

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD  
4

5 INTERNATIONAL BROTHERHOOD OF )  
6 TEAMSTERS, LOCAL 14, AFL-CIO, )  
7 Petitioner, )

ITEM NO. 520C

8 vs. )

CASE NO. A1-045735

9 CLARK COUNTY SCHOOL DISTRICT and )  
10 EDUCATION SUPPORT EMPLOYEES )  
11 ASSOCIATION )  
12 Respondents. )

**ORDER**

11 For Complainant: Lewis N. Levy, Esq.  
12 Levy, Stern & Ford

13 For Respondents: C.W. Hoffman, Esq.  
14 Clark County School District

15 Sandra G. Lawrence, Esq.  
16 Dyer, Lawrence, Cooney & Penrose

17 On January 29, 2002, Petitioner INTERNATIONAL BROTHERHOOD OF  
18 TEAMSTERS, LOCAL 14, AFL-CIO (hereafter "Teamsters") filed an Application for Order  
19 Convening an Administrative Hearing for the Purpose of Determining Whether to Conduct an  
20 Election Pursuant to NRS 288.160, NAC 288.145 and NAC 288.146(1) and (2) with the Local  
21 Government Employee-Management Relations Board (hereafter "Board").

22 A hearing was conducted on September 18, 2002, on the issue of whether the petition  
23 filed by Teamsters Local 14 was defective.

24 The Board deliberated on that issue on September 18, 2002, noticed in accordance with  
25 Nevada's Open Meeting Law. Based upon the Board's deliberations,

26 All parties agree that ESEA was subject to a challenge by a raiding union during a 30-day  
27 window period in November, 2001.

28 The facts presented today show that Teamsters sent correspondence to the School District  
dated November 15 and received by the School District on November 19, 2001. The Board

1 received a copy of that correspondence also on November 19, 2001. The real issue is whether  
2 that correspondence met the requirement of "challenge" under NAC 288.146(2).

3 Black's Law Dictionary (5<sup>th</sup> edition, 1979, p. 209) defines "challenge" as to "question  
4 formally the legality or legal qualification of" and "to formally call into question the capability  
5 of a person for a particular function."

6 This Board hereby finds that the November 15<sup>th</sup> letter stating that Teamsters requests  
7 recognition and indicates it has verifying membership cards verifying its majority status meets  
8 the definition of "challenge."

9 The correspondence of the challenging union, Teamsters, was within the November time  
10 limit and is, thus, not defective under the first provision of the disjunctive of NAC 288.146(2).

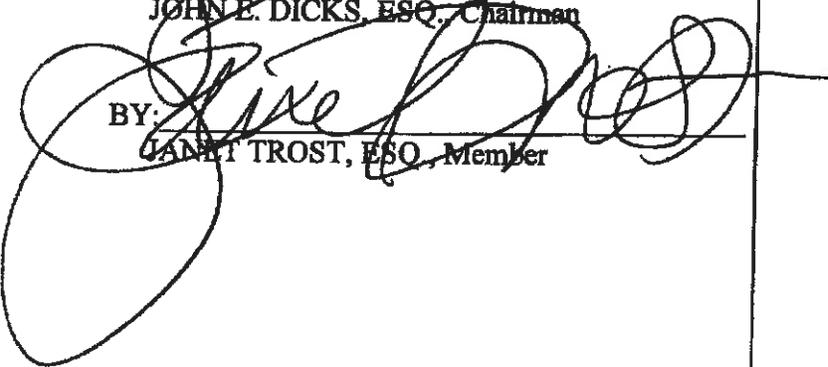
11 In light of Teamsters' November 15<sup>th</sup> letter being deemed "not defective" as a challenge,  
12 we hereby order that the hearing proceed beginning on September 19, 2002 at 8:00 a.m., to  
13 determine whether the Board in good faith doubts "whether any employee organization is  
14 supported by a majority of the local government employees in a particular bargaining unit,"  
15 pursuant to NRS 288.160(4). See NRS 288.160(4).

16 It is further ordered that the remaining portion of the counterclaim shall proceed to  
17 hearing as well, as previously noticed.

18 DATED this 19<sup>th</sup> day of September, 2002.

19 LOCAL GOVERNMENT EMPLOYEE-  
20 MANAGEMENT RELATIONS BOARD

21 BY:   
22 JOHN E. DICKS, ESQ., Chairman

23 BY:   
24 JANET TROST, ESQ., Member  
25  
26  
27  
28