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.	ITEM NO. 520M CASE NO. A1-045735 **ORDER**
EDUCATION SUPPORT EMPLOYEES ASSOCIATION, Counter Claimant, vs. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 14, AFL-CIO, and CLARK COUNTY SCHOOL DISTRICT, Counter Respondents.	

For Petitioner: Michael W. Dyer, Esq.
Dyer, Lawrence, Penrose, Flaherty & Donaldson

For Respondents: Kristin L. Martin, Esq.
Davis, Cowell & Bowe. LLP

Carlos L. McDade, Esq.
Clark County School District

On the 23rd day of October, 2012, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board"), for consideration and decision pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

Having reviewed the proposed plan for conducting the runoff election in this matter submitted by Commissioner Brian Scroggins, it is hereby ordered that the proposed plan is approved.

A copy of the proposed plan as approved is attached hereto.

DATED this 24th day of October, 2012.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: _____
SEATON J. CURRAN, ESQ., Chairman

BY: _____
PHILIP E. LARSON, Vice-Chairman

BY: _____
SANDRA MASTERS. Board Member

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.
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 October 24, 2012.

A copy of said order is attached hereto.

DATED this 24th day of October, 2012.

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

BY
JOYCE A. HOLTZ, Executive Assistant

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 24th day of October, 2012, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

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

Kristin L. Martin, Esq.
Davis, Cowell & Bowe, LLP
595 Market Street, Suite 1400
San Francisco, CA 94105

Carlos L. McDade, Esq.
Clark County School District
5100 W. Sahara Avenue
Las Vegas, NV 89146

Julie Wallace, Executive Coordinator
Teamsters, Local #14
1250 Burnham Ave., 2nd Floor
Las Vegas, NV 89104

David T. Spurlock, Jr., Esq.
Teamster's Union Local #14
1250 S. Burnham Ave. 2nd Floor
Las Vegas, NV 89104

JOYCE HOLTZ, Executive Assistant

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
EDUCATION SUPPORT EMPLOYEES ASSOCIATION, Counter Claimant, vs. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 14, AFL-CIO, and CLARK COUNTY SCHOOL DISTRICT, Counter Respondents.	

ELECTION PLAN FOR RUNOFF ELECTION

RUNOFF ELECTION PLAN

This parties to this Plan are the Education Support Employees Association (ESEA), the International Brotherhood of Teamsters, Local 14 (Local 14), and the Clark County School District (the District).

SECTION 1

PURPOSE

The purpose of this election is to determine pursuant to the September 24, 2002, Decision of the Local Government Employee-Management Relations Board (the EMRB) in Case No. A1-045735 and the December 21, 2009 Order of the Nevada Supreme Court in Case No. 51010 whether the ESEA or Local 14 will be the exclusive collective bargaining agent for the unit consisting of all persons employed by the District in that certain bargaining unit (the Bargaining Unit) more fully described as follows:

> All full-time, part-time and probationary education support staff employees, excluding all part-time employees who work less than four (4) hours a day or twenty (20) hours per week and all other temporary support staff employees and all other employees of the District.

SECTION II

GOVERNING RULES

All parties shall adhere to the rules of conduct established by the EMRB regarding the representation election process; however, in the event of a conflict, the provisions of NRS Chapter 288 and NAC Chapter 288 shall prevail. The parties also acknowledge the binding effect of the Order of Affirmance entered by the Nevada Supreme Court on December 21, 2005, in the litigation among the parties.

SECTION III

RESERVATION OF RIGHTS

Upon the EMRB's certification of the election results as provided in Section V of this Plan, any party to this Plan may pursue any right or remedy lawfully available to it before the District, the EMRB, and/or any court of competent jurisdiction.

SECTION IV

SECRET BALLOT

A. The election will be by secret ballot under the supervision of the Commissioner of the EMRB. Eligible employees will be allowed to vote without interference, restraint or coercion. The EMRB will mail a ballot to each eligible employee on February 4, 2013. Each ballot shall be delivered through the United States mail, first class postage pre-paid, in an envelope addressed with an address label derived from the *Excelsior* List as provided for in Section V, below. The EMRB shall maintain a list of eligible employees, derived from the Excelsior List, with a "key" number placed beside each name on the List. The ballot materials mailed by the EMRB will include a ballot, an envelope marked "Ballot" in which the executed ballot will be placed and sealed, an addressed return envelope, marked with the "key" number of the addressee, with first class postage pre-paid, and an instruction sheet (in the form as set forth at Exhibit "3" to this Plan) on how to complete and properly return the ballot.

B. If the EMRB is contacted by a prospective voter who reports that he or she has not received a ballot kit or has lost or spoiled the ballot or envelope, the following will occur:

(1) If the records of the EMRB show that the prospective voter has never been sent a ballot kit, a ballot kit will be sent, the name inserted on a Supplemental List, and one of a new series of "key" numbers will be assigned.

(2) If the voter has moved, a duplicate ballot kit bearing the old key number plus "(dupl)" will be mailed to the voter and the fact that a duplicate ballot kit was sent will be noted on the eligibility list maintained by the EMRB.

(3) If the voter has lost or spoiled the ballot or ballot envelope, the voter will be sent a duplicate kit bearing the old "key" number plus "(dupl)." In the event both the original and the duplicate envelopes are received from an employee to whom a duplicate was mailed, only the ballot in the envelope having the earlier postmark will be counted. In the event

postmarks are not discernable, only the envelope bearing the earlier date stamp will be counted. In the event two or more ballots are received in one envelope, none of the ballots in the envelope will be counted.

