

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD  
4

5 KINGSBURY GENERAL IMPROVEMENT  
6 DISTRICT,

7 Complainant,

8 vs.

9 STATIONARY ENGINEERS, LOCAL 39,

10 Respondent.

ITEM NO. 414

CASE NO. A1-045606

DECISION

11 For Complainant: Noel E. Manoukian, Esq.  
12 Teresa Rothi Miller, Esq.

13 For Respondent: James G. Varga, Esq.  
14 Van Bourg, Weinberg, Roger & Rosenfeld

15 STATEMENT OF THE CASE

16 On March 31, 1996, Kingsbury General Improvement District (hereinafter KGID) filed a  
17 Complaint with the EMRB alleging that Respondent, Stationary Engineers, Local 39 (hereinafter  
18 Union) failed to bargain in good faith in violation of NRS 288.270(2) by refusing to meet to negotiate  
19 a contract and NRS 288.180(2) by failing to provide information necessary for bargaining.

20 DISCUSSION

21 I.

22 UNION DID NOT COMMIT A PROHIBITED LABOR PRACTICE

23 Testimony provided that the parties did not meet for the purpose of negotiating a successor  
24 agreement between February 27, 1996 and July 12, 1996. It also provided that KGID unilaterally  
25 elected to move the location of the negotiations from the offices of KGID to an off-site location thus  
26 creating a situation under which the past practice of allowing the Union shop steward/negotiator to  
27 participate in negotiations while on release time from KGID was in question. The Union refused to  
28 continue negotiations until this issue of release time was resolved. When the release time issue was  
resolved, the negotiations reconvened and a successor agreement was negotiated.



1 **DECISION AND ORDER**

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Complaint be  
3 **dismissed**, with each side to bear its own costs and fees.

4 **DATED** this 22<sup>nd</sup> day of August 1997.

5 **LOCAL GOVERNMENT EMPLOYEE-**  
6 **MANAGEMENT RELATIONS BOARD**

7 BY   
8 **CHRISTOPHER W. VOISIN, Chairman**

9 BY absent  
10 **DAVID GOLDWATER, Board Member**

11 BY   
12 **KAREN L. MCKAY, Board Member**