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# Las Vegas City Employees' Association

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**General Counsel**  
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**General Manager**  
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April 17, 2003

Attention: Chairman Townsend  
And Honorable Members of the Commerce and Labor Committee

The Las Vegas City Employees' Association and its members support AB 182.

The Las Vegas City Employees' Association was founded in 1951 to promote and protect the rights of Classified City of Las Vegas Employees and to better serve the community.

Your support of AB 182 will not only protect the rights of Classified City of Las Vegas Employees, but all Public Employees and School Teachers state wide that would benefit from your support.

An example of how this would benefit all Public Employees in the State of Nevada is similar legislation that California has adopted called Agency Shop. Attached to this letter is California's statutory language on Agency Shop. Agency Shop has been in place in California for several years.

The key opposition on this bill will be outcries of "Forced Unionism". AB 182 does not force union membership upon anyone. Employees still have the option of not joining, and only have a portion of normal dues. These dues pay for benefits of having labor representation. They also pay for benefit increases, job protection, and representation. So it is only fair that all employees who benefit from the efforts of collective bargaining pay some portion of the cost of benefits.

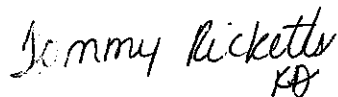
Here is an illustration of a current day situation. The Chamber of Commerce is against AB 182, why? The LVCEA employs 3 full time staff. We have to belong to the Chamber of Commerce for the ability to attain affordable health insurance for our employees. What happens if we don't pay our membership dues for our "Fair Share"?

There are safeguards for employees. The union is required to be financially accountable to the employees it represents. No political

fees are deducted from any non-member. Agency Shop and Fair Share agreements have been found, time and time again to be legal and no infringements on employee's rights to free speech or association, as long as adequate safeguards are taken for non-members. The Las Vegas City Employees' Association will assure that those safeguards are made available.

Thank you for your support of AB 182. If you have any questions or require clarification, please call me at 702-806-4658 or email: [tricketts@lvcm.com](mailto:tricketts@lvcm.com).

Sincerely,

Handwritten signature of Tommy Ricketts in cursive script, with a small mark below the name.

Tommy Ricketts, President  
Las Vegas City Employees Association  
857 N. Eastern Ave.  
Las Vegas, NV 89101  
[www.lvcea.org](http://www.lvcea.org)

## AB 182

### Fair Share

#### Rights and Representation

**QUESTION:** What if a worker has concerns about how their dues money is spent. Can they object?

**ANSWER:** Of course. A local union is created by local union members. They elect its officers and have ultimate authority over how dues dollars are spent. If a member has any concerns, he or she can take it up with their elected union officers and with other members at a union meeting. Moreover, nonmembers may object to paying that part of any contractually required payment that goes for non-collective bargaining expenditures. Upon receiving such an objection, the union is required to make the necessary reduction in the fee charged to the objecting nonmember.

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**QUESTION:** Is the union required to represent all employees - members as well as nonmembers - in a company with a union contract?

**ANSWER:** Yes. Federal law and the Nevada Supreme Court requires a union to represent all employees where the union has a contract with the employer. In free collective bargaining states, all workers employed under a contract with a union security provision are obliged to help share in the cost of their union representation and the servicing of their union contract. But in 'right-to-work' states, where many nonmembers often pay nothing, the union must still represent them just the same as they represent dues-paying members. (This is also true for public employee unions covered under state and local collective bargaining laws.) So 'right-to-work' laws force dues-paying union members to subsidize union services for "free riders."

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**"A union-shop arrangement has been thought to distribute fairly the cost of these (representatives) activities among those who benefit, and it counteracts the incentive that employees might otherwise have to become free riders'- to refuse to contribute to the union while obtaining benefits of union representation that necessarily accrue to all employees."**

**U.S. Supreme Court  
Abood v. Detroit Board of Education, 1977**

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**QUESTION: In other words, a worker employed at a facility with a union contract gets all the economic benefits and services of union membership but doesn't have to pay any dues?**

**ANSWER: Correct. For employees covered by Federal law, the only thing compulsory about this issue is the legal requirement that a union is forced to represent all workers - union and nonunion alike within the bargaining unit. For example, when a wage increase or benefit improvement is negotiated by the union, all workers get it whether they are a union member or not. Similarly, if a nonunion employee is unjustly discharged, the union must defend the worker as if he or she were a member even if it requires going through the costly process of grievance arbitration. (Again, this is also true for public employees covered under applicable state and local laws.) Moreover, nonunion employees including those who have never paid one cent in dues - have the legally protected right under federal labor law to sue the union if they think they haven't been properly represented.**

