

1 **STATE OF NEVADA**
2 **LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT**
3 **RELATIONS BOARD**

4 **CLARK COUNTY,**
5 **Petitioner,**

6 **CLARK COUNTY PROFESSIONAL**
7 **TRADEWORKERS ASSOCIATION,**
8 **Applicant; and**

9 **SERVICE EMPLOYEES INTERNATIONAL**
10 **UNION, LOCAL 1107**
11 **Intervenor.**

ITEM NO. 391-B

CASE NO. A1-045601

ORDER

12 For Petitioner: **Mitchell M. Cohen, Esq.**
13 **CLARK COUNTY DISTRICT ATTORNEY'S OFFICE**

14 For Applicant: **Leslie M. Stovall, Esq.**

15 For Intervenor: **James G. Varga, Esq.**
16 **VAN BOURG, WEINBERG, ROGER & ROSENFELD**

17 In the hearing of August 29, 1996 and continued to October 23, 1996, noticed pursuant to
18 Nevada's Open Meeting Law, the Board heard testimony as it related to the timeliness of the
19 Application for Recognition filed with this office on March 20, 1996, by Clark County Professional
20 Tradeworkers Association (hereinafter CCPTA).

21 Pursuant to deliberations, the Board finds that the petition was timely filed, as provided for
22 within the window period of NAC 288.146 (2)(a).

23 "Beginning upon the filing of notice by the recognized employee
24 organization pursuant to NRS 288.180 of its desire to negotiate a
25 successor agreement and ending upon the commencement of
26 negotiations for such an agreement." (Emphasis added)

27 The testimony provided that the first meeting between Service Employees International Union
28 (hereinafter SEIU) and Clark County (hereinafter County) following the notice to negotiate a
successor agreement was held on March 21, 1996. At this meeting the County and SEIU established
the agreed upon ground rules and procedures for impasse which is the first step for negotiations as
written in NRS 288.180 (3) which states,

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1 **"The parties shall promptly commence negotiations. As the first step,**
2 **the parties shall discuss the procedures to be followed if they are**
3 **unable to agree on one or more issues."** (Emphasis added.)

4 **Additionally,** the Board ruled that the effective date by which to determine the sufficiency of
5 the Application for Recognition is to be March 20, 1996, the date on which said petition was filed
6 with the EMRB.

7 At the October 23, 1996, hearing, the issue regarding dual authorization cards was
8 introduced. Of the 44 persons who had signed cards in support of CCPTA, 13 held dual membership
9 in SEIU. The Commissioner contacted the individuals in question and submitted a report to the
10 Board and all parties at which time the parties were instructed to submit briefs addressing the effect
11 of dual cards on the application for recognition.

12 The Board deliberated on said briefs on January 16, 1997, along with some discussion as to
13 any effect the current employment status of the members within the proposed unit might have on said
14 application. While not specifically provided for by NRS 288, this office has, in the past, sought
15 direction from NLRB decisions. NLRB guidelines would place this under an administrative
16 procedure which could necessitate an election, if requested by any of the parties.

17 **FINDINGS OF FACT**

18 1. The Application for Recognition by CCPTA was filed on March 20, 1996, one day
19 prior to the first negotiation session between County and SEIU.

20 2. As of March 20, 1996, CCPTA had signature cards from 44 of the 61 persons
21 employed in the proposed General Services/Facilities Division unit.

22 3. The parties commenced negotiations on March 21, 1996.

23 4. 13 of the 44 persons within the proposed unit held cards with both CCPTA and SEIU.

24 **CONCLUSION OF LAW**

25 1. The Petition was timely filed in accordance with NAC 288.146 (2) (a).

26 2. The effective date for determining the sufficiency of the application is the date it is
27 filed with the EMRB.

28 3. The majority, as represented in the application, is tainted by the dual cards and
therefore requires an election to determine a clear and concise majority. Accordingly,

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, since an election must be
2 held to determine the appropriateness of the unit as it stands in relation to the existing bargaining unit
3 as a whole, a Hearing will be scheduled at the next available date.

4 DATED this 19th day of February, 1997.

5 LOCAL GOVERNMENT EMPLOYEE-
6 MANAGEMENT RELATIONS BOARD

7 By *Christopher W. Voisin*
8 CHRISTOPHER W. VOISIN, Chairman

9 By *Tamara Barengo*
10 TAMARA BARENGO, Vice Chairman

11 By *David Goldwater*
12 DAVID GOLDWATER, Board Member
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