

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

5 RENO-TAHOE AIRPORT AUTHORITY, )

6 Complainant, )

7 vs. )

8 INTERNATIONAL BROTHERHOOD OF )  
9 TEAMSTERS, LOCAL UNION 533, )

10 Respondent, )

11 RENO AIRFIELD EMPLOYEES )  
12 ASSOCIATION (RAEA) )

13 Intervenor. )

ITEM NO. 748A

CASE NO. A1-045993

**ORDER**

14 For Complainant: Mark J. Ricciardi, Esq.

15 For Respondent: Michael E. Langton, Esq.

16 For Intervenor: Laurence P. Digesti, Esq.

17 This matter came on before the State of Nevada, Local Government Employee-  
18 Management Relations Board ("Board"), on May 11, 2011 for deliberation and possible  
19 dismissal pursuant to the provisions of the Local Government Employee-Management Relations  
20 Act ("the Act"); NAC Chapter 288, NRS chapter 233B, and was properly noticed pursuant to  
21 Nevada's open meeting laws.  
22

23 As set forth below, the Board now dismisses this matter as the Board concludes that it  
24 does not have subject matter jurisdiction to determine the appropriate bargaining unit in this  
25 matter at this stage in the proceedings. As this case concerns the Board's jurisdiction, we raise  
26 the issue *sua sponte*. See Swan v. Swan, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990).  
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1 This Board is a board of limited jurisdiction. The bounds of our jurisdiction are set by the  
2 Act. NRS 288.170 grants the right to determine which groups of employees constitute an  
3 appropriate bargaining unit not to this Board, but to the local government employer, after  
4 consultation with the recognized employee organizations. NRS 288.170(1). Even when the  
5 Board has ordered the creation of a new bargaining unit, we have simultaneously recognized the  
6 statutory right of the local government employer to determine the scope of the bargaining unit  
7 consistent with the standards set in NRS 288.170. Juvenile Justice Supervisors & Ass't Managers  
8 Ass'n v. County of Clark, Item No. 704A, EMRB Case No. A1-045953 (2010). The process  
9 contemplated under NRS 288.170 then allows for an employee organization to appeal a  
10 bargaining unit determination to the Board, if it is aggrieved by the local government employer's  
11 determination. NRS 288.170(5)

12 In this matter, it is the local government employer that has filed this petition asking the  
13 Board to determine whether the airfield maintenance employees group should constitute a  
14 separate bargaining unit than the non-airfield maintenance employees. The Board lacks  
15 jurisdiction over this case because the right to make that determination, at least initially, does not  
16 rest with this Board – it rests with the Reno-Tahoe Airport Authority. NRS 288.170(1).

17 Based upon the forgoing, the Board makes the following findings of fact and conclusions  
18 of law.

#### 19 FINDINGS OF FACT

- 20
- 21 1. The Reno-Tahoe Airport Authority is the Petitioner in this matter.
- 22 2. The Reno-Tahoe Airport Authority is a local government employer and not an employee  
23 organization as defined in NRS 288.040.
- 24 3. The petition filed by the Reno-Tahoe Airport Authority requests that the Board determine  
25 which group or groups of employees constitute an appropriate bargaining unit.
- 26 4. If any of the foregoing findings is more appropriately construed a conclusion of law, it  
27 may be so construed.

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1 CONCLUSIONS OF LAW

- 2 1. The Board's jurisdiction is limited by the provisions of the Local Government Employee-  
3 Management Relations Act.
- 4 2. A local government employer possesses the right to determine which groups of  
5 employees constitute an appropriate bargaining unit pursuant to NRS 288.170.
- 6 3. The Board does not have the authority under the provisions of the Local Government  
7 Employee-Management Relations Act to make initial determinations regarding which  
8 groups of employees should constitute an appropriate bargaining unit.
- 9 4. The Board is only authorized to hear and determine an appeal of a bargaining unit  
10 determination pursuant to the provisions of NRS 288.170(5).
- 11 5. The Board does not have jurisdiction over the subject matter of the Petition on file herein  
12 pursuant to the provisions of NRS Chapter 288.

13 ORDER

14 It is hereby ordered that this matter is dismissed.

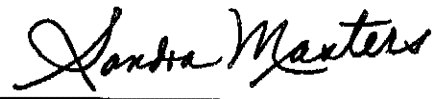
15 DATED this 17th day of May, 2011.

16 LOCAL GOVERNMENT EMPLOYEE-

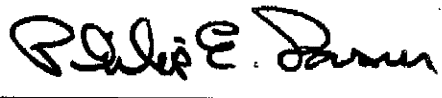
17 MANAGEMENT RELATIONS BOARD

18 BY:  \_\_\_\_\_

19 SEATON J. CURRAN, ESQ., Chairman

20 BY:  \_\_\_\_\_

21 SANDRA MASTERS, Vice-Chairman

22 BY:  \_\_\_\_\_

23 PHILLIP E. LARSON, Board Member

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CASE NO. A1-045993

8 INTERNATIONAL BROTHERHOOD OF )  
9 TEAMSTERS, LOCAL UNION 533, )

10 Respondent, )

**NOTICE OF ENTRY OF ORDER**

11 RENO AIRFIELD EMPLOYEES )  
12 ASSOCIATION (RAEA) )

13 Intervenor. )

14  
15 To: Mark J. Ricciardi, Esq.

16 To: Michael E. Langton, Esq.

17 To: Laurence P. Digesti, Esq.

18 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
19 May 17, 2011.

20 A copy of said order is attached hereto.

21 DATED this 17<sup>th</sup> day of May, 2011.

22 LOCAL GOVERNMENT EMPLOYEE-  
23 MANAGEMENT RELATIONS BOARD

24 BY   
25 JOYCE A. HOLTZ, Executive Assistant  
26  
27  
28

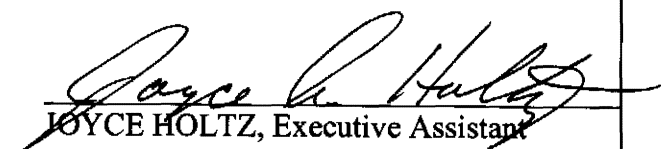
**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 17<sup>th</sup> day of May, 2011, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Mark J. Ricciardi, Esq.  
Fisher & Phillips LLP  
3800 Howard Hughes Pkwy #950  
Las Vegas, NV 89169

Michael E. Langton, Esq.  
801 Riverside Drive  
Reno, NV 89503

Laurence P Digesti, Esq.  
485 West Fifth St.  
Reno, NV 89155

  
JOYCE HOLTZ, Executive Assistant

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