(4) A voter who falls into the categories specified in (1) - (3) above, may personally pick the ballot up at the offices of the EMRB at 2501 East Sahara Avenue, Suite 203, Las Vegas, Nevada between 9:00 a.m. and 4:00 p.m., Monday through Friday and excluding any legal holidays, through February 28, 2013. The voter will be required to produce a driver's license or other government-issued picture identification and to provide his or her mailing address. A voter who physically picks up a ballot kit from the EMRB offices must mail the ballot in the envelope provided in the ballot kit, and the envelope containing the ballot must be deposited into the Post Office Box(es) rented by the EMRB by the deadline provided for in Paragraph F below.

C. The ballots shall be returned, via the United States mail, to one or more Post Office Boxes rented by the EMRB.

D. The EMRB shall retrieve the ballots from the Post Office Box(es) at regular intervals, if necessary, pre-announced to the parties to this Agreement. A representative from each party may be present when the ballots are retrieved.

E. Upon retrieval from the Post Office Box(es), the ballots will be placed by the EMRB, unopened and in their return envelopes, into a locked ballot box at the offices of the EMRB and the ballots so collected shall remain under lock until the date of the tally as set forth in Paragraph H, below.

F. The last date and time for the retrieval of ballots from the Post Office Box(es) shall be March 5, 2013, at 8:30 am Pacific Standard Time. Any ballot not physically deposited into the Post Office Box(es) by that time and date shall not be counted in the tally as provided for in Paragraph H, below.

G. Immediately after the final retrieval of ballots as set forth in Paragraph F, above, all ballots shall be transported by the EMRB in the presence of a representative from each party to this Plan to the *State of Nevada Sawyer Building, 555 East Washington, Room 1100, Las Vegas,*

NV. The facility shall have adequate space and resources to accommodate the tallying of the ballots as set forth in Paragraph H, below. The EMRB may inspect the facility and determine if the facility is inadequate for the purposes set forth in this Plan.

H. Upon arrival at the District facility, the ballots shall be tallied under the supervision and direction of the Commissioner of the EMRB. The actual tally shall be conducted by at least eight (8) teams of volunteer counters, under the supervision and direction of the Commissioner of the EMRB. The volunteer counting teams shall each be comprised of four (4) persons, two of whom shall be designated by ESEA and two (2) of whom shall be designated by Local 14. The parties to this Plan may designate one (1) observer each to be stationed with each ballot counting team.

I. The EMRB shall publish the results of the tally as soon as practicable after the count is concluded.

SECTION V

ELECTION PARTICULARS

A. Those Bargaining Unit employees eligible to vote shall be employees holding a Bargaining Unit position as of November 30, 2012. The names of employees eligible to vote appear on the *Excelsior* List that will be provided by the District to the EMRB, ESEA and Local 14. The *Excelsior* List must be provided by the District to the EMRB, ESEA and Local 14 no later than December 14, 2012. The *Excelsior* List shall contain the District's last known address of each employee on the List. The names and addresses of persons who do not appear on the *Excelsior* List, but who receive ballots pursuant to Paragraph IV(B), above, will be placed on a Supplemental List. No names may be placed on or added to the Supplemental List unless the person has been provided with a ballot kit by 4:00 pm Pacific Standard Time on February 28, 2013. The EMRB will provide the Supplemental List to the District, ESEA and Local 14 by 4:00 pm Pacific Standard Time, on February 28, 2013. ESEA or Local 14 may challenge the eligibility to vote of any person on either the *Excelsior* List or the Supplemental List, as provided for in Paragraph D, below. Among those ineligible to vote are employees who have quit or have been terminated after November 30, 2012, and who have not been rehired or reinstated prior to

the date of the election. On or before March 4, 2013, the District shall provide Local 14, ESEA and the EMRB Commissioner a list of all employees who have quit or who have been terminated and are not eligible to vote in accordance with this paragraph.

B. The Wording on the Ballot. Except as otherwise provided in this paragraph, the ballot shall be worded as shown in Exhibit "1," attached hereto and incorporated by reference herein. The order in which Local 14 and ESEA appear on the ballot shall be determined by coin toss, to be conducted by the Commissioner of the EMRB at 10:00 am Pacific Standard Time on December 7, 2012, or at such other time and date as may be designated by the Commissioner with prior notice to Local 14 and ESEA. Local 14 and ESEA may each designate one representative to witness the coin toss.

C. Election Observers Appointed by the Parties.

1. Each party may designate eight (8) observers and three (3) alternate observers.

2. These observers shall:

a. Act as monitors at the District facility where the counting occurs;

b. Challenge for good cause voters and ballots;

c. Observe the counting of ballots; and

d. Otherwise assist the Commissioner and/or his designee.

D. Challenged Voters. An agent of the EMRB or an authorized observer may challenge for good cause the eligibility of any employee to vote in the election. Any vote challenged by an observer shall be impounded by the Commissioner and placed in the Challenged Ballot Envelope. If the number of challenged ballots is outcome-determinative, the Commissioner will then ascertain the validity of such ballots.

E. Objections to the Conduct of the Election. The parties may file objections to the procedural conduct of the election, to conduct in violation of this Agreement or such other conduct (including any claimed violation of either NRS Chapter 288 or NAC Chapter 288) which may have improperly affected the results of the election. Any such objection must be filed with the EMRB within 5 business days after the election. Objections must be in writing and

contain a brief statement of facts upon which the objections are based. A sworn original and four copies of the objections must be signed and filed with the EMRB. The party filing the objections shall serve a copy upon each of the other parties. The investigation and determination of any challenges and/or objections will be in accordance with the EMRB's rules and regulations.

F. Certification of Election. The EMRB shall issue a certification of the election results once it concludes its investigation into and issues a final ruling upon any and all challenges to eligibility and objections as provided for in Paragraphs D and E, above.

