STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

WASHOE COUNTY TEACHERS ASSOCIATION, Complainant, vs. WASHOE COUNTY SCHOOL DISTRICT, Respondent.	**ITEM NO. 470** **CASE NO. A1-045678** **ORDER**

For Complainant: Sandra G. Lawrence, Esq.
Dyer, Lawrence, Cooney & Penrose

For Respondent: C. Robert Cox, Esq.
Walther, Key, Maupin, Oats, Cox, Klaich & LeGoy

On or about March 1, 2000, a petition for a declaratory order was filed by the Washoe County Teachers Association (hereafter "Union"), through its counsel, requesting an order that a unilateral change in the number of hours required of teachers at a certain school had occurred as a result of the actions of the Washoe County School District (hereafter "District"). The change would require the teachers to work for 7 ½ hours rather than their previous work schedule of 6 hours, 15 minutes. The Union contends that such a change in work hours is significantly related to a mandatory subject of bargaining; and that such mandatory bargaining should occur prior to the change in hours.

On April 3, 2000, the District filed its response to the petition arguing that the total number of hours worked per day was negotiated at 7 ½ hours and that the District is merely reallocating resources to assure that the 7 ½ hours are worked by the teachers in locations where staffing is needed. The District further contends that Article 18.1 of the parties' collective bargaining agreement provides for the 7 ½ hours which the District is attempting to enforce by a change in the content of the workday without affecting the total hours of work required.

This matter was scheduled for deliberations pursuant to the Nevada Open Meeting Law and the Board conducted such deliberations on the 31st day of May, 2000.

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BASED upon the arguments raised in the above-described documents filed by the parties, and good cause appearing therefrom, IT IS HEREBY ORDERED that the petition for declaratory order is granted and ORDERS as follows:

(1) In this specific instant, and only in the instance of one party requesting strict compliance with the terms of the collective bargaining agreement requiring 7 ½ hours of work from the teachers, that such is not a prohibited unilateral change but is a change in the contents of the workday which is an employers' right under NRS 288.150(3)(c)(2) and that the language requiring 7 ½ hours is clear and unambiguous, requiring no further interpretation by this Board, and

(2) That no waiver of the employer's right has been demonstrated in the present situation by "clear and unmistakable evidence of past conduct" and/or practice in light of the Union's failure to protest the prior changes by the District of the teachers' class time schedules or the elimination of home prep time in 1998; such "clear and unmistakable evidence of past conduct and/or practice" standard has been previously decided by this Board in Order Item #311.

DATED this 30th day of June, 2000.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By _____
DAVID GOLDWATER, Chairman

By _____
KAREN L. McKAY, Vice-Chairperson

BASED upon the Board's deliberations, IT IS HEREBY ORDERED that the petition for rehearing is granted.

Pursuant to NAC 288.140(2)(b), this matter will be set for hearing and proceed according to NAC 288.280 to NAC 288.370.

DATED this 4th day of August, 2000.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By David Goldwater
DAVID GOLDWATER, ESQ., Chairman

By JZZ for John E Dicks
JOHN E. DICKS, ESQ., Board Member