

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

LT. JAMES KETSAA; LT. TONY YORK;
and LT. KEN YOUNG,

Complainants,

vs.

CLARK COUNTY SCHOOL DISTRICT,

Respondent.

ITEM NO. 591

CASE NO. A1-045809

ORDER

For Complainant: John Dean Harper, Esq.

For Respondent: Jon M. Okazaki, Esq.
Clark County School District

On July 29, 2004, Complainants LT. JAMES KETSAA; LT. TONY YORK; and LT. KEN YOUNG (hereafter "Lieutenants") filed a Complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD (hereafter "Board").

On August 23, 2004, Respondent CLARK COUNTY SCHOOL DISTRICT (hereafter "District") filed a Motion to Dismiss. The Lieutenants filed an opposition on September 23, 2004.

The Board held deliberations on said motion on November 3, 2004, noticed in accordance with Nevada's Open Meeting Law. Based upon the Board's deliberations,

IT IS HEREBY ORDERED that Respondent's motion to dismiss the complaint is DENIED.¹

IT IS FURTHER ORDERED that because application of the limited deferral doctrine adopted by this Board in I.A.F.F. #731 v. City of Reno, EMRB Item No. 257, Case No. A1-045466 (February 15, 1991), is warranted here, this matter shall be and hereby is deferred for

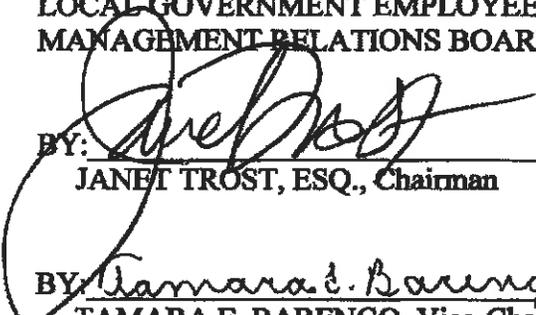
¹ However, this Board notes that it does not have jurisdiction over violations of NRS Chapter 289.

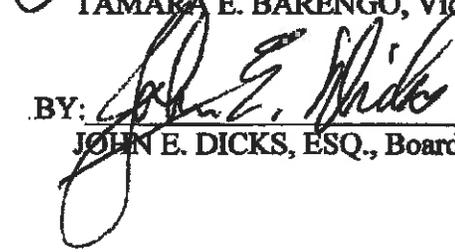
1 exhaustion of the parties' contractual grievance arbitration remedies. The parties are to provide a
2 written status report to the Board within six (6) months from the date of this order. The parties
3 shall also provide a written report to the Board within thirty (30) days of the completion of the
4 grievance arbitration process, giving either an amended complaint or a stipulation to dismiss.

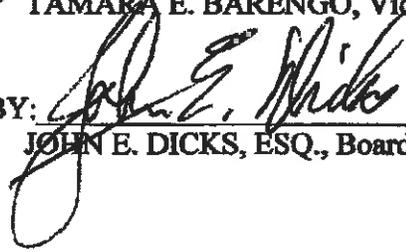
5 IT IS FURTHER ORDERED that because Complainants' motion for temporary and
6 preliminary injunctive relief may be moot, i.e., Complainants now concede that the promotional
7 testing they sought to prevent by their motion has already occurred, Complainants shall within
8 ten (10) days from the date of this order renew their motion and demonstrate why the requested
9 relief remains warranted. If Complainants fail to timely renew their motion it will be deemed
10 DENIED. Upon a timely renewal of the motion, Respondents shall file any opposition within
11 the time limit set forth at NAC 288.240(4).

12 DATED this 4th day of November, 2004.

13 LOCAL GOVERNMENT EMPLOYEE-
14 MANAGEMENT RELATIONS BOARD

15 BY: 
16 JANET TROST, ESQ., Chairman

17
18 BY: 
19 TAMARA E. BARENGO, Vice-Chairman

20 BY: 
21 JOHN E. DICKS, ESQ., Board Member