G. Party Representatives. On or before 4:00 pm Pacific Standard Time on March 4, 2013, each party will notify the other parties and the EMRB of the names of the party's election observers and alternates. If any employee of the District is named as an observer by either party, the District shall arrange for the appropriate release time to allow that observer to be present during the election process.

H. Election Notices. A single election notice (Exhibit "2"), will be issued by the EMRB on or before February 4, 2013. The Election Notice shall be sent to each eligible voter along with his/her ballot and the District shall cause the Election Notice to be posted at such work site bulletin boards that are normally utilized by the District to post notices to the Bargaining Unit employees.

I. Campaigning:

1. There shall be no campaigning by representatives and employees from either ESEA or Local 14 on District property. In this regard, it is recognized that ESEA personnel shall have access to District property for the purpose of and in furtherance of their representational duties, provided, however, that ESEA representatives shall not engage in campaigning with regard to the election while on District property in connection with their representational purposes.

2. There shall be no distribution of campaign material or literature on District property, including breakrooms, employee lounges, etc., by the employees or representatives of either ESEA or Local 14, provided, however, there shall be no bar to the distribution of campaign materials or literature from or on other non-District public property (e.g. public

sidewalks or entrances to parking lots, etc.). The provisions of this paragraph 2 apply only to persons who are not employees of the District and members of the Bargaining Unit.

3. Bargaining Unit employees shall (i) be allowed to solicit one another with regard to this election before work, after work and on their regularly scheduled break times, provided that the employee doing the solicitation and the employee being solicited are on their regularly scheduled break or are off duty and transiting to or from their work stations; (ii) be allowed to exchange literature on school property during such non-working times in non-working areas; and (iii) be allowed to wear buttons, t-shirts, jackets or other insignia of either ESEA or Local 14, provided that such buttons, t-shirts, jackets, etc., do not convey the message "vote for..." or "vote against..." either ESEA or Local 14.

SECTION VI

JUDICIAL REVIEW OF ELECTION; AMENDMENT OF AGREEMENT

The parties retain all rights to seek judicial review of this election pursuant to NRS 288.160(4) and NAC 288.110. This Plan may be amended only upon written agreement of the parties and approval of the EMRB.

SECTION VII

ELECTION DOCUMENTS

Notwithstanding any other provision of this Plan to the contrary, the form of election notice, the instructions for completing the ballots and the ballot must be printed in English and Spanish, in substantially the form set forth in Exhibits 1, 2, and 3 hereto, respectively.

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EXHIBIT 1

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

ESTADO DE NEVADA
JUNTA DE RELACIONES DE EMPLEADOS-PATRONALES DEL GOBIERNO LOCAL
("Employee-Management Relations Board," siglas en inglés, EMRB)

OFFICIAL SECRET BALLOT
PAPELETA SECRETA DE VOTACIÓN OFICIAL

FOR EMPLOYEES OF
CLARK COUNTY SCHOOL DISTRICT
EMPLOYED IN THE SUPPORT BARGAINING UNIT ONLY

SOLO PARA LOS EMPLEADOS DEL
DISTRITO ESCOLAR DEL CONDADO DE CLARK
QUE TRABAJAN EN LA UNIDAD DE NEGOCIACIÓN DEL PERSONAL DE SOPORTE

Do you wish to be represented for the purposes of collective bargaining by:
A los fines de la negociación colectiva, deseo estar representado(a) por:

Union Contestant (Name to be inserted Following coin toss by EMRB Commissioner)	Union Contestant (Name to be inserted Following coin toss by EMRB Commissioner)
☐	☐

DO NOT SIGN YOUR NAME TO THIS BALLOT. After marking the ballot in the square of your choice, fold, insert into the ABallot@ envelope and seal the "Ballot" envelope. Then insert the sealed Ballot in the return-addressed envelope and deposit the return-addressed envelope in the mail. The postage has been pre-paid, so you do not need to affix any additional postage to the return-addressed envelope. Any ballot deposited into the EMRB=s post office box(es) after **8:30 am on March 5, 2013** will be deemed ineligible and will not be included in the final count. DO NOT ALTER THE RETURN ADDRESS AS THIS WILL INVALIDATE THE BALLOT.

NO FIRME SU NOMBRA EN ESTA PAPELETA. Después de marcar la papeleta en el cuadro de su elección, dóblela, insértela en el sobre marcado "Ballot" y séllelo. Luego inserte la paeletea sellada en el sobre con la dirección de retorno, y depositelo en el correo. El franqueo del sobre con la dirección de retorno ya está pagado, por lo que no necesita ponerle estampillas de correo. Toda papeleta de votación que se deposite en al apartado de correos de la EMRB despues de las **8:30 am del March 5, 2013**, se considerará invalidada y no sera incluida en el conteo final. NO MODIFIQUE DE NINGUNA FORMA EL SOBRE DE RETORNO, ESTO INVALIDARÁ EL VOTO.

If you spoil or lose this ballot, contact the EMRB Commissioner at 2501 E. Sahara, #203, Las Vegas, Nevada, (702) 486-4504, for a new one.

Si estropea o pierde esta papeleta de votación, comuníquese con el Comisionado de la EMRB en 2501 E. Sahara Ave. # 203, Las Vegas, Nevada, o por teléfono en el (702) 486-4504 para obtener una nueva.

EXHIBIT 2

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

ESTADO DE NEVADA
JUNTA DE RELACIONES DE EMPLEADOS-PATRONALES DEL GOBIERNO LOCAL
("Employee-Management Relations Board," siglas en inglés, EMRB)

OFFICIAL ELECTION NOTICE
AVISO OFICIAL DE ELECCIÓN

The purpose of this election is to determine whether the **EDUCATION SUPPORT EMPLOYEES ASSOCIATION** or the **INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 14**, will represent the employees in the Support Staff bargaining unit employed by the **CLARK COUNTY SCHOOL DISTRICT.**

VOTING UNIT

Included: All full time, regular part time and probationary support staff employees currently employed by the Clark County School District as of November 30, 2012.

