

1 BEFORE THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

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4
5 IN THE MATTER OF THE OPERATING
6 ENGINEERS LOCAL UNION No. 3 OF
7 THE INTERNATIONAL UNION OF
8 OPERATING ENGINEERS, AFL-CIO.

9 versus

10 THE CITY OF RENO

11 O P I N I O N

12
13 The complainant, Operating Engineers Local Union No. 3,
14 raised the issue of whether NRS 288 permits an employer to
15 "recognize" a minority employee organization within a bargaining
16 unit, not for negotiation per se, but for purposes other than
17 negotiation such as grievance processing and payroll deduction for
18 union dues.

19 The Board set a hearing for March 17, 1972, and the parties
20 met in Reno, Nevada. Counsel for the Reno Municipal Employees
21 Association, whose bargaining unit includes the employees on whose
22 behalf Operating Engineers Local Union No. 3 brought this
23 recognition complaint, was also present at the hearing.

24 There was no evidence presented at the hearing by either the
25 Operating Engineers Local No. 3, the City of Reno, or the Reno
26 Municipal Employees Association. Each agreed to submit a state-
27 ment of interest and facts as a basis for the Board's decision
28 interpreting the Legislature's intent in the use of the word
29 "recognition" in NRS 288.

30 NRS 288 refers to recognition of employee organizations for
31 two purposes: negotiation and handling of grievances.

1 According to NRS 288.160 (3-c) an employee organization
2 can lose its recognition if it

3 "Ceases to be supported by a majority of the
4 local government employees in the negotiating
5 unit for which it is recognized." (Emphasis
6 added.)

6 NRS 288.140 (2) states:



7 "The recognition of an employee organization
8 for negotiation, pursuant to this chapter,
9 does not preclude any local government employee
10 who is not a member of that employee organiza-
11 tion from acting for himself with respect to
12 any condition of his employment, but any action
13 taken on a request or in adjustment of a
14 grievance shall be consistent with the terms of
15 an applicable agreement, if any." (Emphasis
16 added.)

13 The Legislature did not intend that a minority union be
14 recognized to handle grievances, or subsection 2 would have been
15 written differently.

16 It was the Board's interpretation of NRS 288 in an earlier
17 opinion, involving the American Federation of Teachers Local 1800
18 versus the Clark County School District and the Clark County
19 Classroom Teachers Association, issued November 17, 1970, that
20 rights granted to a majority employee organization as the exclusive
21 negotiating representative in a negotiating unit included the
22 exclusive right to (contract for) payroll deduction (of dues) and
23 the use of internal employer communication media. We hereby
24 affirm that decision.

25 IT IS ORDERED that the Complaint be dismissed.

26 Dated this 17th day of May, 1972.

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30 Paul H. Dahlberg, Chairman
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32 Dennis Pletzke, Member