

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

5 IN THE MATTER OF THE CITY OF ) ITEM NO. 530  
6 SPARKS' OBJECTION TO THE )  
7 APPLICATION FOR RECOGNITION OF ) CASE NO. A1-045749  
8 EMPLOYEE ORGANIZATION BY )  
OPERATING ENGINEERS, LOCAL NO. 3, ) **ORDER**  
AFL-CIO, )

9 For City of Sparks: Charles P. Cockerill, Esq.  
10 For Operating Engineers, Local No. 3: Dan Venters, Business Representative

11 On or about October 8, 2002, the Operating Engineers, Local Union No. 3 (hereafter  
12 "Operating Engineers"), notified the City of Sparks, Nevada (hereafter "Sparks"), that it sought  
13 recognition as the bargaining representative of the security employees working at the Sparks'  
14 Municipal Court.

15 On or about October 12, 2002, Sparks filed an objection to that recognition request with  
16 the Local Government Employee-Management Relations Board (hereafter the "Board").

17 On November 15, 2002, the Board conducted deliberations on whether to hold a hearing  
18 on the objection to request for recognition, noticed in accordance with Nevada's Open Meeting  
19 Law, and based upon such deliberations,

20 IT IS HEREBY ORDERED that the parties provide this Board with briefs and affidavits  
21 in support of their respective positions, including but not limited to addressing the following  
22 areas: (a) what entity is responsible for the employees' wages; (b) what entity is responsible for  
23 workers' compensation and employment security contributions for these employees; (c) what  
24 entity provides the W-2 forms annually to these employees; (d) the degree of supervision exerted  
25 by Sparks and/or the Court; (e) which entity has the right to hire and fire such employees; (f)  
26 which entity controls the employees' hours and location of employment; and (g) the extent to  
27 which the workers' activities further general business concerns of the alleged employer. See,

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1 e.g., Washoe Co. Probation Employees' Assn. v. Washoe Co. Juvenile Ct., EMRB Item No. 334  
2 (May 18, 1994), citing Clark Co. v. SIIIS, 102 Nev. 353, 354, 724 P.2d 201 (1986).

3 DATED this 26<sup>th</sup> day of November, 2002.

4 LOCAL GOVERNMENT EMPLOYEE-  
5 MANAGEMENT RELATIONS BOARD

6 BY: 

7 JOHN E. DICKS, ESQ., Chairman

8 BY: 

9 JANET TROST, ESQ., Vice-Chairman  
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