Excluded: All support staff employees who work (i) less than four hours a day or (ii)20 hours per week, and all other temporary support staff employees and all other employees of the Clark County School District.

ELECTION TO BE CONDUCTED BY MAIL-IN BALLOT

EMRB TO MAIL BALLOTS: February 4, 2013

ALL BALLOTS DUE BACK TO POST OFFICE BOX: (Information about PO BOX here) on or before 8:30 AM. on March 5, 2013.

**** NOTE ****

Ballots must be deposited in Post Office Box (include PO Box information) no later than 8:30 AM on March 5, 2013 , or your vote will not be counted.

COUNTING OF BALLOTS

DATE: March 5, 2013
TIME: 8:30 am
PLACE: State of Nevada Sawyer Building
555 East Washington #1100
Las Vegas, Nevada

El proposito de esta elección es determiner si la **ASOCIACIÓN DE EMPLEADOS DE SOPORTE DE EDUCACIÓN (EDUCATION SUPPORT EMPLOYEES ASSOCIATION)** o **LOS TEAMSTERS, LOCAL 14 (INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 14)**, representarán a los empleados de la unidad de negociación de personal de soporte en el **DISTRITO ESCOLAR DEL CONDADO CLARK.**

UNIDAD DE VOTACIÓN

Incluidos: Todos los empleados a tiempo complete, regulares a tiempo parcial y a preueba actualmente contratados por el Distrito Escolar del Condado Clark hasta el November 30, 2012.

Excluidos: Todos los empleados de soporte que trabajen (i) menos de cuatro horas diaras o (ii) 20 horas semanales, y todos los demás empleados del Distrito Escolar del Condado Clark.

LA ELECCIÓN SE HARÁ POR MEDIO DE UNA PAPELETA DE VOTACIÓN ENVIADA POR CORREO

LA EMRB ENVIARÁ LAS PAPELETAS POR CORREO EL: February 4, 2013
TODAS LAS PAPELETAS TIENEN QUE ESTAR EN EL APARTADO POSTAL [hay que poner la información y los datos del apartdo aquí] en o antes de las 8:30 AM del March 5, 2013.

**** NOTA ****

Las papeletas de votación se tienen que depositar en el Apartado Postal [hay que poner la información y los datos del apartdo aquí] a más tardar a las 8:30 am del March 5, 2013, o su voto no sera contado.

CONTEO DE LAS PAPELETAS DE VOTACIÓN

FECHA: March 5, 2013
HORA: 8:30 am
LUGAR: State of Nevada Sawyer Building
555 East Washington #1100
Las Vegas, Nevada

EXHIBIT 3

INSTRUCTIONS FOR COMPLETING BALLOT

Enclosed is the ballot for the election between the Education Support Employees Association and the International Brotherhood of Teamsters, Local 14, along with two envelopes.

- Mark ballot with only a single mark, such as an X, inside one box. Ballots with multiple markings will be deemed invalid.
- Do not sign the ballot.
- Seal the marked ballot in the envelope labeled BALLOT.
- Place "BALLOT" envelope inside the return-addressed envelope and seal to be valid.
- Place the return-addressed envelope in the mail in sufficient time so that it can be deposited into the EMRB's Post Office Box(es) on or before 8:30 am on March 5, 2013.
- Do not alter the return mail envelope in any way as this could render it invalid.

The mailing envelope with the ballot enclosed can only be sent via US Postal Service.

All ballots must be deposited into Post Office Box [box number to be inserted by EMRB], Las Vegas, NV, prior to 8:30 am on March 5, 2013. Any ballot received after this time will not be included in the final count.

If you have any questions regarding this process, please feel free to contact the staff at the EMRB, 486-4504.

INSTRUCCIONES PARA LLENAR LA PEPELETA DE VOTACIÓN

Se adjuna la papeleta de votación para elegir entre la Asociación de Empleados de Soporte de Educación (Education Support Employees Association (ESEA)) y Los Teamsters, Local 14 (International Brotherhood of Teamsters, Local 14), con dos sobres.

- Llene la papeleta con una sola marca, tal como una X, en un solo cuadro. Las papeletas con más de una marca se considerarán anuladas.
- No firme la papeleta.
- Coloque la papeleta marcada dentro del sobre designado "BALLOT," y sellelo.
- Coloque el sobre designado "BALLOT" dentro del sobre con la dirección de retorno y sellelo para que sea válido.
- Ponga en el correo el sobre con la dirección de retorno on tiempo sufficiente para lo depositen en al Apartado Postal de la EMRB en o antes de las 8:30 am March 5, 2013.
- No modifique de ninguna forma el sobre de retorno, porque esto podría invalidar el voto.

El sobre con la papeleta de votación se puede enviar por el Servicio Postal de los EE.UU.

Todas las papeletas de votación tienen que estar depositadas en el Aparatado Postal [la información que pertenece al Apartado se incluirá en este lugar] antes de la 8:30 am del March 5, 2013 . En el conteo final no se incluirá ninguna papeleta de votación que reciba despues de esa hora y fecha.

Si tiene alguna pregunta sobre este proceso, siéntase en libertad de comunicarse con el personal de EMRB en el teléfono (702) 486-4504.

