

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

LAS VEGAS, NEV.

In the Matter of the Request)
 for a Declaratory Ruling by the)
 CITY OF RENO.)

Case No. Al-045315

RECEIVED

DECLARATORY ORDER

NOV - 8 1978

The City of Reno has petitioned for a declaratory order regarding the interpretation of NRS 288.170(1). The petition raises four questions regarding the impact of multiple bargaining units within an employee organization on the negotiations process.

Two of the City's employee organizations, the Reno Police Protective Association and the International Association of Firefighters, Local 731, responded to the petition. The remaining organizations were apprised of the action but did not participate.

Arguments on the petition were received at an open hearing of the Board; deliberations on the petition were held at a subsequent noticed open meeting. The decisions reached are formalized in compliance with the Administrative Procedures Act, NRS Chapter 233B.

QUESTION NUMBER ONE: Whether negotiations with each bargaining unit within an employee organization must be separate and distinct from negotiations with other bargaining units within the same employee organization.

The City withdrew this issue prior to the hearing, agreeing with the responding organizations that negotiations by a multi-unit association may be carried on by a single bargaining team representing all units within the organization. Since we support the conclusion the parties have reached, we reiterate

their resolution of the issue for the guidance of other employers and employee organizations within the State.

We note, of course, that the parties are not foreclosed from agreeing that each bargaining unit within an organization will bargain separately. Such an agreement could be reached in the ground rules stage of the negotiations. However, in the absence of an agreement of the parties that the negotiations shall be handled otherwise, a single bargaining team can be established by the employee organization to represent all bargaining units within the organization in the negotiations process.

QUESTION NUMBER TWO: Whether the City can require that no member of another bargaining unit, other than the chief negotiator or assistant chief negotiator for the association, be members of the negotiating team.

The City also withdrew this issue prior to our determination, agreeing with the employee organizations that the make up of the employees' bargaining team shall be established by the employee organization without interference from the employer. This is consistent with the provisions of NRS 288.150(1) which provide that the employer may negotiate through a "representative or representatives of his own choosing."

Again, we approve the settlement on this issue reached by the parties and include it in our order for the guidance of other employers and employee organizations who may have concerns in this area. We also repeat our prior position that the parties may, if they wish, agree to discuss the size and composition of the bargaining team or teams during the ground rules phase of the negotiations process. There is certainly nothing to foreclose both parties from agreeing to certain guidelines regarding the composition of bargaining teams that will expedite the negotiations process.

The third and fourth questions remained unresolved and require our determination. It would appear from the record that these questions relate only to the Firefighters' Association as it appears that the City is in agreement with the contract ratification procedures utilized by the Reno Police Protective Association.

QUESTION NUMBER THREE: Whether the Dodge Act requires that each bargaining unit have the exclusive ability to ratify or reject its unit's contract.

QUESTION NUMBER FOUR: Whether an employee organization can overrule a bargaining unit's action on its own negotiated contract.

As we have noted previously, we encourage the parties to the collective bargaining process to freely discuss matters of concern to them. If the parties can agree to mutually acceptable criteria for bargaining team composition and contract ratification procedures there is little in the Dodge Act to circumscribe their agreements.


However, if the parties do not see fit to agree upon ratification procedures, they must remain a matter for internal determination by the employee organization. NRS 288.270(1)(b) makes it a prohibited practice for an employer or its representatives to "dominate, interfere or assist in the administration of an employee organization." Efforts by an employer to attempt to dictate the contract ratification procedures utilized by an employee organization would clearly be an interference in the internal administration of an employee organization.

Unless the parties should agree otherwise, the means, methods and procedures whereby an employee organization ratifies its collective bargaining agreement with an employer are internal concerns of the organization into which the employer may have no input.

The City shall proceed according to the guidelines
previously set forth.

IT IS SO ORDERED.

Dated this 5th day of October, 1978.


Dorothy Eisenberg, Board Chairman


John T. Gojack, Board Vice Chairman


Carole Vilardo, Board Member