

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

POLICE OFFICERS ASSOCIATION OF
THE CLARK COUNTY SCHOOL
DISTRICT

Complainant,

vs.

CLARK COUNTY SCHOOL DISTRICT,

Respondents.

ITEM NO. 709

CASE NO. A1-045960

ORDER

For Complainant: Police Officers Association of the Clark County School District and their attorney, C. Conrad Claus, Esq.

For Respondents: Clark County School District and their attorney C. William Hoffman, Esq.

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.

Complainant Police Officers Association of the Clark County School District filed this action on August 26, 2009. The Complaint alleges that Respondent Clark County School District committed unfair labor practices arising out Respondents dealings with three members of Complainant Association: Sgt. Roberta Hodgkinson, Officer Michael Wasak and Officer Vincent Glaviano.

On September 29, 2009, Respondent Clark County School District filed a Motion to Dismiss. Respondent's motion argues that the Limited Deferral Doctrine and NAC 288.375 warrant a dismissal of this action or a remand due to the fact that two of the matters identified in the Complaint, the "Wasak" and "Glaviano" matters, are currently pending for arbitration.

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1 Complainant Police Officers Association of the Clark County School District filed an
2 Opposition to the Motion to Dismiss on October 19, 2009. The Opposition argues that the
3 Complaint alleges unfair labor practices independent of the contractual disputes pending for
4 arbitration, but that if the Limited Deferral Doctrine does apply to this action then the Board
5 should defer this action until the contractually mandated remedies have been exhausted rather
6 than dismiss the action entirely.

7 BASED UPON the arguments raised in the motion and opposition;

8 IT IS HEREBY ORDERED that Respondent's Motion to Dismiss is Denied.

9 IT IS FURTHER ORDERED that this matter is tabled pending further order of the Board
10 and pending progress reports from the parties regarding the progress and status of the
11 arbitrations. Respondent need not submit an Answer to the Complaint until such time as one is
12 ordered by the Board.

13 IT IS FURTHER ORDERED that the parties shall submit a progress report to the Board
14 no later than January 8, 2009. The progress report shall state the status of the cases which are
15 currently pending arbitration and the resolution, if any, of the cases pending arbitration.

16 DATED this 10th day of November, 2009.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

19 BY: 

20 SEATON J. CURRAN, ESQ., Chairman

21 BY: 

22 JAMES E. WILKERSON, SR., Vice-Chairman

23 BY: 

24 SANDRA MASTERS, Board Member
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NOTICE OF ENTRY OF ORDER

TO: Police Officers Association of the Clark County School District and their attorney,
C. Conrad Claus, Esq.

TO: Clark County School District and their attorney C. William Hoffman, Esq.

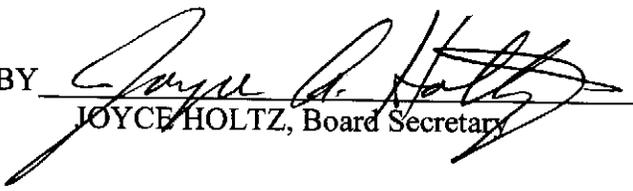
PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
November 9, 2009.

A copy of said order is attached hereto.

DATED this 10th day of November, 2009.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY


JOYCE HOLTZ, Board Secretary

