

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

5 NYE COUNTY SUPPORT STAFF  
6 ORGANIZATION, )

7 Petitioner, )

8 vs. )

9 NYE COUNTY SCHOOL DISTRICT, )

10 Respondent. )

ITEM NO. 479A

CASE NO. A1-045686

ORDER

11 For Petitioner: Sandra G. Lawrence, Esq.  
Dyer, Lawrence, Cooney & Penrose

12 For Respondent: Paul J. Anderson, Esq.  
13 Walther, Key, Maupin, Oats, Cox, Klaich & LeGoy

14 On July 17, 2000 the Nye County Support Staff Organization (hereinafter "Association")  
15 filed a Petition for Declaratory Order with the Local Government Employee-Management Relations  
16 Board (hereinafter "Board"), pursuant to NRS 288.110 and NAC 288.380. The Nye County School  
17 District (hereinafter "District") filed its response on September 8, 2000.

18 On January 16, 2001, a Joint Stipulation was filed requesting, in lieu of an evidentiary  
19 hearing, that the Board consider this matter based on the petition, the points and authorities  
20 submitted, supporting exhibits or affidavits in support and/or opposition to said petition, and the  
21 prehearing statements filed with the Board.

22 Pursuant to the Board's deliberations at its meeting of January 30, 2001, noticed in  
23 accordance with Nevada's Open Meeting Law, the Board considered the aforementioned pleadings  
24 and documents, and good cause appearing therefor, FINDS:

25 The parties hereto have characterized the issue slightly differently. The Association has  
26 described the issue as "whether job descriptions are a subject within the scope of mandatory  
27 bargaining under NRS 288.150(2)." The District characterized the issue as "whether negotiations  
28 regarding job descriptions are a mandatory subject of bargaining because they relate to a subject


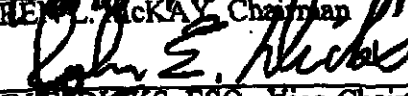
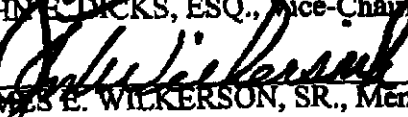
1 matter of bargaining under NRS 288.150(2), or are a permissive subject of bargaining because they  
2 are a subject matter not within the scope of mandatory bargaining and are reserved to the local  
3 government employer under NRS 288.150(3)."

4 IT IS THEREFORE THE DECLARATORY ORDER OF THIS BOARD that the  
5 characterization or title of a document, as in this case "job description," is not determinative of  
6 whether it is a mandatory or permissive subject of bargaining. Rather, NRS 288.150(2) and (3)  
7 provides guidance for this determination. If the document, however titled, contains subjects that are  
8 specified as mandatory by NRS 288.150(2), then the document is subject to bargaining. However,  
9 if the document contains subjects that are permissive subjects of bargaining pursuant to NRS  
10 288.150(3), then the employer cannot be required to bargain over them.

11 The Board notes that the attachments to the CBA, though referred to by both parties as "job  
12 descriptions," are actually identified at the top of the document as "Appendix A, Nye County School  
13 District." The first line of the document reads "Position Title: School Bus Driver." The Board also  
14 notes that some of the subjects in the documents are mandatory subjects (e.g., safety requirements  
15 of bus drivers) while some may not be, and are therefore permissive (e.g., the cleaning of the buses  
16 would be "content" of the workday). THEREFORE, IT IS THE FURTHER ORDER OF THIS  
17 BOARD that the parties bargain over the mandatory subjects, as identified by NRS 288.150(2),  
18 contained in the documents labeled by the parties as "job descriptions," however, it is within the  
19 discretion of the District whether permissive subject matters are included in said documents. As  
20 specified by NRS 288.150(1), agreements reached must be reduced to writing at the request of either  
21 party. SO ORDERED.

22 DATED this 9<sup>th</sup> day of February, 2001

23 LOCAL GOVERNMENT EMPLOYEE-  
24 MANAGEMENT RELATIONS BOARD

25 By   
KAREN L. MCKAY, Chairman  
26 By   
JOHN E. DICKS, ESQ., Vice-Chairman  
27 By   
JAMES E. WILKERSON, SR., Member  
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