ESEA/TEAMSTERS ELECTION
PROCEDURE FOR PROCESSING BALLOTS

For the sake of clarity, the following terms are used here consistently:

- "ballot" means the ballot itself
- "ballot envelope" means the envelope bearing the word "ballot," in which the ballot is to be inserted
- "return envelope" means the envelope addressed to the EMRB, in which both the ballot envelope and ballot are to be inserted
- "Commissioner" means the Commissioner of the EMRB and any member, employee or agent of the EMRB who is assisting the Commissioner in the ballot-counting process
- "Trouble-shooting team" means a group comprised of representatives of the Teamsters and ESEA, all of whom have been designated as such by their respective principals, and each of whom serves as a liaison or point of contact between the Commissioner and the relevant party.

1. Retrieval and delivery of return envelopes and "undeliverable" ballot kits.

Representatives of the parties and their respective counsel, observers, counters and alternates will meet with the Commissioner in the counting room at the Sawyer Building, Room 1100 at 8:00 am Pacific Standard Time on March 5, 2013. The Commissioner will outline the procedure to be followed for processing ballots and review the functions of the counters, observers and alternates.

All the return envelopes then at the post office will be retrieved by the Commissioner from the post office promptly at 8:30 am Pacific Standard Time on March 5, 2013. The Teamsters and ESEA are each entitled to have one representative present when the return envelopes are retrieved, but the retrieval will not be delayed if either or both representatives are not present for any reason. If permitted to do so by employees of the Postal Service, the Commissioner will check the area of the post office where the return envelopes have been kept to verify that no return envelopes are left behind at the post office. The Commissioner will count the boxes or trays containing the return envelopes before they are loaded into the transport vehicle. (Ref: EA Sec. IV(D), (F), as modified by the agreement of counsel.)[1]

Upon retrieval from the post office, all the return envelopes and any ballot kits returned by the Postal Service as "undeliverable" will be transported by the Commissioner, unopened, to the ballot counting site at the Sawyer Building. One representative of each party may accompany the delivery from the post office to the counting site, but (again) the delivery will not be delayed if one or both representatives are not present.

The party representatives who witness the retrieval may not wear any clothing that would permit the concealment of return envelopes (e.g., long-sleeved shirts, coats, sweaters, jackets, vests, ponchos or parkas), nor may they carry any bags, purses, briefcases, pens, markers, food or drink. The return envelopes will be loaded into the transport vehicle by the Commissioner (and members of his staff) and neither the trays containing the return envelopes nor the envelopes themselves are to be handled by any other person until they have reached the counting room at the Sawyer Building. The party representatives are permitted to keep the return envelopes under observation at all times from their retrieval at the post office until they arrive in the counting room. (Ref: EA Sec. IV(G), as modified by the agreement of counsel.)

[1] References are to the Election Agreement ("EA") and the NLRB's *Casehandling Manual* ("CHM").

2. Formation of counting teams.

When the return envelopes have arrived at the counting site, the counting teams and their respective observers will be "paired up" by the Commissioner and designated as Counting Team 1, Counting Team 2, etc., through Counting Team 8, so that each counting team consists of six persons: two pairs of "counters" (with one member of each pair representing the Teamsters and ESEA) and two observers (one each from the Teamsters and ESEA). If enough representatives of the two parties are present to permit the formation of additional counting teams, the Commissioner may do so, after ensuring that the representatives are instructed in the requirements of the ballot processing procedure. (Ref: EA Sec. IV(H).)

After formation of the counting teams, the Commissioner will provide each observer and counter with two copies of the *Excelsior* list and supplemental list, reflecting the names of all prospective voters and the key number assigned to each voter. As discussed below, one copy of each list will be arranged sequentially by key number, while the second copy will be arranged alphabetically according to the last name of each person on the list. If any prospective voter has been sent a duplicate ballot kit by the EMRB, that fact must be noted on each copy of the *Excelsior* and supplemental list distributed to counters and observers. The name of any person on the list provided by the Clark County School District pursuant to Section V(A) of the Election Agreement (i.e., any person who has quit or been terminated after November 30, 2012, and has not been rehired or reinstated prior to the date of the election) must be identified on the *Excelsior* list and supplemental list, if he appears on either, as "TERMED/QUIT."

3. Segregation of "undeliverable" ballot kits.

Any ballot kits returned by the Postal Service as "undeliverable" will be segregated and preserved by the Commissioner, unopened, for display to the parties. They will be destroyed by the Commissioner after each member of the trouble-shooting team has approved their destruction. (Ref: CHM, § 11336.4(a))

4. Processing of return envelopes.

All the return envelopes will initially be divided by the Commissioner into batches of more or less equal size and each batch will be distributed to a counting team by the Commissioner. The return envelopes distributed to each team will be contained in one or more boxes. Each counting team will also be provided with boxes in which to deposit: (1) the return envelopes of any voters whose eligibility to vote is challenged; (2) any return envelopes bearing a "dupl." key number or otherwise received from a voter who has been sent a duplicate ballot kit; (3) the ballot envelopes after they have been extracted from the return envelopes and (4) the return envelopes of any voter who quit or was terminated after the eligibility date.

Each counting team will process the return envelopes in the following manner. One "pair" of counters (one from ESEA and one from the Teamsters) will be seated next to each other at one end of the counting table, with the other pair seated across the table at the other end. The two observers will be on opposite ends and sides r of the table. The following diagram illustrates the seating arrangement at each table:

Observer (Org. A)	Counter 2 (Organization B)	Counter 1 (Organization A)
Counting Table		
Counter 3 (Org. B)	Counter 4 (Organization A)	Observer(Organization B)

(Note that a counter will periodically "trade off" with the other counter in his pair, so that they take turns performing the functions described here.) The first counter ("Counter 1") will retrieve the return envelopes, one at a time, from the box containing all the unopened return envelopes. Counter 1 will announce to the other persons seated at the table the key number on the envelope and display the envelope so that the second counter ("Counter 2") can verify it.

