

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

5 **CITY OF SPARKS,**
6 **Petitioner,**

7 vs.

8 **OPERATING ENGINEERS, LOCAL NO. 3,**
9 **OF THE INTERNATIONAL UNION OF**
10 **OPERATING ENGINEERS, AFL-CIO,**
11 **Respondent**

ITEM NO. 458

CASE NO. A1-045666

ORDER

12 For Petitioner: Charles P. Cockerill, Esq.

13 For Respondent: Pete Ford

14 On November 4, 1999, the Operating Engineers Local Union No. 3 of the International Union
15 of Operating Engineers, AFL-CIO (hereinafter referred to as the "Union"), through its representative
16 Pete Ford, requested recognition from the City of Sparks of a separate bargaining unit of certain
17 employees with the Truckee Meadows Water Reclamation Facility, separate from the general
18 bargaining unit currently in effect between the parties. The City of Sparks, through its
19 representative, Charles P. Cockerill, Esq., claims that the current "wall-to-wall" non-public safety
20 bargaining unit is appropriate based on the employees' community of interest and the City of Spark's
21 desire not to have a proliferation of small bargaining units which will increase bargaining time and
22 expenses associated therewith.

23 The Union's petition is the same as its February 23, 1999 petition, which was denied by the
24 Board on Septemeber 16, 1999. The Union has set forth no reasons why the Board should act
25 differently in regards to this petition.

26 Pursuant to the Local Government Employee-Management Relations Board's deliberations
27 at its meetings of December 9, 1999, and January 11, 2000, noticed pursuant to the Nevada's Open
28 Meeting Law,

///

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Petition is denied on
2 the following grounds:

3 1. The wall-to-wall representation by Respondent of the Petitioner's employees is
4 appropriate and the unit should not be modified as requested;

5 2. That the community of interest of all employees would be best achieved through the denial
6 of the Respondent's request for a new, separate bargaining unit for employees at the Truckee
7 Meadows Water Reclamation Facility in Sparks, Nevada; and

8 3. That the scope of the unit is not a mandatory subject of bargaining and cannot be changed
9 without the consent of the employer. This bargaining requirement cannot be circumvented through
10 this type of election petition.

11 DATED this 11th day of January 2000.

12 LOCAL GOVERNMENT EMPLOYEE-
13 MANAGEMENT RELATIONS BOARD

14 By David Goldman
15 DAVID GOLDWATER, Chairman

16 By Karen L. McKay
17 KAREN L. MCKAY, Vice Chairperson

18 By James E. Wilkerson, Sr.
19 JAMES E. WILKERSON, SR., Member