LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

DR. RONALD GLENN, Complainant, vs. ORMSBY COUNTY TEACHERS ASSOCIATION; JOHN I. SULLIVAN; DICK SEELY; BRUCE A. CLARK; DAVE HAMPTON and NEVADA STATE EDUCATION ASSOCIATION, Respondents.	No. A1-045277

O R D E R

The Ormsby County Teachers Association, the individual respondents and the Nevada State Education Association have filed motions seeking to dismiss this complaint against them. A consolidated opposition to the motions was filed by complainant on June 19, 1974.

The complaint alleges that the respondents failed to negotiate a doctoral salary scale for the benefit of the complainant in violation of NRS 288.270(2)(b): "It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to: ...(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150...."

In his responsive points and authorities the complainant asserts that the Nevada State Education Association was properly joined as a party respondent because the Association dictates the negotiating policies of the Ormsby County Teachers Association, or, at the very least, advises and counsels the latter regarding organizational policies and that it was such influence that led to the violation of Chapter 288.

In our recent decision on rehearing in Las Vegas Federation of Teachers v. Clark County School District, et al., No.A1-00427, filed April 23, 1974, we ruled that teachers, in that instance

the members of the Clark County Classroom Teachers Association, were not dominated by the Nevada State Education Association because of the affiliation between the two entities. We further note that in this particular instance the statute expressly states that it is a prohibited practice to refuse to bargain collectively in good faith if the employee organization "is an exclusive representative". The record before us reflects that the Nevada State Education Association has never sought or received any recognition as the "exclusive representative" of the certified teaching personnel in the Carson City School District for the purpose of collective bargaining.

Without an express grant of jurisdiction to hear complaints against entities which are neither local government employers or local government employee organizations, we can presume no such authority. See, Andrews v. Nevada State Board of Cosmetology, 86 Nev. 207, 467 P.2d 96 (1970); State v. Ernst, 26 Nev. 113 (1901).

The motions to dismiss the complaint against the Ormsby County Teachers Association and the individual respondents assert that the complaint does not allege facts sufficient to establish the jurisdiction of this Board and that the relief sought by complainant is likewise beyond our jurisdiction.

It is well recognized that pleadings before an administrative agency are to be very liberally construed. National Rlty. & C. Co., Inc. v. Occupational S. & H. R. Com'n, 489 F.2d 1257 (D.C. Cir. 1973); 1 K. Davis, Administrative Law Treatise § 8.04 at 523 (1958). If the pleadings give the parties fair notice of the issues involved they are deemed sufficient. Glenn v. Board of County Com'rs, Sheridan County, 440 P.2d 1 (Wyo. 1968).

The instant complaint sufficiently apprises the respondents of the issues involved; dismissal on that ground is unwarranted.

We deem it appropriate to defer consideration of the contention that this Board lacks jurisdiction to grant all the relief sought in the prayer of the complaint until submission of the matter after hearing.

The motion to dismiss the complaint against the Nevada State Education Association is well taken and is granted. The motions to dismiss the complaint against the Ormsby County Teachers Association and the individual respondents are denied. Determination of whether or not this Board possesses the jurisdiction to grant all the relief sought in the complaint is deferred until submission of the complaint after hearing.

It is so ORDERED.

Dated this 16th day of August 1974.

Harriet Trudell, Chairman

John T. Gojack, Vice-Chairman

cc:

Arthur J. Bayer, Jr., Esq.
Michael R. Griffin, Esq.
Richard L. Morgan, Esq.