

1 BEFORE THE LOCAL GOVERNMENT EMPLOYEES MANAGEMENT RELATIONS BOARD
2
3 IN THE MATTER OF LOCAL 731 of
4 I.A.F.F. and THE CITY OF RENO
5 FOR DETERMINATION OF BARGAINING
6 UNIT.

7
8 D E C I S I O N

9 HAVING COME ON REGULARLY FOR HEARING, on the 14th day of
10 January, 1972, and petitioner and respondent having appeared and
11 presented evidence through their counsel and the matter having
12 been submitted for decision; the BOARD, having jurisdiction over
13 the matter pursuant to N.R.S. 288.170 (2), hereby enters its
14 Decision as follows:

15 I.

16 Nevada Revised Statute 288.170, as amended, regarding
17 determination of negotiating units provides in pertinent part
18 that:

19 "Each local government employer which has recognized
20 one or more employer organizations shall determine after
21 consultation with such recognized organization or organi-
22 zations, which group or groups of its employees constitu-
23 te an appropriate unit or units for negotiating purposes.
24 The primary criterion for such determination shall be
25 community of interest among the employees concerned...

26 (A) local government department head, administrative
27 employee or supervisory employee shall not be a member of
28 the same negotiating unit as the employees under his
29 direction... In all cases, confidential employees of the
30 local government employer shall be excluded from any
31 negotiating unit." (emphasis added)

32 In reviewing the evidence and facts employed for deter-
mining the appropriate community of interest to conform to the
directive of the aforementioned statute, the BOARD has consi-
dered both the practical problems that might be assumed by the
City of Reno through a proliferation of bargaining units in each
of its recognized employee organizations; as well as the issue
of fragmentization of an employee organization leading ultimately

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1 to its dilution of effectiveness. In analyzing the appropriate unit
2 question with respect to community of interest, the BOARD is aware
3 that a broad interpretation of community of interest, although it
4 places a responsibility on the employees to develop a strong and
5 fairly representative negotiating team from all contributing
6 elements within each employee organization, provides the most
7 effective representation for the employees; we are equally concerned
8 with, and respect, the City's dilemma in not wishing to set a
9 precedent causing the creation of a series of various group units
10 that in fact defeat the ultimate goals of both local government
11 employee as well as employer.

12 However, the community of interest demonstrated to exist among
13 those employees of the Reno Fire Department represented by the
14 International Association of Firefighters seems to be the most
15 appropriate community of interest among the employees concerned.

16 Those employees are identified each as an employee of a particular
17 local government employer, they share a bond in hazardous duty,
18 their past history of bargaining has been that of a united member-
19 ship, the stability of the labor relationship with the City has
20 been proven over the years, there is an identity of career paths,
21 there is a unified public view of these employees, and there exists
22 a personal desire and view of the employee of himself as a fire-
23 fighter. Thus, there are in existence unusual circumstances to
24 allow this local government employer to recognize and negotiate
25 with only one employee organization for personnel in the fire
26 department with, however, recognition of appropriate bargaining
27 units to reflect both a distinction between non-supervisory
28 personnel and supervisory personnel as well as a community of
29 interest pursuant to the terms of N.R.S. 288.170 (as amended.)
30 To place Reno Fire Department personnel in other organizations
31 would be a violation of the primary criterion directed to be used
32 in determining the various appropriate bargaining units that cri-
33 terion being the community of interest among the employees

34 concerned.

1 The BOARD notes the most unusual circumstance and unique over-
2 riding community of interest shared by Reno Fire Department employees
3 who must each occasionally risk his life by proximating himself to
4 emergency danger either directly or indirectly in the regular per-
5 formance of his duties bearing the responsibility for the protection
6 of the lives of our citizens.

7 The BOARD, therefore, finds that:

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9 II.

10 FINDINGS OF FACT

11 1. Local 731 of the International Association of Firefighters
12 did obtain recognition as the sole bargaining representative of all
13 employees of the Reno Fire Department with the exception of chief and
14 assistant chief.

15 2. That fire prevention inspectors, equipment mechanics,
16 hydrant mechanics, and line firefighters, both operators and hosemen,
17 share an overriding community of interest as firefighters and should
18 be part of a non-supervisory bargaining unit within the International
19 Association of Firefighters organization as recognized by the City of
20 Reno.

21 3. That the officers - lieutenant through battalion chief -
22 and other supervisors - fire marshall, training officer, equipment
23 superintendent and supervising senior fire inspector, share an over-
24 riding community of interest as firefighters and should be separately
25 represented in a distinct bargaining unit of supervisory personnel
26 within the International Association of Firefighters organization
27 recognized by the City of Reno.

28 4. That the fire clerk is a confidential employee of the
29 local government employer.

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III,

CONCLUSIONS OF LAW

1. Local 731 of the International Association of Firefighters does represent all of the employees of the Reno Fire Department with the exception of chief and assistant chief.

2. That fire prevention inspectors, equipment mechanics, hydrant mechanics, and line firefighters share an overriding community of interest as firefighters and should be part of a non-supervisory bargaining unit within the International Association of Firefighters organization as recognized by the City of Reno.

3. That the officers - lieutenant through battalion chief - fire marshall, training officer, equipment superintendent and supervising senior fire inspector share an overriding community of interest as firefighters and should be separately represented in a distinct bargaining unit of supervisory personnel within the International Association of Firefighters organization recognized by the City of Reno.

4. The fire clerk is a confidential employee of the local government employer and should be excluded from any negotiating unit.

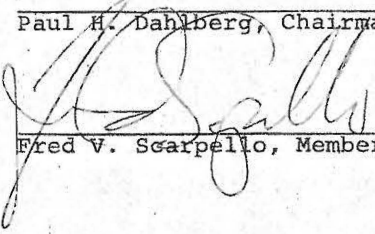
Las Vegas, Nevada

MARCH 6

1972

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

Paul H. Dahlberg, Chairman


Fred V. Scarpello, Member