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MEMORANDUM
HR# 65-19

December 20, 2019

TO: Department Directors
Deputy Directors
Division Administrators
Agency Personnel Liaisons

FROM: Frank Richardson, Interim Administrator *Frank Richardson*
Division of Human Resource Management

SUBJECT: UNFAIR LABOR PRACTICES RESOURCES

The attached flyers have been developed to provide a resource for agencies that have employees subject to collective bargaining per SB135. The flyers contain helpful information regarding prohibited activity and include examples of unfair labor practices. If you have any questions, please contact Frank Richardson at frichardson@admin.nv.gov or (775) 684-0105.

Attachments

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Prohibited Activity

An unfair labor practice is an action that violates the law. We have created this for guidance on employer actions that would unduly interfere with an individual employee's labor rights. The following are unfair labor practices that are prohibited:

- **Interference, restraint, or coercion.** An employer cannot interfere with, restrain, or coerce employees in the exercise of their rights. Most violations of this section include supervisors who (a) make threatening statements, (b) question employees who assert their labor rights, or (c) make false statements to workers seeking unionization.
- **Employer domination or support of a labor organization.** An employer cannot try to dominate or interfere with the formation or administration of any labor organization, or to contribute financial or other support to such an organization.
- **Discrimination on the basis of labor activity.** An employer cannot discriminate against an employee in hiring and any term or condition of employment in order to encourage or to discourage membership in any labor organization.
- **Retaliation for filing charges or given testimony.** An employer may not discharge or otherwise discriminate against an employee in terms and conditions of employment because he or she has filed charges or given testimony.
- **Refusal to bargain.** An employer will be in violation if it (a) refuses to bargain collectively with the representatives of the employees, (b) refuses to recognize a majority union, (c) takes unilateral actions, (d) refuses to provide necessary information to union representatives, (e) refuses to sign a written contract once an agreement is reached, (f) or imposes conditions on its willingness to bargain.

Unfair Labor Practices - Examples

- Threaten employees with adverse consequences, such as loss of benefits, or more onerous working conditions, if they support a union, engage in union activity, or select a union to represent them.
- Threaten employees with adverse consequences if they engage in protected, concerted activity such as talking with one or more co-workers about wages, benefits or other working conditions, circulating a petition asking for better hours, participating in a concerted refusal to work in unsafe conditions or openly talking about pay and benefits.
- Confer benefits on employees during a union organizing campaign to induce employees to vote against the union.
- Coercively question employees about their own or coworkers' union activities or sympathies. (Whether questioning is coercive and therefore unlawful depends on the relevant circumstances, including who asks the questions, where, and how; what information is sought; whether the questioned employee is an open and active union supporter; and whether the questioning occurs in a context of other unfair labor practices.)
- Prohibit or influence employees from talking about the union during working time, if you permit them to talk about other non-work-related subjects.
- Spy on employees' union activities or create the impression of spying. "Spying" means doing something out of the ordinary to observe the activity. Seeing open union activity in workplace areas frequented by supervisors is not "spying".
- Photograph or videotape employees engaged in peaceful union or other protected activities.
- Solicit individual employees to appear in a campaign video.
- Promulgate, maintain, or enforce work rules that reasonably tend to inhibit employees from exercising their rights.
- Deny off-duty employee access to outside nonworking areas of your property, unless business reasons justify it.
- Prohibit employees from wearing union buttons, t-shirts, and other union insignia unless special circumstances warrant.
- Discipline or discharge a union-represented employee for refusing to submit, without a representative, to an investigatory interview the employee reasonably believes may result in discipline.
- Initiate, solicit employees to sign, or lend more than minimal support to or approval of a decertification or union-disaffection petition.