Counter 2 will check the key number against the *Excelsior* list and supplemental list provided to him by the Commissioner, using the copies of these lists sorted by key number. Having matched the key number with a name, Counter 2 will announce to the other persons seated at the table the name of the voter ("Susie Smith") associated with that key number and will also announce whether that voter was sent a duplicate ballot kit. As he does so, Counter 2 will place a check mark next to the key number on his list, to denote the fact that Susie Smith has returned a ballot.

Each of the remaining counters ("Counter 3" and "Counter 4") and each observer will have an *Excelsior* list and a supplemental list, sorted alphabetically according to the last name of each prospective voter. Except as otherwise provided in the next paragraph, if either observer disputes the eligibility of the prospective voter to vote, he may state that the voter is challenged; *if no challenge to eligibility is asserted at that time, it is deemed waived.* Any observer may maintain a separate list of employees he intends to challenge. (The observer asserting the challenge should note the fact of the challenge on his separate list (or the *Excelsior* list or supplemental list) so that he has a record of the challenge.) If the eligibility of the prospective voter is challenged, Counter 1 will write "challenged" on the back of the return envelope and place the envelope, unopened, in the box designated for challenged return envelopes.

If a return envelope is received from any person who is designated as "TERMED/QUIT" on the *Excelsior* list or supplemental list, any such envelope will not be opened and, except as otherwise provided in this paragraph, will be segregated by Counter 1 for delivery to the Commissioner. If either observer believes that any such person is improperly designated as "TERMED/QUIT," he may object to the exclusion of the return envelope, in which event Counter 1 will place the return envelope, unopened, in the box designated for challenged return envelopes. *If no such objection is asserted at that time, it is deemed waived.*

If the eligibility of the prospective voter is not challenged, but the return envelope bears a "dupl." key number or the *Excelsior* list or supplemental list reflects that the voter has been sent a duplicate ballot kit by the EMRB, Counter 1 will place the return envelope, unopened, in the box designated for potential duplicate return envelopes. All such envelopes will be processed separately

as set forth in Section 5, below, to identify any duplicate return envelopes received from the same voter.

If the eligibility of the prospective voter is not challenged, the return envelope does not bear a "dupl." key number, and the *Excelsior* list and supplemental list do not reflect that the voter has been sent a duplicate ballot kit by the EMRB or designated as "TERMED/QUIT," Counter 1 will open the return envelope, extract the ballot envelope, and display the *unopened* ballot envelope to Counter 3 and Counter 4. Counter 1 will then drop the unopened ballot envelope into the box designated for that purpose.

If there is a ballot in the return envelope without a ballot envelope, Counter 1 will *keep the ballot folded* and place it in the box with the unopened ballot envelopes.

If there is no ballot envelope *or* ballot in the return envelope, Counter 3 and Counter 4 will each note that fact on his copy of the *Excelsior* list or supplemental list, as appropriate.

If a return envelope contains two or more ballot envelopes or ballots, no such ballot will be counted, but the Commissioner will preserve it for display to the parties. Counter 1 will staple both (or all) the duplicate ballots together and place them in the box designated for return envelopes with "dupl." key numbers.

The processing of the return envelopes will continue in this manner until all the return envelopes given to the team have been examined and processed. When this part of the process has been completed, the Commissioner will collect from each counting team the boxes containing the challenged return envelopes, the return envelopes bearing "dupl." key numbers and the other return envelopes received from voters who were sent a duplicate ballot kit, and all the opened and empty return envelopes. (These last will be destroyed by the Commissioner.) At this point, each counting team will have one or more boxes containing unopened ballot envelopes (and possibly one or more folded ballots for those voters who failed to use ballot envelopes). These will be processed as set forth in Section 6, below.

5. Return envelopes bearing "dupl." key numbers or returned by voters who were sent a duplicate ballot kit.

The Commissioner will examine, in the presence of a representative of each party, all the return envelopes bearing "dupl." key numbers and any other return envelope received from a voter who was sent a duplicate ballot kit. The Commissioner will sort these, by key number, to determine whether any prospective voter has returned more than one return envelope. (This would be reflected by return envelopes bearing, e.g., key number "237" and "237 (dupl.)")

If the Commissioner determines that such a prospective voter has returned only one return envelope, the Commissioner will open the return envelope, extract the ballot envelope (or ballot without a ballot envelope), and give the ballot envelope (or folded ballot) to a counting team for processing in accordance with Section 6, below.

If the Commissioner determines that a prospective voter has returned two or more return envelopes, the Commissioner will examine each return envelope to determine which one bears the earlier postmark. The return envelope with the earlier postmark will be processed as set forth in the last sentence of this paragraph, and the remaining return envelope(s) will be segregated by the Commissioner as "duplicate" and preserved, unopened, for display to the parties. If one or more of the postmarks are illegible, the return envelope with the earliest legible postmark will be processed as

set forth in the last sentence of this paragraph, and the remaining return envelope(s) will be segregated by the Commissioner as "duplicate" and preserved, unopened, for display to the parties.[2] The return envelope containing the presumptively valid ballot will be opened by the Commissioner, who will extract the ballot envelope (or ballot without a ballot envelope), and give the ballot envelope (or folded ballot) to a counting team for processing in accordance with Section 6, below. (Ref: EA Sec. IV(B)(3), (C); CHM § 11336.4)

When the Commissioner has completed this process, displayed to the members of the trouble-shooting team any duplicate return envelopes or duplicate ballots, and obtained each member's consent to the destruction, the Commissioner will destroy every such duplicate.

