

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

Nevada Classified School)	
Employees Association,)	
)	
Petitioner,)	
)	
vs)	Case No. A1-045345
)	
Clark County School)	
District)	
)	
Respondent.)	
)	
)	

DECLARATORY ORDER

The Nevada Classified School Employees Association has petitioned for a Declaratory Ruling requesting that the Board: (1) rule the subject matter of Clark County School District Policies 4411 and 4455, Probationary Employment and Performance Evaluation respectively, be deemed negotiable and (2) that the District be instructed to remit said items of mandatory bargaining to the arbitration process per the parties negotiated agreement.

Citing the case of Washoe County School District vs Washoe County Teachers Association, Item No. 3 (1971) the petitioner contends that the subject matter of the respective policies is significantly related to wages, hours and conditions of employment heretofore designated as mandatory items of collective bargaining by the Board. NRS 288.150 governs the subjects of mandatory bargaining.

At the outset, the Board is compelled to note that in 1975 the Nevada Legislature amended and thereby limited NRS 288.150 by substituting a delineative list of items mandatorily negotiable for the prior and broader concept of "wages, hours,

and conditions of employment." See In the Matter of the White Pine Association of Classroom Teachers vs White Pine County Board of School Trustees; White Pine County School District; and John Orr, Superintendent, Case No. Al-045288, Item No. 36 (1975). Probationary Employment and Performance Evaluation are not included as topics for mandatory negotiation under the revised NRS 288.150.

More importantly, the Board believes that the petition is improperly before it.

Rule 4.01 of the EMRB General Rules (August 31, 1979) provides in pertinent part as follows:

As provided in NRS 233B.120, any recognized employee organization or local government employer may petition the Board for a Declaratory Ruling as to the applicability or interpretation of any statutory provision or of any rule or order of the Board.....

Couched in its present terms, the Association's petition seeks an outright determination that certain subjects be deemed negotiable; rather than that a particular provision(s) of NRS 288.150 is applicable to or includes the subjects at issue. Clearly, the determination that the Association seeks is not what the Declaratory Ruling provisions contemplated and the Board denies the petition, as it does not seek ruling as to the applicability or interpretation of any statutory provision or of any rule or order of the Board. Finally, assuming arguendo, that the petition is properly before the Board, the subjects of Probationary Employment and Performance Evaluation are simply not included as topics for mandatory negotiations under the revised NRS 288.150. Therefore the matters that

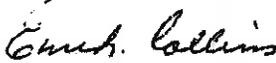
the petition seeks declared negotiable are not and cannot be so designated.

It is so ORDERED.

Dated this 5th day of February, 1981.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD


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