

pictured: l to r Mike Chamberlin – Director, Nevada Business Coalition, Teddy Parker – Attorney, Parker & Nelson (our hero), Angela White – Associate, Parker & Nelson (our lifesaver), Clara Andriola – President, ABC Nevada Chapter,



Dan Burdick – CEO Citizen Outreach & Kevin Dayton – Director of Government Affairs, ABC California

Huge Legal Victory for Nevada’s Merit Shop Contractors & All Construction Workers

District Court Judge Grants Injunction on Clark County PLA
In a major victory for the open shop industry in Nevada, District Court [Judge Jerry Wiese issued a preliminary injunction](#) late last night preventing the Clark County Commission from going forward with plans to utilize a Project Labor Agreement on the Clark County Detention Center remodel project.

While the judge upheld several findings related to the PLA in his final ruling, he did find that PLAs provide an unfair advantage to union workers and signatory contractors and therefore did not meet the Supreme Court’s test that PLAs guard against favoritism and corruption.

ABC has long held that any new PLA in today’s economy would not pass all the tests required by the ABC Southern Nevada vs. SNWA ruling. In reaching his conclusion, Judge Wiese carefully analyzed each of the provisions of ABC vs. SNWA and found that justification DID exist for a PLA to be used based on the fact that they secure competition, save taxpayers dollars and are an advantage based on current market conditions (although he saw merit in arguments both way on the latter).

However, the judge found **PLAs do NOT guard against favoritism and corruption** based on the fact that non-union contractors cannot use all of their own workers, must hire from the union hall and may be forced to pay double benefits. In his conclusion, Judge Wiese explained, “This court concludes that the PLA, as written, promotes favoritism and favors union workers and contractors over non-union workers and contractors.”

The Clark County Commission postponed this matter for two weeks at their regular commission meeting this afternoon (08.16.11), as the item had been previously ajenized. The commission could decide to appeal the case to the Supreme Court or they could amend the PLA to remove provisions limiting open shop contractors to using 7 of their “core” employees, requiring hiring from the union hall and eliminating the potential for the payment of double benefits.

If the commission chooses to move forward with a PLA it must meet the court’s approval prior to its implementation, in order to meet the legal findings outlined in the ruling.

It is and continues to be ABC’s intent to work with all parties to create equal opportunities for ALL Nevadans to work regardless of labor affiliation. This is a mission that ABC has not veered from and will continue to be at the forefront through all of its endeavors in order to provide equal opportunities

for All Nevadans to work. In fact, if the 2011 legislature had adopted [ABC's amendment](#) attached to Assemblyman Hardy's Prevailing Wage reform bill, [AB 312](#), we wouldn't even be in this situation. During the legislative session we heard concerns from several legislators, from both sides of the isle, who voiced their dissatisfaction regarding the exact items discussed in the legal findings of the judges' ruling.

We would like to acknowledge the impeccable work of the ABC & Citizens' Outreach's attorney, Theodore Parker, as well as the hard work exemplified by Angela White, Associate with Parker & Nelson who worked vigorously to meet incredible deadlines with a grace that must be noted with the utmost appreciation.

Special thanks to all the members, as well as the leadership, of the ABC Nevada chapter who continue to support the rights of the construction industry as a whole, we couldn't do this without you!

We also like to thank Kevin Dayton, Director of Government Affairs of California who was called as a witness at the hearing by the Plaintiffs. Unfortunately, the trades' legal counsel objected to his being classified as an expert witness in accordance with Nevada's statues and was successful in having his testimony stricken; we believe the attorney may not have wanted to cross examine Kevin because it was clear he had a vast knowledge of the inner workings of PLAs in revealing their true intent, not only related to this case but to the provisions used in union-only PLAs across the nation. Thanks to ABC National who provided the means to assist in fighting this legal challenge; that we hope soon comes to a close for the betterment of all.

We do expect that, since the Southern Nevada Building Trades is a co-defendant in the case, the ruling will be appealed to the Supreme Court. The only real question is whether the commission will decide to move forward on the project without the PLA in order to avoid further delays and provide opportunities to taxpayers and get people working.

Congratulations to the entire team who've worked tirelessly on this case; this is a time to enjoy the victory for ALL Nevadans in the construction industry that must be afforded an equal opportunity to work, regardless of their labor affiliation!



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