

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

5 UNITED WE STAND – AFT,

6 Petitioner,

7 vs.

8 WASHOE COUNTY SCHOOL DISTRICT
9 and WASHOE EDUCATION SUPPORT
10 PROFESSIONALS,

11 Respondents.

ITEM NO. 623D

CASE NO. A1-045875

**ORDER GRANTING PETITION FOR
REHEARING**

12 For Petitioner: Michael E. Langton, Esq.

13 For Respondents: Rick R. Hsu, Esq.
Maupin, Cox & LeGoy

Sandra G. Lawrence, Esq.
Dyer, Lawrence, Penrose, Flaherty & Donaldson

14 The Petition for Rehearing filed with the State of Nevada Local Government Employee-
15 Management Relations Board ("Board") by United We Stand came on for deliberations and
16 decision on April 17, 2007, noticed pursuant to NRS and NAC Chapters 288, NRS Chapter
17 233B, as well as Nevada's Open Meeting Laws, and finds and orders as follows:

18 IT IS HEREBY ORDERED that the Petition is GRANTED pursuant to NAC 288.364(2).

19 The following issues are to be briefed by all parties:

20 1. United We Stand claims "that there is no requirement that the Petitioner, United We
21 Stand, must demonstrate that it has the support of the majority of the employees in the
22 bargaining unit before the Board can order an election among the competing Associations" and
23 that any such requirement is ad hoc rulemaking. The parties are to brief what showing or what
24 support the competing Association must show in order for the Board to order an election, and
25 pursuant to what statutory interpretation; and whether the competing Association must show any
26

1 level of support by the bargaining unit at issue before an election is ordered pursuant to NAC
2 288.146(2).

3 2. United We Stand claims that by refusing to order an election, the Board has
4 effectively violated the rights of the employees to select their representatives as guaranteed by
5 NRS 288.140(1).” The parties shall brief this issue by specifying how such rights are
6 “effectively being violated” by the refusal to hold an election when the majority of the
7 employees themselves have not joined any of the two employee associations in this matter.

8 3. Should this Board order an election, what legal authority supports United We Stand
9 being placed on the ballot, and apply NAC 288.146 to the situation. The Board directs the
10 parties’ attention to its understanding that a decertification election held by the NLRB would
11 only have the incumbent employee organization on the ballot to determine whether that
12 incumbent employee organization still has the support of the majority of the employees in the
13 specific bargaining unit.

14 4. What factors should the Board consider in determining whether it should have a good
15 faith doubt of majorityship in the specific bargaining unit at issue in this case by the incumbent
16 association pursuant to NAC 288.146.

17 5. What testimony or evidence presented by United We Stand made it “clear” that the
18 Association does not enjoy a majority support of the bargaining unit at issue in this matter.

19 IT IS FURTHER ORDERED that the School District shall provide a list of all current
20 employees and all current retirees. The two employee associations shall provide a list of all
21 employees who have joined each such employee organization.

22 IT IS FURTHER ORDERED that the parties’ briefs shall be served on the other party by
23 5 pm on May 7, 2007, and that the originals thereof must be mailed to the Board, postmarked or

24 ///

25 ///

26 ///

27 ///

28

1 or before May 7, 2007.

2 DATED this 12th day of April, 2007.

3 LOCAL GOVERNMENT EMPLOYEE-
4 MANAGEMENT RELATIONS BOARD

5 BY: 

6 JOHN F. HICKS, ESQ., Chairman

7 BY: 

8 JANET FROST, ESQ., Vice-Chairman

9 BY: 

10 JAMES E. WILKERSON, SR., Board Member
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28