

1 BEFORE THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

2
3 IN THE MATTER OF THE LAS VEGAS
4 FEDERATION OF TEACHERS, LOCAL 2170,
5 A.F.T.

6 versus

7 CLARK COUNTY SCHOOL DISTRICT, AND
8 CLARK COUNTY CLASSROOM TEACHERS
9 ASSOCIATION

10 D E C I S I O N

11 HAVING COME REGULARLY FOR HEARING, on the 28th day of
12 April, 1972, and petitioner and respondent having appeared and
13 presented evidence through their counsel and the matter having
14 been submitted for decision; the BOARD, having jurisdiction over
15 the matter pursuant to NRS 288, hereby enters its decision as
16 follows:

17 I.

18 The issues raised by the complainant, Las Vegas Feder-
19 ation of Teachers, Local 2170, A.F.T., revolved upon the relation-
20 ship of the Clark County Classroom Teachers Association (CCCTA)
21 to the state-level affiliate, the Nevada State Education Asso-
22 ciation (NSEA) and national affiliate, the National Education
23 Association (NEA). NSEA and NEA admit to membership local super-
24 visory personnel who have authority to direct members of the
25 bargaining unit at work. The complainant charged that members of
26 CCCTA could be dominated through this channel, contrary to the
27 requirements of NRS 288, and asked, therefore, that recognition
28 be withdrawn from CCCTA and awarded to the A.F.T. local.

29
30 II.

31 The NSEA has a membership of approximately 300 princi-
32 pals and other administrators and a membership of approximately

1 4,200 teachers. The general membership ratio as well as the ratio
2 shown to exist for the constitution of the NSEA Board of Directors
3 shows no domination by principals and administrators. While no
4 direct evidence of domination could be found nor could any be
5 assumed through the ratios of general membership or constitution
6 of the Board of Directors, the Board, in considering the domination
7 question, expresses its concern over the possible subtle psycho-
8 logical pressures that might make NSEA a much different expression
9 of Nevada teachers' aspirations than would exist if the organiza-
10 tion was constituted entirely of non-supervisory membership.

11
12 III.

13 The question of affiliation has permeated the corres-
14 pondence, pleadings and evidence presented at the hearing on this
15 matter. According to evidence offered by the respondents, the
16 NSEA and NEA are considered to be "an association of affiliations."
17 (Transcript page 36.) Respondents stated that the general purpose
18 of the affiliation is to carry out mutually desirable goals from
19 the local level to the state and national levels and to foster
20 this goal a portion of the membership dues are forwarded to the
21 higher level as is similarly done between locals and internationals
22 of more traditional private sector labor organizations. The dues
23 deduction question came before this Board on November 17, 1970,
24 in the "Pen_decision" whereby the exclusive right to contract for
25 payroll dues deductions was granted to the CCCTA as the exclusive
26 negotiating representative for teachers in that unit. In further-
27 ance of their affiliation goals and in reliance upon the afore-
28 mentioned decision, the CCCTA contracted with the Clark County
29 School District on September 28, 1971, and an agreement was
30 reached whereby payroll deductions for three affiliated organiza-
31 tions would be made. From that time, the Clark County School
32 District has made payroll dues deductions for not only the CCCTA

1 but for its affiliated organizations, the NSEA and the NEA. This
2 Board confirms its decision of November 17, 1970, known as the
3 "Pen decision" and interprets that decision so as to allow the
4 CCCTA to contract as it has with the Clark County School District
5 for payroll dues deductions for not only itself but its affiliates
6 as well.

7
8 IV.

9 NRS 288.270 (2) (a) provides as follows:

10 "It is a prohibitive practice for a local govern-
11 ment employee or for an employee organization or its designated
12 agent willfully to:

13 (a) Interfere with, restrain or coerce any employee
14 in the exercise of any right guaranteed under this
15 chapter."

16 Evidence at the hearing indicated unequivocally that
17 all members of CCCTA, as a condition of membership, must join NSEA
18 and NEA. The Board finds this requirement to be a direct violation
19 of the aforementioned statutory provision in that the CCCTA is in
20 effect coercing membership in a separate an autonomous organiza-
21 tion even though that organization is an affiliate. Such require-
22 ment of membership cannot be allowed.

23 WHEREFORE, The Board finds as follows:

24
25 FINDINGS OF FACT

26 1. That no principals or administrators in the NSEA
27 belong to nor are they allowed membership in the local bargaining
28 unit known as the CCCTA.

29 2. That no evidence of a possibility of significant
30 domination of teachers by principals or administrators through
31 the structure of NSEA or NEA has been shown.

22 3. That the CCCTA conducts a dues checkoff for itself

1 and its affiliate organization pursuant to its right to contract
2 for the services under the Board's decision of November 17, 1970,
3 known as the "Pen decision".

4 4. That the CCCTA represents a majority of the
5 eligible employees in its appropriate negotiating unit.

6 5. The CCCTA makes as a condition of membership in
7 its organization the required membership in the NEA and NSEA.

8
9 CONCLUSIONS OF LAW

10 1. The CCCTA negotiating unit does not allow adminis-
11 trators or principals to its membership and there is no violation
12 of NRS 288.170.

13 2. No domination of teachers by principals or adminis-
14 trators through the structure of NSEA or NEA exists and there is
15 no violation of domination prohibitions of Chapter 288 of Nevada
16 Revised Statutes.

17 3. CCCTA is the recognized employee organization for
18 its appropriate unit and is supported by a majority of the local
19 government employees in the particular negotiating unit.

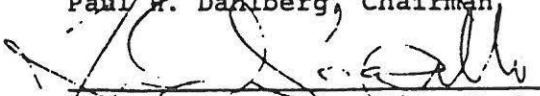
20 4. The CCCTA makes membership in the NEA and NSEA a
21 condition precedent to membership in its organization in violation
22 of NRS 288.270 (2) (a).

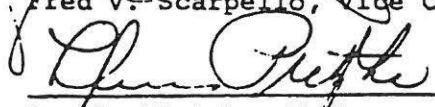
23 The Board hereby orders that the complaint on file be
24 dismissed and that CCCTA remove within 90 days of this date any
25 compulsory requirement for a teacher to join NSEA or NEA and that
26 this fact of voluntary membership be made known to all members of
27 CCCTA.

28 Las Vegas, Nevada June 9, 1972

29 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

30 
31 Paul H. Dahlberg, Chairman

32 
Fred V. Scarpello, Vice Chairman


Dennis Pletzke, Member