

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS
BOARD

In the Matter of the)	
CARSON CITY SHERIFF'S EMPLOYEES ASSOCIATION)	
Complainants,)	
)	
vs.)	No. A1-045319
SHERIFF AND COUNTY OF CARSON CITY,)	
Respondents.)	

D E C I S I O N

We held a hearing on March 20, 1979, in the above matter; the hearing was properly noticed and posted pursuant to Nevada's open meeting law. At the conclusion of the hearing, we advised the parties of the general feelings of the Board on the issues presented. This written decision is prepared in conformity with NRS 233B.125, which requires that our final decision contain Findings of Fact and Conclusions of the law separately stated.

In the Board's opinion, the incident giving rise to this Second Supplemental Prohibited Practices Complaint is another in an on-going series of confrontations between the two sides over the participation of representatives of the Teamsters Union in the formal negotiations between the Complainants and the Respondents.

This most recent dispute arose as a result of the Respondents' refusal to negotiate with the Complainants while

they had as their representative for negotiations purposes a member of the Teamsters Union. The Complainants had, as early as the beginning of January, informed the Respondents of their desire to negotiate a new contract and had, at least verbally, indicated that representatives of the Teamsters Union would be participating in these negotiations. Yet, it was not until the day of the first scheduled negotiations meeting that the Respondents advised the Complainants that they would not negotiate with the Teamsters representatives present.

The Complainants specifically alleged in their Complaint filed with the Board on February 5, 1979, that the Respondents engaged in unfair labor practices by:

- (a) refusing to bargain in good faith with properly designated representatives of the Complainant association.
- (b) interfering or attempting to interfere with the Complainant association's right to select and designate representatives of its own choosing for bargaining purposes.
- (c) in general, trying to coerce the Complainant association in the selection of its bargaining representatives and threatening to withdraw recognition of the Complainant association.

The Respondents denied the allegations of bad faith bargaining practices and argued that the Complainant Association, consisting of uniformed law enforcement personnel could not select as its bargaining representative a non-member of the association unless he or she were a licensed attorney in the state of Nevada. The Respondents cited NRS 288.140(3), NRS 288.027, and NRS 288.195 in support of its argument.

The Complainants argued that previous decisions of the Board in this area of negotiation representation recognize the right of the employee association to select its representatives for purposes of contract negotiations without the interference of the employer.

In reaching its decision in favor of the Complainants, the Board considered previous decisions on this point and specifically cites for reference its decision in the matter of the Request for Declaratory Ruling by the City of Reno (Item 86) dated October 5, 1978. Further, the Board felt that NRS 288.270 applied in this case prohibiting the Respondents from interfering in the Complainants' choice of its representative for bargaining purposes. Further, the Board specifically interprets NRS 288.195 as not restricting representation for negotiations purposes to only attorneys licensed to practice in Nevada or members of the association. Rather, that section says that if the association chooses to be represented by an attorney that counsel must be a member of the bar in Nevada.

Finally, the Complainants asked the Board to reconsider its decision not to award costs and fees on the original and first supplemental complaint in this same matter (See Item 87 for decision). This petition for rehearing was considered and denied. However, as our order in this matter will indicate, the Board feels assessment of costs and fees on the Second Supplemental Complaint is appropriate.

FINDINGS OF FACT:

- (1) That the Carson City Sheriff's Employees Association is a local government employees organization.
- (2) That the County of Carson City is a local

government employer.

- (3) That on January 25, 1979, the County of Carson City refused to negotiate with the appointed representative of the association at the opening negotiations session on a new contract for the 1979-80 fiscal year.
- (4) That the refusal of the County of Carson City to negotiate with the appointed representative of the association was a failure on the part of the County of Carson to bargain in good faith.

CONCLUSION OF LAW

1. That the Local Government Employee-Management Relations Board possesses original jurisdiction over the parties and subject matter of this complaint.
2. That the Carson City Sheriff's Employees Association, is a local government employee organization within the term, as defined in NRS 288.040.
3. That the County of Carson City, through the Sheriff's Department of Carson City, is a local government employer within the term as defined in NRS 288.060.
4. That the refusal of the County of Carson City to negotiate with the association through their appointed representative, a member of the Teamsters Union, was an act of bad faith on the part of the County in violation of NRS Chapter 288.150(1).

We, therefore, direct the Respondents to:

- (1) Immediately cease and desist and, in the future, refrain from interfering, restraining or coercing employees of the Carson City Sheriff's Department in the

exercise of their rights under NRS Chapter 288.

- (2) To negotiate in good faith with the Carson City Sheriff's Association through their appointed representative, a member of the Teamsters Union.
- (3) To pay to the association the sum of \$942.50 which represents the costs incurred and fees paid by the association in the pursuance of this Second Supplemental Prohibited Practices Complaint.
- (4) To pay the cost of transcription of the hearing held on this complaint on March 20, 1979.
- (5) To advise the Commissioner to the Local Government Employee-Management Relations Board in writing of their compliance with the order to pay cost and fees and transcription costs.
- (6) Further, the Complainants petition for rehearing on the Board's decision in the previous complaint and First Supplemental Prohibitive Practices Complaint, as it relates to award of costs and fees, is denied.
- (7) That this Order be posted for a period of 60 days commencing May 22, 1979, in a prominent location within the Carson City Sheriff's Office so all employees may have the opportunity to read it and be apprised of its content.

Dated this May 22, 1979.

Dorothy Eisenberg
Dorothy Eisenberg, Board Chairman

John T. Gojack
John T. Gojack, Board Vice Chairman

Carole Vilardo
Carole Vilardo, Board Member