

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

5 IN THE MATTER OF THE CITY OF ) ITEM NO. 530A  
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: Matthew J. Gauger, Esq.

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 The Board issued an order on November 26, 2002, requesting both parties to file briefs  
18 on the request for recognition. Said briefs were filed on January 13, 2003 from the City and on  
19 February 3, 2003 from the Union.

20 On March 27, 2003, the Board held deliberations on the briefs, noticed in accordance  
21 with Nevada's Open Meeting Law, and based upon such deliberations,

22 IT IS HEREBY ORDERED that the Request for Recognition is hereby denied. The  
23 denial is based on the Board's decision in Washoe County Probation Employees Association vs.  
24 Washoe County. Case No. A1-045347 (1/27/94), and Nevada Supreme Court case Clark County  
25 vs. SIIS, 102 Nev. 353, 724 P.2d 201 (1986). The Clark County case specifically identified the  
26 functions to be reviewed to determine if an employee-employer relationship existed. Although  
27 Sparks performed these functions, the subject employees still appear to be performing the  
28 functions of a court in the judicial branch of our government.

1 IT IS FURTHER ORDERED that no fees or costs are being awarded to either party.

2 DATED this 27<sup>th</sup> day of March, 2003.

3 LOCAL GOVERNMENT EMPLOYEE-  
4 MANAGEMENT RELATIONS BOARD

5 BY: John E. Dicks  
6 JOHN E. DICKS, ESQ., Chairman

7 BY: Janet Trost  
8 JANET TROST, ESQ., Vice-Chairman

9  
10 BY: Tamara E. Barengo  
11 TAMARA E. BARENGO, Member