

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

NEVADA CLASSIFIED SCHOOL)	ITEM NO. 303
EMPLOYEES ASSOCIATION,)	
)	CASE NO. A1-045534
Petitioner,)	
)	
-vs-)	<u>DECLARATORY ORDER</u>
)	
LYON COUNTY SCHOOL BOARD TRUSTEES,)	
)	
Respondent.)	

For Petitioner: Michael E. Langton, Esq.
LANGTON & KILBURN

For Respondent: Nat Lommori, Associate Superintendent
LYON COUNTY SCHOOLS

For the EMRB: Salvatore C. Gugino, Chairman
Tamara Barengo, Vice Chairman
Howard Ecker, Board Member

Nevada Classified School Employees Association ("NCSEA") has requested that the Lyon County School Board of Trustees recognize it (NCSEA) as the exclusive bargaining representative for the bargaining unit consisting of Lyon County classified school employees. NCSEA provided the Board of Trustees with copies of its Constitution and By-Laws, a current list of officers and a pledge in writing not to strike, pursuant to NRS 288.160(1), at a meeting of the Board of Trustees on October 13, 1992. NCSEA also presented to the Board of Trustees, at the same meeting, one hundred eighteen (118) membership applications allegedly signed by 57% of the members of the bargaining unit. Upon the recommendations of Lyon County School Administration, the Board of Trustees voted

1 to "offer tentative recognition of the Lyon County Classifie
2 School Employees Association, with final approval if feasible
3 at the next meeting. Mr. Bauer indicated this would allow
4 time for the signatures to be verified."

5 Upon review of the membership applications,
6 Administration found the following alleged discrepancies:

7 (1) Five (5) names were not valid as three (3)
8 had terminated and two (2) were substitutes, thus
9 leaving one hundred thirteen (113) names of
classified employee of the two hundred six (206)
employees in the bargaining unit; i.e., 54.8%.

10 (2) There were allegedly three (3) separate forms
11 utilized by those submitting membership
12 applications, with eighty-three (83) applicants
13 not indicating any chapter affiliation; twenty-one
(21) indicating Chapter 7; four (4) indicating
Chapter 8; one (1) indicating Chapter 2; and four
(4) placing a check mark in the blank.

14 (3) In the Constitution and By-laws submitted to
15 the Board of Trustees, Article III Membership,
16 Section 4 - Dues shall be \$10.00 per month.
17 However, on the application for membership, not a
18 single person indicated that the dues were \$10.00
19 per month, rather, eighty-eight (88) did not
20 indicate any amount; three (3) showed \$4.00 per
21 month; seven (7) indicated \$6.00 per month; seven
22 (7) indicated \$4.00 biweekly; two (2) indicated
\$8.00 per month; three (3) indicated \$12.00 per
month; and three (3) indicated \$5.00 for a six
month trial offer. (Allegedly, when the NCSEA
leadership presented the By-laws and Constitution
to the Superintendent and Associate Superinten-
dent, they questioned the "promotional" \$5.00 for
six month trial period offer, as it was not listed
in the By-laws and Constitution.)

23 (4) On Monday, October 19, 1992, a classified
24 employee allegedly asked the Associate
25 Superintendent when the election was to be held.
26 He allegedly indicated that he had signed a
27 membership card at an organizational meeting like
28 most that attended, but had not made up his mind
and was wondering when the vote for recognition
would take place.

There was no exception taken to any of the membership

1 applications based upon an alleged inability to verify the
2 signature, which was the stated reason for reviewing the
3 applications for membership.

4 With the exception of the three (3) applications for
5 membership signed by individuals who had been terminated, this
6 Board ("EMRB") finds that none of the alleged discrepancies
7 alluded to by Lyon County School District Administration
8 constitute a statutory basis for denying recognition to NCSEA
9 as the exclusive bargaining agent for Lyon County classified
10 school employees. The EMRB's review of the membership
11 applications submitted reveals they are identical in form and
12 substance and none of the alleged discrepancies involve
13 information or documentation required by NRS 288.160.

14 Notwithstanding the board's findings as set forth above,
15 it appears that it has been almost a year since many of the
16 membership applications submitted by NCSEA were signed. (Some
17 are even dated - perhaps erroneously - in January and
18 February, 1991.) Accordingly, under the facts and
19 circumstances of this particular case, and in view of the
20 relatively long period of time involved in securing the
21 requisite number of signed membership applications, the Board
22 believes that an election should be held, pursuant to NRS
23 288.160(4), to determine whether or not NCSEA currently
24 represents a majority of employees in the bargaining unit.
25 For this reason,

26 IT IS HEREBY ORDERED that the parties promptly meet with
27 this Board's Commissioner and negotiate an election agreement,
28

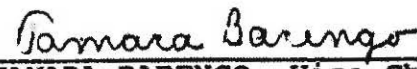
1 providing for an election by secret ballot within forty-five
2 (45) days from the date of this Order, upon the question of
3 representation for the Classified Employees of Lyon County
4 Schools.

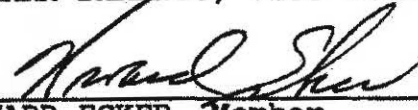
5 Each party shall bear its own fees and costs in the
6 above-captioned matter.

7 DATED this 15th day of December, 1992.

8 LOCAL GOVERNMENT EMPLOYEE-
9 MANAGEMENT RELATIONS BOARD

10 By 
11 SALVATORE C. GUGINO, Chairman

12 By 
13 TAMARA BARENGO, Vice Chairman

14 By 
15 HOWARD ECKER, Member