

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

In the Matter of the CLARK COUNTY	)	
CLASSROOM TEACHERS ASSOCIATION,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. Al-045280
	)	
CLARK COUNTY SCHOOL DISTRICT and	)	
BOARD OF TRUSTEES OF THE CLARK	)	
COUNTY SCHOOL DISTRICT,	)	
	)	
Respondents.	)	

ORDER DISMISSING COMPLAINT

The claims of prohibited practices raised by this complaint center around the relationship between Orr Junior High School Principal Frank Lamping and the Teacher Advisory Council established at Orr.

Under the provisions of Article X of the 1973-75 collective bargaining agreement between the complainant and respondents a Teacher Advisory Council is established at each school where a majority of the faculty desire to have such a council. Article X further provides that the principal and TAC members meet at the request of either party to discuss school operations; exempted by the contract from discussion at such meetings are matters that have been grieved pursuant to Article IV of the contract.

On September 20, 1974, Principal Lamping submitted to the members of TAC a list of matters he wished discussed at the TAC meeting scheduled for later that day. Items "e" through "i" were of special concern to the Association:

- e. Why can't the teachers at Orr elect their own grievance representative.
- f. How much did the Association spend, from teacher dues, for the grievances filed last year. Request verification figures from CCCTA.
- g. List of grievances filed to date and the results and/or status of these grievances.

h. Who and how many of the Orr staff are members of the CCCTA?

i. How many members of the TAC group are CCCTA members?

Subsequent to the meeting of September 20, both the TAC group and Principal Lamping distributed to the school's faculty their recollection of the matters discussed and action taken at the meeting. Principal Lamping appended on the last page of his minutes the following statement:

(Estimated cost to the Association for each third level grievance is \$1,500 to \$2,000 or more, depending on professional time involved.)

It is alleged that Mr. Lamping's conduct was calculated to impede the Association's exercise of its rights under Chapter 288 of the NRS, interfere in the internal administration of the Association, cause unrest in the membership of the Association, discourage members from instituting grievances and thus interfere and coerce individual employees in the exercise of the rights guaranteed by the statutory provisions.

Respondent's moved to dismiss the complaint on the basis that the disposition of the allegations would necessarily involve interpreting the contract, an area we have previously found to be beyond our jurisdiction. Reno Police Protective Association vs. City of Reno, et al., Case No. 18273, Item #16, order entered August 16, 1974.

We ordered on March 12, 1975, that the motion be held in abeyance pending a hearing on the complaint.

After hearing the testimony and reviewing the evidence presented, we find that there is no manner in which the complaint may be resolved that would not involve construing the Teacher Advisory Council provisions of the collective bargaining agreement. Therefore, the complaint must be dismissed. A finding that Mr. Lamping's conduct constitutes a prohibited practice necessarily involves a finding that his conduct went beyond that permitted by the TAC provisions of the contract, and, likewise, a finding that he has not violated the prohibited practices section of NRS Chapter

288 necessarily involves a determination that his actions were permissible under the contract provisions.

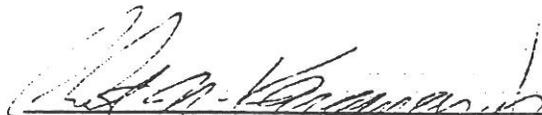
As we noted in the Reno Police order, "From the express grant of jurisdiction to this Board to hear complaints and appeals arising from the initial attempts at recognition by an employee organization through the collective bargaining process and in certain areas of prohibited practice, it must be inferred that the Legislature intended to limit our jurisdiction to these instances. Without an express grant of jurisdiction to this Board to construe the provisions of an existing collective bargaining agreement at the local government level, no such jurisdiction may be presumed." Id at page 3.

The 1975 session of the Nevada Legislature saw fit to make substantial changes in the provisions of Chapter 288, but, no provision was added which vests us with the jurisdiction to construe the provisions of collective bargaining agreement at the local government level.

The motion to dismiss is well taken. It is

ORDERED that the complaint be, and the same hereby is, dismissed.

Dated this 19th day of August, 1975.

  
Christ N. Karamanos, Board Chairman

  
John T. Gojack, Board Vice Chairman

  
Dorothy Eisenberg, Board Member

cc: Frank A. Schreck, Jr., Esq.  
Robert L. Petroni, Esq.  
Kevin C. Efroymsen, Esq.