

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

5 CLARK COUNTY EDUCATION
6 ASSOCIATION,)

7 Complainant,)

8 vs.)

9 INTERNATIONAL BROTHERHOOD OF
10 TEAMSTERS, LOCAL 14 and CLARK
11 COUNTY SCHOOL DISTRICT)

12 Respondents.)

ITEM NO. 662

CASE NO. A1-045913

ORDER

13 For Complainant: Michael K. Chaudhun, Esq.
14 Dyer, Lawrence, Penrose, Flaherty & Donaldson

15 For Respondents: Kristin L. Martin, Esq.
16 McCracken, Stemerma & Holsberry

17 C.W. Hoffman, Jr., Esq.
18 Clark County School District

19 This matter came on for discussion and deliberations by the Local Government
20 Employee-Management Relations Board ("Board") on September 20, 2007, noticed pursuant to
21 NRS and NAC chapters 288, NRS chapter 233B, and Nevada's open meeting laws; and the
22 Board finds, concludes, and orders as follows:

23 A Petition for Declaratory Order was filed by the Clark County Education Association
24 ("CCEA") with the Board on August 8, 2007, requesting that the Board "enter a declaratory
25 order determining that the next window period during which a rival employee organization may
26 challenge the recognition of CCEA will begin on November 1, 2007, and end on November 30,
27 2007." CCEA also filed a Motion for Expedited Decision. The Clark County School District
("School District") filed its Reply on August 17, 2007. The International Brotherhood of
Teamsters, Local 14 ("Teamsters") filed its "Opposition to the Motion for an Expedited Decision
or Hearing" on August 20, 2007.

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1 On September 7, 2007, Teamsters filed a "Verified Response to Petition for Declaratory
2 Order" and "Points and Authorities in Response to Petition for Declaratory Order." In the
3 "Points and Authorities," Teamsters state:

4 Local 14 agrees with CCEA that under the plain language of the NAC
5 288.146 and based on the fact that the third year of the CCEA-District collective
6 bargaining agreement will expire on June 30, 2008, a window period during
7 which a non-incumbent labor organization may challenge CCEA will open
8 November 1, 2007 and November 30, 2007.

9 Since Local 14 and CCEA are in agreement over the meaning of NAC
10 288.146, and since the [School] District takes no position on the matter, the Board
11 should simply issue an order confirming that under NAC 288.146(2)(b), a
12 window period during which a non-incumbent labor organization may challenge
13 CCEA's status as exclusive bargaining representative agent of the Clark County
14 School District's licensed non-administrative personnel will exist between
15 November 1, 2007 through November 30, 2007.

16 Id. at p. 2. The parties have also cited to two prior Board decisions which are allegedly on point,
17 namely, Item # 250 and 313.

18 Order

19 BASED upon the above mentioned pleadings and documents filed by the parties through
20 their respective attorneys of record, and good cause appearing therefore,

21 IT IS HEREBY ORDERED that the request for a Declaratory Order is denied. There is
22 no case in controversy between the parties, because the parties agreed that the window period is
23 November 1, 2007 through November 30, 2007. Therefore, no further rulings are necessary
24 from this Board in this matter.

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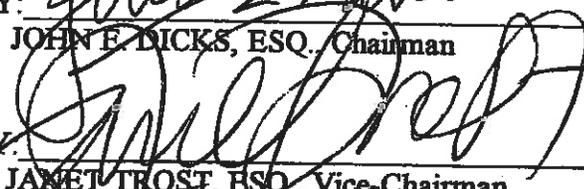
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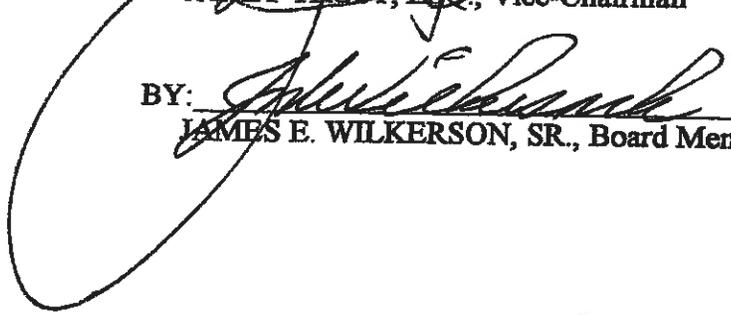
1 IT IS FURTHER ORDERED that each party shall bear their own fees and costs incurred
2 in this matter.

3 DATED this 20th day of September, 2007.

4 LOCAL GOVERNMENT EMPLOYEE-
5 MANAGEMENT RELATIONS BOARD

6 BY: 
7 JOHN E. DICKS, ESQ., Chairman

8 
9 BY: JANET TROST, ESQ., Vice-Chairman

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11 BY: JAMES E. WILKERSON, SR., Board Member
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