

FILE

ITEM #85

ATTORNEY GENERAL

NOV 3 1978

LAS VEGAS, NEV.

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

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Office of the Attorney General

RETAIL CLERKS UNION, LOCAL 1434,  
on behalf of the PHARMACISTS  
employed by WASHOE MEDICAL CENTER,  
Reno, Nevada,

Case No. AL-045312

Appellant,

vs.

CARROLL OGREN, ADMINISTRATOR of  
WASHOE MEDICAL CENTER and WASHOE  
MEDICAL CENTER, Reno, Nevada,

Respondent.

ORDER DENYING PETITION

FOR REHEARING

On May 10, 1978, we entered a unanimous decision wherein we stated that the appellant had complied with the requirements of NRS 288.160(1) and (2) and was entitled to recognition by the respondent Medical Center as the exclusive bargaining agent for a bargaining unit composed of the pharmacists employed by the Center. We also directed that the entire cost of the court reporter used at the hearing and the transcripts developed by that reporter be borne by the Medical Center.

The evidence upon which we based our decision disclosed that on two occasions the appellant attempted to serve upon the respondent the basic recognition documentation required for recognition by NRS 288.160(1). Since the respondent showed no inclination to accept the documentation, we directed that the documents be submitted to our offices. The material was received on February 24, 1978, and reviewed by us. We found the documentation to be in compliance with the requirements of NRS 288.160(1).

During the course of the hearing on this appeal, the parties agreed to a card check to determine if a majority of the

employees in the unit wished to be represented by the appellant. Under the auspicious of the State Labor Commissioner, Mr. Stanley P. Jones, a member of his staff conducted the check and notified us that on March 14, 1978, he had conducted the card check and found that a majority of the employees in the unit wished to be represented by the appellant. The card check satisfied the requirements of NRS 288.160(2).

Under Nevada law, the only requirements for recognition of an employee organization are set forth in NRS 288.160(1) and (2). In this instance, all of these requirements have been met.

On May 25, 1978, the respondent petitioned for a rehearing of our decision. Since the granting of a rehearing is a discretionary matter, we carefully reviewed the case and have determined that no basis exists for the reconsideration of our previous decision.

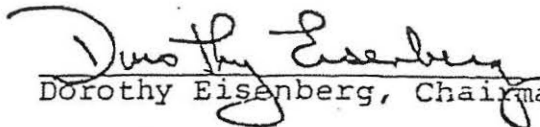
An employer may not circumvent the letter and intent of our law by continuous delays and failing to take the formal action necessary to recognize an employee organization for purposes of collective bargaining.

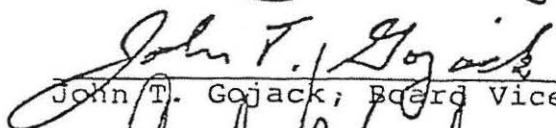
We therefore


ORDER that the Retail Clerks Union, Local 1434, is recognized as the exclusive bargaining agent for a bargaining unit composed of the pharmacists employed by Washoe Medical Center, and,

FURTHER ORDER that the petition for rehearing is denied.

Dated this 5th day of October, 1978.

  
Dorothy Eisenberg, Chairman

  
John T. Gojack, Board Vice Chairman

  
Carole Vilardo, Board Member