

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

WASHOE COUNTY SCHOOL DISTRICT,)

Petitioner,)

vs.)

WASHOE EDUCATION ASSOCIATION
and WASHOE EDUCATION SUPPORT
PROFESSIONALS,)

Respondents.)

ITEM NO. 626C

CASE NO. A1-045878

DECISION

For Petitioner: C. Robert Cox, Esq.
Rick R. Hsu, Esq.
Maupin, Cox & LeGoy

For Respondents: Sandra G. Lawrence, Esq.
Dyer, Lawrence, Penrose, Flaherty & Donaldson

On the 28th day of October, 2009, 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.

On April 8, 2009 the Nevada Supreme Court remanded this matter to the First Judicial District Court in and for Carson City with instructions to further remand back to this Board to "determine the cost of the direct deposit and pay card system to the employees." The District Court so remanded and this Board sought supplemental briefing from the parties to assist it in determining the cost as outlined in the District Court's order. Petitioner Washoe County School District filed its brief with the Board on June 19, 2009, and Respondents Washoe Education Association and Washoe Education Support Professionals filed their brief on June 22, 2009.

The Board, having duly considered the briefs and additional evidence filed herein, and having fully considered the order of the District Court hereby makes its Findings of Fact, Conclusions of Law and Order as follows:

1 **FINDINGS OF FACT**

2 1. The "direct deposit and pay card system" is one payment system with a direct deposit
3 component for banked employees and a pay card component for unbanked employees.

4 **2. DIRECT DEPOSIT**

5 a. The Direct Deposit portion of the pay system presented by Petitioner applies only
6 to employees who have and maintain a personal bank account, separate from the
7 direct deposit and pay card system proposed by Petitioner wherein the full amount
8 of funds will be deposited. These are referred to as "banked" employees.

9 b. The Direct Deposit portion of the pay system imposes no cost on banked
10 employees.

11 **3. PAY CARD**

12 a. The pay card portion of the pay system applies to employees who do not have or
13 maintain a personal bank account separate from the direct deposit and pay card
14 system proposed by Petitioner wherein the full amount of funds will be deposited.
15 These employees are referred to as "unbanked" employees.

16 b. The pay card portion of the pay system imposes costs on employees as follows:

17 i. USAGE COSTS which are quantifiable costs to the employees:

18 1. \$1.50 cost per transactions at domestic ATMs following 1 free transaction
19 per pay cycle.

20 2. \$1.50 cost for transactions at international ATMs.

21 3. \$1.00 cost per transaction for PIN transactions.

22 4. \$15.00 cost for a replacement card fee.

23 5. \$.50 cost for declined cash authorization fee on ATM transactions.

24 6. \$2.00 cost per call to a customer service operator following 1 free call per
25 month.

26 7. \$20.00 cost per transaction for an overdraft fee.

27 8. \$5.00 cost per month for inactivity fee if the pay card is not used for 90
28 days or more.

1 9. \$15.00 cost per transaction for a manual check fee to obtain a check for
2 the employee's funds.

3 10. \$15.00 cost per delivery for an express delivery fee.

4 11. \$60.00 cost for legal process fee.

5 ii. OTHER COSTS, which are unquantifiable costs to the employees:

6 1. Third-party costs for transactions or ATM withdrawals imposed upon
7 employees for use of the pay card.

8 2. Inconvenience Costs for travel to Wells Fargo branch to obtain funds
9 when there is no Wells Fargo branch in the employee's home town.

10 3. Loss of benefit of casino or other entertainment providers' check-cashing
11 promotions.

12 4. If any of the foregoing findings is more appropriately construed a conclusion of law, it
13 may be so construed.

14 **CONCLUSIONS OF LAW**

15 1. After review of the additional evidence and arguments presented by the parties in the
16 requested briefing does not alter the Board's prior conclusion that the direct deposit
17 and pay card system is significantly related to salary or wage rates or other forms of
18 direct monetary compensation under NRS 288.150(2)(a).

19 2. If any of the foregoing conclusions is more appropriately construed a finding of fact, it
20 may be so construed.

21 **ORDER**

22 IT IS HEREBY ORDERED that staff shall submit this matter to the First Judicial District

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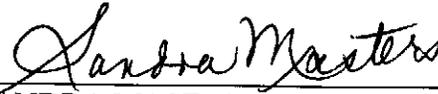
1 Court consistent with the Nevada Supreme Court's Order of Reversal and Remand entered on
2 April 8, 2009.

3
4 DATED this 18th day of November, 2009.

5 LOCAL GOVERNMENT EMPLOYEE-
6 MANAGEMENT RELATIONS BOARD

7 BY: 
8 SEATON J CURRAN, ESQ., Chairman

9 BY: 
10 JAMES E. WILKERSON, SR., Vice-Chairman

11 BY: 
12 SANDRA MASTES, Board Member
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1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
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5 WASHOE COUNTY SCHOOL DISTRICT,)

6 Petitioner,)

7 vs.)

CASE NO. A1-045878

8 WASHOE EDUCATION ASSOCIATION
9 and WASHOE EDUCATION SUPPORT
PROFESSIONALS,)

NOTICE OF ENTRY OF ORDER

10 Respondents.)

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12 To: C. Robert Cox, Esq.
Rick R. Hsu, Esq.
Maupin, Cox & LeGoy

13
14 To: Sandra G. Lawrence, Esq.
Dyer, Lawrence, Penrose, Flaherty & Donaldson

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16 PLEASE TAKE NOTICE that a DECISION was entered in the above-entitled matter on
17 November 18, 2009.

18 A copy of said decision is attached hereto.

19 DATED this 19th day of November, 2009.

20 LOCAL GOVERNMENT EMPLOYEE-
21 MANAGEMENT RELATIONS BOARD

22
23 BY

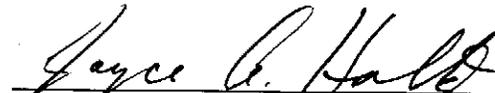

24 JOYCE A. HOLTZ, Board Secretary
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 19th day of November, 2009, I served a copy of the foregoing
4 DECISION by mailing a copy thereof, postage prepaid to:

5 C. Robert Cox, Esq.
6 Rick R. Hsu, Esq.
7 Maupin, Cox & LeGoy
8 P.O. Box 30000
9 Reno, NV 89520

10 Sandra G. Lawrence, Esq.
11 Dyer, Lawrence, Penrose, Flaherty & Donaldson
12 2805 Mountain Street
13 Carson City, NV 89703

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15 JOYCE A. HOLTZ, Board Secretary

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