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**STATE OF NEVADA**  
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT**  
**RELATIONS BOARD**

CARSON-TAHOE HOSPITAL,  
Petitioner,

vs.

OPERATING ENGINEERS, LOCAL NO. 3,  
OF THE INTERNATIONAL UNION OF  
OPERATING ENGINEERS, AFL-CIO,  
Applicant,

CARSON-TAHOE HOSPITAL EMPLOYEES  
ASSOCIATION,  
Intervenor.

ITEM NO. 456C

CASE NO. A1-045669

**ORDER**

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

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

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

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18 On November 16, 1999, Petitioner CARSON-TAHOE HOSPITAL (hereafter "Hospital")  
19 filed an objection to a petition for unit modification and request for recognition by the OPERATING  
20 ENGINEERS, LOCAL NO. 3, OF THE INTERNATIONAL UNION OF OPERATING  
21 ENGINEERS, AFL-CIO (hereafter "Union") for its respiratory therapists employees.

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

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

1 respiratory therapists 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 7<sup>th</sup> 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

*J. E. Dicks* FOR JOHN DICKS

21 JOHN E. DICKS, ESQ., Board Member