



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** November 17, 2022

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding a request from the Carson City Deputy District Attorney Association ("CCDDAA") to be recognized as an employee organization pursuant to NRS 288.160 and a determination on whether the group of employees comprised of attorneys occupying the positions of Deputy District Attorney, Senior Deputy District Attorney and Supervising Deputy District Attorney in the Criminal and Juvenile Divisions of the Carson City District Attorney's Office constitute an appropriate bargaining unit for negotiating pursuant to NRS 288.170. (Nancy Paulson, npaulson@carson.org)

Staff Summary: CCDDAA, a newly formed employee association, has requested union recognition from the Board of Supervisors and a determination that the group of employees who occupy attorney positions in the Criminal Division and Juvenile Division of the District Attorney's Office constitute an appropriate bargaining unit for negotiating with the City. Under state law, attorney's employed in the Civil Division of the District Attorney's Office are prohibited from membership in CCDDAA and are therefore not represented.

Agenda Action: Formal Action / Motion **Time Requested:** 15 minutes

Proposed Motion

I move to recognize CCDDAA as an employee organization and determine that the verified membership of attorneys as presented constitute an appropriate bargaining unit.

Board's Strategic Goal

Organizational Culture

Previous Action

N/A

Background/Issues & Analysis

On October 11, 2022, the City received notice from CCDDAA of its formation as a union and requesting recognition of CCDDAA as an employee organization. In accordance with the statutory requirements of NRS 288.160, included with the notice was a copy of CCDDA's bylaws, a roster of its officers and a pledge in writing not to strike against the City under any circumstances. The notice also requested a determination that its membership group comprised of attorneys employed in the Criminal Division and Juvenile Division of the District Attorney's Office occupying the positions of Deputy District Attorney, Senior Deputy District Attorney and Supervising Deputy District Attorney constitute an appropriate bargaining unit for negotiating pursuant to NRS 288.170. As set forth in NRS 288.170(1), the primary criterion for this determination is whether there exists a community of interest among the employees concerned.

In accordance with NRS 288.160(2), CCDDAA has presented a verified membership list showing that it represents a majority of the employees in the bargaining unit, the only unit under CCDDAA. Accordingly, if the Board of Supervisors formally recognizes CCDDAA as an employee organization, CCDDAA will be the exclusive bargaining agent for the bargaining unit, which comprises CCDDAA's entire membership.

Under NRS 288.140, attorneys who are employed by a local government employer and assigned to a civil law division, department or agency are prohibited from membership in an employee organization. Consequently, the attorneys employed in the Civil Division of the District Attorney's Office are precluded from membership in CCDDAA.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 288

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Unknown at this time, but it should be expected that CCDDAA will request contract negotiations, including bargaining over matters related to compensation.

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

No viable alternative as all statutory requirements for recognition of CCDDAA as an employee organization and determination of the bargaining unit as an appropriate unit for negotiating with the City appear to have been satisfied.

Attachments:

[0966_001.pdf](#)

[Letter to DA Association.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

October 11, 2022

Carson City
Attn: Melanie Bruketta
201 North Carson Street
Suite #4
Carson City, NV 89701

To Whom It May Concern:

This letter is to inform you of the creation of the Carson City Deputy District Attorney Association (hereafter "Association") and to serve as an application to be recognized as a bargaining unit. The Association is comprised of attorneys employed as Deputy District Attorney, Senior Deputy District Attorney, or Supervising Deputy District Attorney working in the Criminal and Juvenile Divisions of the Carson City District Attorney's Office. A verified list of members is attached hereto as Exhibit 1. Should additional documentation be needed, a signed member pledge from each of the listed members is on file with the Association and may be provided upon request. Given that the Association is comprised of over fifty percent of employees within the bargaining unit, this letter and its attachments will also serve as an application to be recognized as the bargaining agent. Any objection to either designation should be made in accordance with statute.

A copy of the Association's voted on and approved Bylaws are attached hereto as Exhibit 2. Each member's pledge on file with the association and the approved Bylaws contains a no strike clause in accordance with statute. I have been duly elected by the membership to serve as President. In my capacity as President, I will serve as the Representative for the Association. As of the writing of this letter, there are no other officers or representatives of the Association.

The goal of the Association is to ensure the highest quality service to citizens of Carson City through the establishment of employment agreements that will allow for retention of top performers in this field. The administration at the District Attorney's Office has created a cohesive, productive work environment that allows employees to succeed. However, the administration's exhaustive efforts to modernize compensation structure to be competitive with surrounding counties have been largely unsuccessful. As a result, we endeavor to remove that burden from the office administration and negotiate directly with the city with the sincere belief that the result will be superior service to the citizens we all have the honor to serve.

