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STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

5 WASHOE COUNTY TEACHERS )  
6 ASSOCIATION, )  
7 Complainant, )

8 vs.

9 WASHOE COUNTY SCHOOL DISTRICT, )  
Respondent. )

ITEM NO. 470

CASE NO. A1-045678

ORDER

10 For Complainant: Sandra G. Lawrence, Esq.  
Dyer, Lawrence, Cooney & Penrose

11 For Respondent: C. Robert Cox, Esq.  
12 Walther, Key, Maupin, Oats, Cox, Klaich & LeGoy

13 On or about March 1, 2000, a petition for a declaratory order was filed by the Washoe County  
14 Teachers Association (hereafter "Union"), through its counsel, requesting an order that a unilateral  
15 change in the number of hours required of teachers at a certain school had occurred as a result of the  
16 actions of the Washoe County School District (hereafter "District"). The change would require the  
17 teachers to work for 7 ½ hours rather than their previous work schedule of 6 hours, 15 minutes. The  
18 Union contends that such a change in work hours is significantly related to a mandatory subject of  
19 bargaining; and that such mandatory bargaining should occur prior to the change in hours.

20 On April 3, 2000, the District filed its response to the petition arguing that the total number  
21 of hours worked per day was negotiated at 7 ½ hours and that the District is merely reallocating  
22 resources to assure that the 7 ½ hours are worked by the teachers in locations where staffing is  
23 needed. The District further contends that Article 18.1 of the parties' collective bargaining  
24 agreement provides for the 7 ½ hours which the District is attempting to enforce by a change in the  
25 content of the workday without affecting the total hours of work required.

26 This matter was scheduled for deliberations pursuant to the Nevada Open Meeting Law and  
27 the Board conducted such deliberations on the 31<sup>st</sup> day of May, 2000.

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1            **BASED** upon the arguments raised in the above-described documents filed by the parties,  
2 and good cause appearing therefrom, **IT IS HEREBY ORDERED** that the petition for declaratory  
3 order is granted and **ORDERS** as follows:

4            (1) In this specific instant, and only in the instance of one party requesting strict compliance  
5 with the terms of the collective bargaining agreement requiring 7 ½ hours of work from the teachers,  
6 that such is not a prohibited unilateral change but is a change in the contents of the workday which  
7 is an employers' right under NRS 288.150(3)(c)(2) and that the language requiring 7 ½ hours is  
8 clear and unambiguous, requiring no further interpretation by this Board, and

9            (2) That no waiver of the employer's right has been demonstrated in the present situation  
10 by "clear and unmistakable evidence of past conduct" and/or practice in light of the Union's failure  
11 to protest the prior changes by the District of the teachers' class time schedules or the elimination  
12 of home prep time in 1998; such "clear and unmistakable evidence of past conduct and/or practice"  
13 standard has been previously decided by this Board in Order Item #311.

14            **DATED** this 30<sup>th</sup> day of June, 2000.

15                                           **LOCAL GOVERNMENT EMPLOYEE-  
16 MANAGEMENT RELATIONS BOARD**

17 By   
18                                           **DAVID GOLDWATER, Chairman**

19 By   
20                                           **KAREN L. MCKAY, Vice-Chairperson**

1           **BASED upon the Board's deliberations, IT IS HEREBY ORDERED** that the petition for  
2 rehearing is granted.

3           Pursuant to NAC 288.140(2)(b), this matter will be set for hearing and proceed according to  
4 NAC 288.280 to NAC 288.370.

5           DATED this 4<sup>th</sup> day of August, 2000.

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

8                               By *David Goldwater*  
9                               **DAVID GOLDWATER, ESQ., Chairman**

10                              By *J E Dicks* For **JOHN E. DICKS**  
11                              **JOHN E. DICKS, ESQ., Board Member**