

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

5 **CARSON CITY EMPLOYEES**
6 **ASSOCIATION,**
7 **Complainant,**

8 **vs.**

9 **CARSON CITY,**
10 **Respondent.**

ITEM NO. 433

CASE NO. A1-045635

DECISION

11 **For Complainant:** **Michael E. Langton, Esq.**
12 **LANGTON & YENKO**

13 **For Respondent:** **Mark R. Forsberg, Esq.**

14 **STATEMENT OF CASE**

15 On October 24, 1997, the Carson City Employees Association (hereinafter the "Union") filed
16 a Complaint alleging that Carson City committed prohibited practices by transferring its golf course
17 operations to a private enterprise, and by transferring its golf course employees. Carson City filed
18 its answer on November 17, 1997.

19 The Local Government Employee-Management Relations Board conducted a hearing on April
20 29, 1998, noticed in accordance with Nevada's Open Meeting Law, at which the Board heard oral
21 argument from counsel and testimony from seven witnesses; Beth Kohn, Tom Kunkle, Laura Cadot,
22 John Swendseid, John Berlich, Mary Walker, Randal Kuckenmeister. The Board has also received
23 and reviewed post-hearing briefs from the Union and Carson City.

24 Pursuant to the Board's deliberations at its meeting of August 12, 1998, noticed in accordance
25 with Nevada's Open Meeting Law, on the Union's Complaint, the Board decides and rules as follows:

26 **FINDINGS OF FACT**

27 1. Prior to August 1, 1997, Carson City provided various services to its citizens,
28 including operating municipal golf courses known as Eagle Valley Golf Courses.

1 2. In July 1997, Carson City transferred the seven City employees who worked at the
2 golf courses to other positions in the city.

3 3. On August 1, 1997, Carson City transferred the golf course operations to the Carson
4 City Municipal Golf Corporation, a non-profit enterprise.

5 4. Carson City did not lack the funds to operate the golf courses, nor did it lack work
6 at the golf courses.

7 5. However, Carson City was faced with continually declining revenues from the golf
8 courses, and additional competition from other golf courses.

9 6. On October 24, 1997, the Union filed its Complaint with the Local Government
10 Employee-Management Relations Board.

11 CONCLUSIONS OF LAW

12 1. The Local Government Employee-Relations Board has jurisdiction over the parties
13 and the subject matter of the Union's Complaint pursuant to the provisions of NRS Chapter 288.

14 2. Carson City is a local government employer as defined by NRS 288.060.

15 3. The Union is an employee organization as defined by NRS 288.040.

16 4. NRS 288.150(3)(c) provides that the local government employer's right to determine
17 the quality and quantity of services to be offered to the public is reserved to the local government
18 employer without negotiation.

19 5. There is no statutory requirement in NRS Chapter 288 that a local government
20 employer lack work or lack money before it reduces services it provides to the public.

21 6. NRS 288.150(3)(b) merely requires a local government employer to bargain about
22 reductions-in-force or lay-offs that are not due to lack of work or lack of money.

23 7. Thus, upon request, Carson City must bargain with the Union about any reductions-in-
24 force, lay-offs, employee transfers, or similar "effects" due to the transfer of the golf course
25 operations. However, Carson City is not required to bargain with or get approval from the Union
26 with respect to the transfer itself.

27 ///

28 ///

1 8. Carson City did not violate any provision of NRS Chapter 288 when it transferred its
2 golf course operations to a private enterprise, or when it transferred its golf course employees to
3 other positions in the city.

4 **DECISION AND ORDER**

5 IT IS ORDERED, ADJUDGED AND DECREED that Carson City did not commit a
6 prohibited practice by transferring its golf course operations to a private enterprise, or by transferring
7 its golf course employees.

8 IT IS FURTHER ORDERED that each party shall bear its own costs and attorney's fees.

9 DATED this 10th of September 1998.

10 LOCAL GOVERNMENT EMPLOYEE-
11 GOVERNMENT RELATIONS BOARD

12 By David Goldwater
13 DAVID GOLDWATER, Chairman

14 By Karen L. McKay
15 KAREN L. MCKAY, Vice-Chairperson

16 By James E. Wilkerson, Sr.
17 JAMES E. WILKERSON, SR., Board Member