 Applicant,

12 CARSON-TAHOE HOSPITAL EMPLOYEES
13 ASSOCIATION,
14 Intervenor.

ITEM NO. 455C

CASE NO. A1-045665

ORDER

13 For Petitioner: Charles P. Cockerill, Esq.
14 Bischof, Hungerford & Cockerill

15 For Applicant: Matthew J. Gauger, Esq.
16 Van Bourg, Weinberg, Roger & Rosenfeld

17 For Intervenor: Walter R. Tarantino, Esq.
18 Law Offices of Walter Tarantino

19 On November 5, 1999, Petitioner CARSON-TAHOE HOSPITAL (hereafter "Hospital") filed
20 an objection to a petition for unit modification and request for recognition by the OPERATING
21 ENGINEERS, LOCAL NO. 3, OF THE INTERNATIONAL UNION OF OPERATING
22 ENGINEERS, AFL-CIO (hereafter "Union") for its registered nurses employees.

23 On January 3, 2000, a petition to intervene in this matter was filed by the CARSON-TAHOE
24 HOSPITAL EMPLOYEES ASSOCIATION (hereafter "Association"), which was granted by the
25 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD (hereafter
26 "Board") on January 11, 2000.

27 On March 28, 2000, a hearing was held before the Board, during which it heard oral
28 arguments from counsel and testimony from various witnesses as well as received evidence. On
June 30, 2000, the Board entered its decision and order denying the unit modification. Although the

1 registered nurses are a unique employee group requiring specialized education, training, and
2 licensure or certification, the Union failed to prove by clear and convincing evidence that it had the
3 requisite majority of employees for the proposed bargaining unit.

4 A petition for rehearing was timely filed with the Board on July 12, 2000; and on July 20,
5 2000, the Hospital filed a "motion to strike Local 3's motion for rehearing."

6 On July 28, 2000, noticed in accordance with Nevada's Open Meeting Law, deliberations
7 were conducted by the Board on said petition for rehearing and on the issue of the appropriateness
8 of said "motion to strike Local 3's motion for rehearing," and based upon such deliberations,

9 IT IS HEREBY ORDERED that the petition for rehearing is denied.

10 IT IS FURTHER ORDERED that, pursuant to NAC 288.362, no answer to a petition for
11 rehearing will be entertained by the board and, based thereupon, IT IS HEREBY ORDERED that
12 the Hospital's motion is rejected as being inappropriate.

13 DATED THIS 7th day of August, 2000.

14 LOCAL GOVERNMENT EMPLOYEE-
15 MANAGEMENT RELATIONS BOARD

16 BY

David Goldwater
17 DAVID GOLDWATER, ESQ., Chairman

18 BY

Karen L. McKay
19 KAREN L. MCKAY, Vice Chairman

20 BY

John E. Dicks
21 JOHN E. DICKS, ESQ., Board Member