

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

5 UNITED WE STAND CLASSIFIED
6 EMPLOYEES - AFT,

7 Petitioner,

8 vs.

9 WASHOE COUNTY SCHOOL DISTRICT
10 and WASHOE EDUCATION SUPPORT
11 PROFESSIONALS,

12 Respondents.

ITEM NO. 623A

CASE NO. A1-045875

ORDER

13 For Petitioner: Michael E. Langton, Esq.

14 For Respondent: Rick R. Hsu, Esq.
Maupin, Cox & LeGoy

15 Sandra G. Lawrence, Esq.
Dyer, Lawrence, Penrose, Flaherty & Donaldson

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17 On November 30, 2005, Petitioner UNITED WE STAND CLASSIFIED EMPLOYEES -
18 AFT ("UWSCE") filed a Petition Challenging Recognition of Employee Organization and
19 Petition for Election of Representative. An Errata was filed on December 12, 2005. On
20 December 19, 2005, Respondent WASHOE COUNTY SCHOOL DISTRICT ("District") filed
21 their Answer to Petition Challenging Recognition of Employee Organization and Petition for
22 Election of Representative. On December 23, 2005, Respondent WASHOE EDUCATION
23 SUPPORT PROFESSIONALS ("WESP") filed a Motion to Dismiss or in the Alternative to
24 Strike. An Opposition to Motion to Dismiss or in the Alternative Motion to Strike was filed on
25 January 3, 2006. On January 12, 2006, WESP filed their Reply to Opposition to Motion to
26 Dismiss; or in the Alternative, to Strike, and an Errata was filed on January 13, 2006. A
27 Response to Errata was filed on January 17, 2006. On January 27, 2006, WESP filed their
28 Respondent's Reply to Petitioner's Response to Errata.

1 On April 4, 2006, the Board ordered that the Motion to Dismiss be denied. An Amended
2 Verification was filed on April 21, 2006, and Respondent's Answer was filed on April 26, 2006.

3 UWSCE filed their Prehearing Statement on May 16, 2006, and WESPs' Prehearing
4 Statement was filed on May 22, 2006. On May 30, 2006, WESP filed a Motion to Strike
5 Petitioner's Prehearing Statement. The District filed their Prehearing Statement on June 1, 2006.
6 On June 12, 2006, an Opposition to Motion to Strike Petitioner's Prehearing Statement was filed,
7 and on June 23, 2006, a Reply to Opposition to Motion to Strike Petitioner's Prehearing
8 Statement was filed.

9 The Board held deliberations on said motion on August 22, 2006, noticed in accordance
10 with Nevada's Open Meeting Law. Based upon the Board's deliberations,

11 The Board notes that the matter before it is a Petition for Election that challenges the
12 majority of the bargaining unit. However, the Board further notes that numerous issues are set
13 forth in UWSCE's Prehearing Statement that were not alleged in their initial Petition. The new
14 issues that Petitioner asserted for the first time in their Pre-hearing Statement are:

- 15 1. That UWSCE now alleges that the District committed a prohibited practice as defined
16 by NRS 288.270,
- 17 2. That UWSCE now asserts that the District unlawfully recognized WESP as the
18 exclusive bargaining agent,
- 19 3. That the District entered into "secret negotiations" with WESP,
- 20 4. That the District unlawfully extended the collective bargaining agreement through
21 June 2007, and
- 22 5. That the District was obligated to withdraw recognition of WESP upon its
23 disaffiliation with NCSEA.

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