



1 Motion, Exhibit L. That letter expressed the District's policy of refusing to proceed with an  
2 arbitration in which the individual employee, and not the Clark County Classroom Teachers  
3 Association, will arbitrate the grievance. The Board will not rule on the lawfulness of the District's  
4 policy in this action because of McElrath's Complaint thereto is untimely under NRS 288.110(4).

5 Finally, even if McElrath's Complaint was filed within six months of receipt of the March 19,  
6 1997 letter, her second cause of action still could not proceed. At the time McElrath filed her  
7 February 20, 1997 grievance, she had retired from the District. Thus, McElrath was not a local  
8 government employee at that time or at the time of the March 19, 1997 refusal to arbitrate. Retirees  
9 are not "employees" within the meaning of NRS Chapter 288. See NRS 288.050; Allied Chemical  
10 & Alkali Workers v. Pittsburgh Plate & Glass Co., 404 U.S. 157, 172 (1971).

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, for the reason set forth above,  
12 that the District's Motion to Dismiss is granted and McElrath's Complaint is dismissed with  
13 prejudice.

14 DATED this 12 day of February 1998.

15 LOCAL GOVERNMENT EMPLOYEE-  
16 GOVERNMENT RELATIONS BOARD

17 By David Goldwater  
18 DAVID GOLDWATER, Chairman

19 By Karen L. McKay  
20 KAREN L. MCKAY, Vice-Chairperson

21 By James E. Wilkerson, Sr.  
22 JAMES E. WILKERSON, SR., Member  
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