Sincerely,



Kelly Brandon
President
Carson City Deputy District Attorney's Association
Kebrandon95@gmail.com
(775)315-4333

RECEIVED

OCT 11 2022

**Carson City
Human Resources**

Enclosures

cc: Jason Woodbury, District Attorney

Exhibit 1

Member Roster

Name	Title	Division
Brandon, Kelly	Senior Deputy District Attorney	Juvenile
Brantingham, Melanie	Supervising Deputy District Attorney	Criminal
Bruketta, Samuel	Deputy District Attorney	Criminal
Burr, Lucas	Deputy District Attorney	Juvenile
League, Tyson	Supervising Deputy District Attorney	Criminal
Quagge, Alexander	Deputy District Attorney	Criminal
Smith, Peter	Senior Deputy District Attorney	Criminal

Exhibit 2

Carson City Deputy District Attorney Association Bylaws

These bylaws shall govern the actions of the Carson City Deputy District Attorney Association (hereafter "Association") until such time as it is amended by a majority vote of members.

The Carson City Deputy District Attorney Association is an employee organization whose purpose is the improvement of the terms and conditions of employment of Deputy District Attorney, Senior Deputy District Attorney, or Supervising Deputy District Attorney in the Criminal Division or Juvenile Division of the Carson City District Attorney's Office.

"Qualifying Employee" is defined as a person employed as a Deputy District Attorney, Senior Deputy District Attorney, or Supervising Deputy District Attorney in the Criminal Division or Juvenile Division of the Carson City District Attorney's Office who is not explicitly prohibited from membership by statute or other governing law.

"Member" is defined as a qualifying employee who has voluntarily joined the Carson City Deputy District Attorney Association and is paying dues. Hereafter collectively referred to as "members" or "membership."

A President shall be elected from among all members by a majority vote of the membership. The President shall serve for a one-year period from the date of election. Should the position become vacant at any point prior to the expiration of a term, or the position be resigned in writing addressed to the membership, a vote for a replacement shall be held as soon as practicable by the membership.

All votes shall be valid only if a quorum is present. A quorum shall consist of at least 3/4 of all members. Electronic votes may be cast by members and will count towards a quorum.

Should the membership vote by majority to negotiate with Carson City on a new contract the designated representatives for negotiations shall be the President. The President may select one or more members to also serve as representatives to assist with the negotiation. Should the President choose to do so, the President is responsible for ensuring proper notice has been given in accordance with NRS Chapter 288. Any agreement with the City must be ratified by a vote of not less than 3/4 of the membership to be accepted.

At the request of a majority of the membership, or if the President deems that legal counsel may be necessary, the President shall present options to the membership. Representation shall be retained only upon a vote of support by not less than 3/4 of the membership. The cost for such representation shall first come from dues funds available. Should it become necessary, any additional cost will be divided equally among the members.

Dues for members shall be \$10 per bi-weekly paycheck issued by Carson City. This amount may be collected in accordance with a collective bargaining agreement or if one does not exist, by any method approved by a majority of the members. The amount may be modified at any time by a majority vote of the membership.

All meetings and other matters shall be governed by the standard rules of parliamentary procedure to include that every item must first be motioned by a member, it must then receive a second and then must be voted in by the membership at large.

No member of the Association shall strike against Carson City under any circumstances. Further, the Association will not strike against Carson City under any circumstances.

Adopted on this 11 day of October, 2022 by the Carson City Deputy District Attorney Association.


President



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

October 18, 2022

Via E-mail Only

Ms. Kelly Brandon

Kebrandon95@gmail.com

Re: Carson City Deputy District Attorney Association

Ms. Brandon:

I have received your correspondence, dated October 11, 2022, which you characterize as “an application to be recognized as a bargaining unit.” My understanding of your request is that as President of the Carson City Deputy District Attorney Association (CCDDAA), you are seeking recognition on behalf of CCDDAA as an employee organization and then a determination of the sole bargaining unit of CCDDAA which is to be comprised of the employee positions described in your letter.

Recognition of an employee organization is made by the Board of Supervisors. As the City Manager, I will make the appropriate arrangements to place your request on a Board of Supervisors meeting agenda for consideration. Due to time constraints, the earliest date on which CCDDAA’s request for recognition may be heard by the Board of Supervisors is at its second meeting next month, on November 17. I will confirm a date as soon as possible.

On legal advice provided to me, I ask that you do not communicate any further with Human Resources Director Melanie Bruketta on this recognition request, bargaining unit determination or any subsequent bargaining matter involving CCDDAA so long as the employment terms of Sam Bruketta are affected or anticipated to be affected by his membership in CCDDAA. As you know, Ms. Bruketta has a mother-son familial relationship with Mr. Bruketta. That degree of consanguinity creates a direct conflict. Consequently, Ms. Bruketta will have no additional involvement. For now, please direct all future communications concerning CCDDAA to my attention.

Sincerely,

Nancy Paulson

Carson City Manager

CC: Jason Woodbury, District Attorney
Dan Yu, Assistant District Attorney