

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. 520K

7 vs. )

CASE NO. A1-045735

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

**ORDER**

11 EDUCATION SUPPORT EMPLOYEES )  
12 ASSOCIATION, )  
13 Counter Claimant, )

13 vs. )

14 INTERNATIONAL BROTHERHOOD OF )  
15 TEAMSTERS, LOCAL 14, AFL-CIO, and )  
16 CLARK COUNTY SCHOOL DISTRICT, )  
17 Counter Respondents. )

17 For Petitioner:

Michael W. Dyer, Esq.  
Dyer, Lawrence, Penrose, Flaherty & Donaldson

18 For Respondents:

Kristin L. Martin, Esq. and Adam J. Zapala, Esq.  
Davis, Cowell & Bowe. LLP

20 Carlos L. McDade, Esq.  
21 Clark County School District

22 On the 12th day of January, 2012, this matter came on before the State of Nevada, Local  
23 Government Employee-Management Relations Board ("Board"), for consideration and decision  
24 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B.

25 At issue before the Board is a motion to dismiss the entire petition filed by the Education  
26 Support Employees Association (ESEA), requesting that this matter be dismissed due to a lack of  
27 action on the part of Teamsters Local 14.

28 On December 21, 2009, the Nevada Supreme Court entered an order directing a runoff  
election. The Supreme Court's order stated that "the parties can agree to an alternative method in

1 which to conduct the runoff election.” No deadline for reaching such an agreement was given  
2 and thus far the discussions for agreeing upon an alternative method have been open-ended.  
3 After the order was entered by the court, the Commissioner of the EMRB began to explore  
4 whether the parties wished to agree to an alternative method of conducting the election. The  
5 Commissioner’s discussions with the parties have not yet produced any such agreement.

6 ESEA’s motion argues that this delay in holding the runoff election has gone on for long  
7 enough. We agree that action is needed, however we decline to dismiss the petition. It is the  
8 intention of the Board to comply with the Supreme Court’s order and to conduct a runoff election  
9 in accordance with the procedures that were approved and utilized at the prior election in this  
10 matter unless the parties are able to promptly agree upon an “alternative method” for conducting  
11 this election.

12 Having considered the above, it is hereby ordered that ESEA’s Motion to Dismiss is  
13 denied;

14 It is further ordered that the parties shall have no more than 20 days from the date of this  
15 order to submit a stipulated election plan for conducting the runoff election. In the event that no  
16 stipulated plan is filed with the Board within 20 days, the election shall proceed under the  
17 procedure that was utilized for conducting the previous election in this matter;

18 It is further ordered that Teamster’s Motion to Strike Declaration of Michael Dyer is  
19 denied;

20 It is further ordered that this matter be placed on the agenda at the next regularly  
21 scheduled Board meeting for further proceedings.

22 DATED this 13th day of January, 2012.

23 LOCAL GOVERNMENT EMPLOYEE-  
24 MANAGEMENT RELATIONS BOARD

25  
26  
27 BY:   
28 SEATON J. CURRAN, ESQ., Chairman

STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 14, AFL-CIO,  
Petitioner,

vs.

CLARK COUNTY SCHOOL DISTRICT, and  
EDUCATION SUPPORT EMPLOYEES  
ASSOCIATION,  
Respondents.

CASE NO. A1-045735

**NOTICE OF ENTRY OF ORDER**

EDUCATION SUPPORT EMPLOYEES  
ASSOCIATION,  
Counter Claimant,

vs.

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 14, AFL-CIO, and  
CLARK COUNTY SCHOOL DISTRICT,  
Counter Respondents.

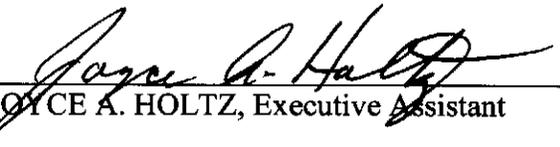
- To: Michael W. Dyer, Esq.  
Dyer, Lawrence, Penrose, Flaherty & Donaldson
- To: Kristin L. Martin, Esq. and Adam J. Zapala, Esq.  
Davis, Cowell & Bowe. LLP
- Carlos L. McDade, Esq.  
Clark County School District

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
January 13, 2012.

A copy of said order is attached hereto.

DATED this 13th day of January, 2012.

LOCAL GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY   
JOYCE A. HOLTZ, Executive Assistant

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management  
3 Relations Board, and that on the 13th day of January, 2012, I served a copy of the foregoing  
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Michael W. Dyer, Esq.  
6 Dyer, Lawrence, Penrose, Flaherty & Donaldson  
7 2805 Mountain Street  
8 Carson City, NV 89703

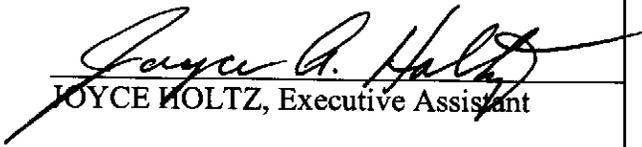
9 Kristin L. Martin, Esq.  
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22 Teamster's Union Local #14  
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JOYCE HOLTZ, Executive Assistant