**QUESTION:** What is there to "servicing" a collective bargaining agreement?

**ANSWER:** Assuring compliance with and improving upon a labor contract is a time-consuming process which requires a lot of effort and resources. Contract negotiations are lengthy proceedings during which a union attempts to gain the best possible wages, fringe benefits and working conditions for the employees it represents, including such protections as a guarantee of job security and grievance rights. Union representatives - often shop stewards elected by the workers - monitor the day-to-day application of the contract at the job site. The union also then manages grievances for individuals who feel their rights have been violated by the employer. If taken through to arbitration, this can cost the union thousands of dollars. Arbitration and contract negotiations may require the services of full-time union officials, lawyers, industrial engineers, safety experts, labor economists, field representatives, office secretaries, etc. So servicing a contract costs money, but it benefits everyone.

All references are to the California Government Code

3502.5. (a) Notwithstanding Section 3502 or 3502.6, or any other provision of this chapter, or any other law, rule, or regulation, an agency shop agreement may be negotiated between a public agency and a recognized public employee organization which has been recognized as the exclusive or majority bargaining agent pursuant to reasonable rules and regulations, ordinances, and enactments, in accordance with this chapter. As used in this chapter, "agency shop" means an arrangement that requires an employee, as a condition of continued employment, either to join the recognized employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of the organization.

(b) In addition to the procedure prescribed in subdivision (a), an agency shop arrangement between the public agency and a recognized employee organization that has been recognized as the exclusive or majority bargaining agent shall be placed in effect, without a negotiated agreement, upon (1) a signed petition of 30 percent of the employees in the applicable bargaining unit requesting an agency shop agreement and an election to implement an agency fee arrangement, and (2) the approval of a majority of employees who cast ballots and vote in a secret ballot election in favor of the agency shop agreement. The petition may only be filed after the recognized employee organization has requested the public agency to negotiate on an agency shop arrangement and, beginning seven working days after the public agency received this request, the two parties have had 30 calendar days to attempt good faith negotiations in an effort to reach agreement. An election that may not be held more frequently than once a year shall be conducted by the Division of Conciliation of the Department of Industrial Relations in the event that the public agency and the recognized employee organization cannot agree within 10 days from the filing of the petition to select jointly a neutral person or entity to conduct the election. In the event of an agency fee arrangement outside of an agreement that is in effect, the recognized employee organization shall indemnify and hold the public agency harmless against any liability arising from any claims, demands, or other action relating to the public agency's compliance with the agency fee obligation.

(c) Any employee who is a member of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations shall not be required to join or financially support any public employee organization as a condition of employment. The employee may be required, in lieu of periodic dues, initiation fees, or agency shop fees, to pay sums equal to the dues, initiation fees, or agency shop fees to a nonreligious, nonlabor charitable fund exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, chosen by the employee from a list of at least three of these funds, designated in a memorandum of understanding between the public agency and the public employee organization, or if the memorandum of understanding fails to designate the funds, then to any such fund chosen by the employee. Proof of the payments shall be made on a monthly basis to the public agency as a condition of continued exemption from the requirement of financial support to the public employee organization.

(d) An agency shop provision in a memorandum of understanding that is in effect may be rescinded by a majority vote of all the employees in the unit covered by the memorandum of understanding, provided that: (1) a request for such a vote is supported by a petition containing the signatures of at least 30 percent of the employees in the unit; (2) the vote is by secret ballot; (3) the vote may be taken at any time during the term of the memorandum of understanding, but in no event shall there be more than one vote taken during that term. Notwithstanding the above, the public agency and the recognized employee organization may negotiate, and by mutual agreement provide for, an alternative procedure or procedures regarding a vote on an agency shop agreement. The procedures in this subdivision are also applicable to an agency shop agreement placed in effect pursuant to subdivision (b).

(e) An agency shop arrangement shall not apply to management, confidential, or supervisory employees.

(f) Every recognized employee organization that has agreed to an agency shop provision or is a party to an agency shop arrangement shall keep an adequate itemized record of its financial transactions and shall make available annually, to the public agency with which the agency shop provision was negotiated, and to the employees who are members of the organization, within 60 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its president and treasurer or corresponding principal officer, or by a certified public accountant. An employee organization required to file financial reports under the federal Labor-Management Disclosure Act of 1959 (29 U.S.C. Sec. 401 et seq.) covering employees governed by this chapter, or required to file financial reports under Section 3546.5, may satisfy the financial reporting requirement of this section by providing the public agency with a copy of the financial reports.