

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD  
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5 NEVADA CLASSIFIED SCHOOL  
6 EMPLOYEES ASSOCIATION, AFT/PSRP,  
7 LOCAL 6181, AFL-CIO,

8 Complainant,

9 vs.

10 PERSHING GENERAL HOSPITAL,

11 Respondent.

ITEM NO. 586A

CASE NO. A1-045802

ORDER

12 For Complainant: Michael E. Langton, Esq.

13 For Respondent: Procter J. Hug, Esq.  
Walther, Key, Maupin, Oats, Cox & LeGoy

14 On June 14, 2004, the Nevada Classified School Employees Association ("NCSEA"),  
15 AFT/PSRP, Local 6181, AFL-CIO, filed a prohibited practices Complaint under NRS Chapter  
16 288 against Pershing General Hospital ("PGH"). The Complaint alleged violations of NRS  
17 288.270 committed by PGH against its employee Etta Edwards, who was allegedly terminated  
18 by PGH during NCSEA's organization efforts at PGH.

19 On July 9, 2004, PGH moved to dismiss the Complaint arguing, in part, that because Ms.  
20 Edwards was not part of the bargaining unit that NCSEA sought to represent, NCSEA lacked  
21 standing to bring the Complaint on her behalf. On July 26, 2004, NCSEA opposed the Motion  
22 to Dismiss, requesting leave to amend the Complaint, if necessary, to add Ms. Edwards as an  
23 additional Complainant. On September 22, 2004, this Board denied PGH's Motion to Dismiss  
24 and ordered PGH to file its Answer. PGH filed its Answer on October 12, 2004.

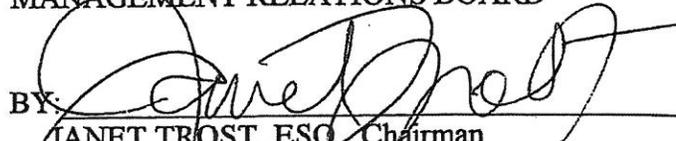
25 Meanwhile, on November 17, 2004, this Board conducted an election in a separate case,  
26 EMRB Case No. A1-045789, to determine NCSEA's request for recognition of PGH employees.  
27 The majority of employees at issue voted against representation by NCSEA. This election result  
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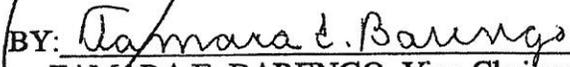
1 calls into question whether NCSEA still maintains any motivation and/or standing to proceed  
2 with the instant prohibited practices Complaint.

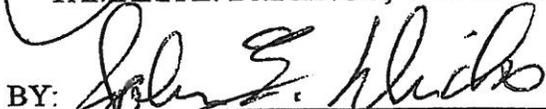
3 Accordingly, NCSEA shall within ten (10) days from the date of this Order either show  
4 cause why this case should not be dismissed as moot and/or for lack of standing or, in the  
5 alternative, notify this Board of its intent to request dismissal of this case. If NCSEA elects to  
6 assert cause why dismissal should not be entered, then PGH shall have five (5) days to file any  
7 response to NCSEA's assertions.

8 DATED this 5<sup>th</sup> day of January, 2005.

9 LOCAL GOVERNMENT EMPLOYEE-  
10 MANAGEMENT RELATIONS BOARD

11 BY:   
12 JANET TROST, ESQ., Chairman

13 BY:   
14 TAMARA E. BARENGO, Vice-Chairman

15 BY:   
16 JOHN E. DICKS, ESQ., Board Member  
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