

BEFORE THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

IN THE MATTER OF THE AMERICAN FEDERATION )  
OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, )  
AFL-CIO, Local 1863, THOMAS MILLER, )  
President. )

vs. )

Case No. 72-2

CITY OF LAS VEGAS, NEVADA, A Municipal )  
corporation; ORAN GRAGSON, its Mayor; )  
Commissioners GEORGE E. FRANKLIN, Jr., )  
HAL F. MORELLI, HANK THORNLEY, )  
DR. ALEXANDER KOBELENTZ; and ART TRELEASE, )  
City Manager. )

# D E C I S I O N

This matter was submitted to the Local Government Employee-  
Management Relations Board upon a complaint filed by the American  
Federation of State, County and Municipal Employees, hereinafter  
referred to as AFSCME, and a hearing was conducted on June 2, 1972.

The complaint requested that the City of Las Vegas recog-  
nize Local 1863 of AFSCME as the sole collective bargaining agent for  
those employees comprising the blue collar workers of the City of Las  
Vegas, or in the alternative, that the City of Las Vegas hold an  
election among the blue collar workers for the purpose of determining  
whether AFSCME or the City Employees Association, hereinafter  
referred to as CEA, should serve as collective bargaining agent for  
said workers.

At the time of said hearing the evidence introduced showed  
that the City of Las Vegas lawfully recognized CEA as the exclusive  
negotiating representative of the non-uniformed employees of the City  
of Las Vegas. AFSCME failed to establish that CEA does not represent  
the majority of employees of the City of Las Vegas in the non-  
uniformed bargaining unit.

The Complainant also failed to demonstrate that a distinct  
unit described as a blue collar unit exists among the non-uniformed

1 employees of the City of Las Vegas. Despite the fact that conclusive  
2 evidence in this regard was not established, the Board does not  
3 conclude that such a unit classification might not exist. However,  
4 the evidence has failed to allow a contrary conclusion to the position  
5 that the lawfully recognized CEA now occupies.

6 The Board in good faith believes that the CEA represents  
7 a majority of the employees in the non-uniformed employee negotiating  
8 unit at the present time. In labor relations within the public  
9 sector, particularly where a no-strike clause prevails, large units  
10 more effectively serve the interests of the employees and therefore,  
11 clear and convincing evidence is necessary to persuade the Board to  
12 "carve out" smaller units from a large unit.

13  
14 FINDINGS OF FACT

15 As findings of fact the Board finds as follows:

16 1. That in November of 1970 the City of Las Vegas recog-  
17 nized the CEA as the exclusive bargaining unit for the non-uniformed  
18 employees of the City of Las Vegas pursuant to the provisions of the  
19 Local Government Employee-Management Relations Act Chapter 288, Neva-  
20 da Revised Statutes, and said recognition did comply with the Act.

21 2. That sufficient criteria to establish a distinct unit  
22 designation as a blue collar unit has not been shown to exist at the  
23 present time within the non-uniformed unit of the CEA.

24 3. That the evidence presented did not establish a good  
25 faith doubt that the CEA does not represent a majority of employees  
26 in the lawfully recognized non-uniformed employees bargaining unit.

27  
28 CONCLUSIONS OF LAW

29 1. The CEA is the duly recognized exclusive bargaining  
30 unit of the non-uniformed employees in the City of Las Vegas.

31 2. No distinct unit designation, described as a blue  
32 collar unit, exists at the present time among the non-uniformed

1 employees of the City of Las Vegas which would warrant the recognition  
2 of a separate community of interest from that of other employees in  
3 that unit.

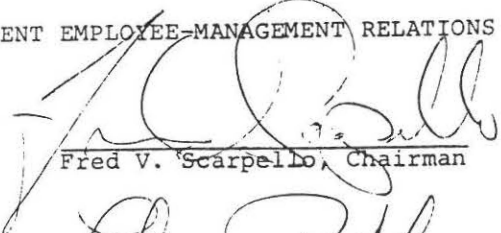
4 3. No good faith doubt exists that the CEA represents a  
5 majority of the employees in the non-uniformed employee bargaining  
6 unit of the City of Las Vegas.

7 ORDER


8  
9 The Board therefore orders the complaint dismissed without  
10 prejudice.

11 Las Vegas, Nevada July 31, 1972

12 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

13  
14   
15 Fred V. Scarpello, Chairman

16  
17   
18 Dennis Pletzke, Vice Chairman

19  
20   
21 Paul H. Dahlberg, Member