6. Opening of ballot envelopes and counting of ballots.

After it has processed the return envelopes and the Commissioner has collected and processed any "dupl.," potential duplicate or challenged return envelopes, each counting team will process its ballot envelopes in the following manner. Counter 1 will count the ballot envelopes the team has been assigned to count to determine a total number of ballot envelopes the team has been assigned to count. Counter 2 will then count the ballot envelopes. When the counting team agrees on the total number of ballot envelopes, that number will be inserted on the line following the word "Total" on tally sheet that is Exhibit 1 by an observer. Counter 1 will open each ballot envelope, one at a time, display the empty ballot envelope to Counter 2, unfold the enclosed ballot, and place the ballot on the table, face-up, in front of Counter 2. Counter 2 will announce and display to Counter 3 and Counter 4 and both observers the preference expressed on the ballot and then place the ballot, face-up, in one of three boxes sorted according to preference (i.e., a box for the Teamsters, a box for ESEA, and a box for "no union.") (Ref: CHM §§ 11340.5, 11340.6.)

A ballot is invalid and subject to challenge if it:
(a) Is one of two or more ballots contained in a ballot envelope;
(b) Is signed by the voter;
(c) Bears the voter's name or key number or any other means of identifying the voter;
(d) Is blank or otherwise fails to reflect a vote for any of the choices on the ballot; or
(e) Denotes a vote for more than one of the choices on the ballot. (CHM § 11340.7.)

As each ballot is called and displayed to Counter 3, Counter 4 and the observers, either observer may challenge the validity of the ballot on any ground set forth above. *If no challenge to a ballot is asserted at that time, it is deemed waived.* If the validity of a ballot is challenged on any ground set forth in paragraph (b) through (e), inclusive, of the preceding paragraph, it will be tallied as a challenged ballot. Counter 2 will write "challenged" on the face of the ballot and place it in a box designated for challenged ballots. If a ballot envelope contains two or more ballots, Counter 2 will staple both (or all) the duplicate ballots together and segregate them for delivery to the Commissioner. Any such duplicate ballots will not be tallied as challenged ballots and will not be counted under any circumstances.

After all the ballot envelopes have been opened and sorted in the manner described above, a counter will count or recount the number of ballots in each box in the view of both observers until both observers agree on the number of challenged ballots and the number of votes cast for the Teamsters or ESEA. As each total is agreed upon, an observer will enter the total on a tally sheet, in the form

[2] If none of the return envelopes received from such a voter bears a legible postmark, *all* of the return envelopes from that voter will be attached together, segregated by the Commissioner as "duplicate" and preserved for display to the parties. None of these envelopes will be opened.

set forth as Exhibit 1. Each tally sheet must be completed legibly in green ink, and must be signed by both observers. If any alterations are made to a tally sheet, both observers must initial the change.

When each counting team has completed the processing of ballot envelopes and the tally sheets have been completed and signed, it will deliver to the Commissioner the challenged ballots, the completed and signed tally sheets, and the opened and empty ballot envelopes. (These last will be destroyed by the Commissioner.) The remaining ballots (i.e., the ballots counted by each counting team) will be maintained at the counting table, sealed with tape in their respective boxes, until any requested recount (see Section 9, below) has been completed. (Ref: CHM § 11340.6.)

7. Commissioner to resolve impasse.

In the event of an impasse among the members of a counting team relating to any aspect of the foregoing process, the Commissioner will resolve the impasse, subject to whatever challenge may be asserted relating to the eligibility of a voter or the validity of a ballot.

8. Commissioner's preliminary tally of ballots.

When all the completed tally sheets have been delivered to the Commissioner by each counting team, the Commissioner will tally the total number of challenged ballots and the total number of votes cast for the Teamsters and the ESEA.

Each challenged ballot will be given a unique identifying number by the Commissioner and will, after examination, be kept segregated by the Commissioner. If it becomes necessary thereafter for any person, including the Commissioner or any member or employee of the EMRB, to examine any challenged ballot, the parties will be given prior notice of the examination and an opportunity to be present while the examination is conducted. (Ref: CHM §§ 11340.7(a); EA Sec. V(D).)

After identifying each challenged ballot as described above, the Commissioner will determine the validity or invalidity of any ballot that has been challenged on a ground *other than* the asserted ineligibility of the voter. Any such ballot that is determined to be valid by the Commissioner will be counted by him as a vote for the Teamsters or ESEA, as the case may be, and added to the total number of votes cast for that choice. After determining that a challenged ballot is valid or invalid, the Commissioner will note "challenge overruled" or "challenge sustained," as appropriate, and initial the ballot. Any ballot that clearly reflects the intention of the voter, as determined by the Commissioner in the sole exercise of his discretion, will be deemed to be valid notwithstanding the presence of any erasure or unorthodox marking of the ballot. (Ref: CHM § 11340.7; EA Sec. V(D).)

Any remaining challenged ballots will be those challenged on the ground of voter ineligibility. The Commissioner will not attempt to determine the validity or invalidity of any such ballot.

9. Recount.

After the Commissioner has made a preliminary tally of the ballots and (if required and authorized) ruled on the validity or invalidity of any challenged ballots in accordance with Section 8, above, either the Teamsters or ESEA may request that some or all of the ballots be recounted. If any discrepancy in the ballot count appears to involve only the ballots counted by certain counting teams, the party demanding a recount may request that only those ballots be recounted, but the other party may demand that the ballots counted by all the counting teams be recounted.

If a recount is demanded, it will be conducted by the Commissioner and whatever additional persons he may direct to assist him. Authorized representatives of the parties will be entitled to observe the recount.

10. Commissioner's final tally of ballots.

After making his preliminary tally, the Commissioner will prepare a written report of his final tally in the form attached as Exhibit 2. A copy of the report will be given to representatives of the Teamsters, ESEA and the Clark County School District. Each representative will sign the original of the report to acknowledge the party's receipt of a copy. (Ref: NAC 288.110(4); CHM § 11340.8.)

11. Meal and rest breaks; security of ballot-counting room.

The process of counting and tallying ballots will continue on March 5, 2013 until 7:30 pm Pacific Standard Time (or until such later time as may be mutually agreed by the parties and the Commissioner), and from day to day thereafter until the process has been completed and the final tally has been certified by the Commissioner.

From time to time during the process of counting and tallying ballots, and in any case at least once at or about mid-morning and again at or about mid-afternoon, the Commissioner may announce a rest break of not less than 15 minutes to allow members of the counting teams a rest period. The Commissioner shall also allow members of the counting teams a meal period of not less than 80 minutes at or about mid-day unless all parties and the Commissioner mutually agree to dispense with or delay the meal period. Any counter or observer needing to take a break at any other time may do so if an alternate who has been trained by the Commissioner in accordance with Section 1 of this Procedure is available to take his place.

During any rest period, the area of the counting room containing the counting tables ("the counting area") will be vacated and no person, other than the Commissioner or any person accompanying him, will approach any counting table or any area where ballots are being kept until the Commissioner announces that the rest period has ended. The counting area will be segregated from the rest of the counting room with a rope or some similar line of demarcation.

During any meal period, the counting room will be closed and locked for the duration of the period and security officer will remain present to ensure that no person enters the counting room until the Commissioner returns and announces that the meal period has ended.

Any person entering or exiting the counting room while it is open, other than employees of the Sawyer Building, will be required to sign in and out, giving his name and the time of his entry or exit to the security guard monitoring the door. Any such person must use the door nearest the registration desk to enter or exit the room. Any attorney for the parties and any person acting as an observer, counter or alternate will be issued a name badge by the Commissioner, and will be required to wear the badge while in the counting room. Any person without a name badge will not be permitted in the counting area, but may observe the proceedings from outside the counting area so long as he does not disrupt the counting process. The parties will arrange for the presence of security personnel in the counting room, and any person who disrupts the counting process or otherwise behaves in a discourteous or unprofessional manner may be removed from the counting room at the request of the Commissioner.

Although coffee and water are expected to be available in the counting room outside the counting area, no food or drink of any kind will be allowed in the counting area itself. No bags,

purses, pens (other than the green pens issued by the Commissioner) or markers will be permitted in the counting area.

In the event of a bomb threat, fire alarm or other emergency occurring during the counting process that requires that the counting room be vacated, the members of the counting team shall exit in an orderly fashion and shall leave the ballots and counting materials in the counting room. The Commissioner shall have authority to order that any additional security precautions be taken.

If the process of counting and tallying ballots cannot be completed on March 5, 2013, the process will resume the following day and each day thereafter, at such time and place as the Commissioner designates in consultation with the parties. During each hiatus, the Commissioner will take such action as is necessary to secure the ballots, the tally sheets and any related records (e.g., the copies of the *Excelsior* list and supplemental list) at the offices of the EMRB or at some other secure and "neutral" location designated by the Commissioner. To the extent practicable, the ballots and records being counted and tallied by each counting team will be segregated from the ballots and records of every other team, so that the accuracy of each counting team's tally is maintained and the team can resume its work after the hiatus without undue delay or confusion. Any expense associated with the transportation and safeguarding of ballots and records will be borne equally by the parties. A representative of each party may accompany the ballots and records while they are being transported to a secure location.

Upon the conclusion of the counting process, the Commissioner will arrange for the transportation and secure storage of the ballots and related documents, until such time as the EMRB or a court of competent jurisdiction orders the destruction of these materials. The Teamsters and ESEA will share equally in any cost associated with such transportation and storage.

The End

NEVADA LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD

Counting Team No. _____
Case No. A1-045735

Important: This form must be completed legibly, in green ink, and any changes must be initialed by both observers who sign the form. Return this form to the Commissioner when the process of counting ballots has been completed.

We hereby certify that the number of challenged ballots identified by the above-referenced counting team, and the number of votes counted by the team and cast for Teamsters Local 14 or ESEA, are as follows:

	Number
Challenged ballots	
Teamsters Local 14	
ESEA	

Total _____

Date: March _____, 2013.

ESEA Observer _____ _____
Print Name Signature

Teamsters Observer _____ _____
Print Name Signature

NEVADA LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD

International Brotherhood of Teamsters,
Local 14, AFL-CIO,

Petitioner,

vs. Case No. A1-045735

Clark County School District and Education
Support Employees Association,

Respondents.
_____/

And related counter-claim
_____/

TALLY OF BALLOTS

As Commissioner of the Nevada Local Government Employee-Management Relations Board, I hereby certify that the results of the tabulation of ballots cast in the election held in the above-captioned matter, and concluded on the date set forth below, were as follows:

1. Number of ballots cast: _____
2. Number of void ballots cast: _____
3. Number of ballots challenged based on alleged defect in ballot: _____
   3(a). Number of challenges sustained: _____
   3(b). Number of challenges overruled (include in 5, 6 or 7, as appropriate): _____
4. Number of valid votes cast for Teamsters Local 14: _____
5. Number of valid votes cast for Education Support Employees Association: _____
6. Number of valid votes cast for No Union: _____
7. Total number of valid votes counted (sum of 4, 5 and 6): _____
8. Number of ballots challenged based on alleged ineligibility of voter: _____

Dated: _____, 2013.

By the Commissioner _____
Brian Scroggins

We acknowledge receipt of a copy of this tally:

Teamsters Local 14	Clark County School District	Education Support Employees Association
By_____	By_____	By_____