

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

SERVICE EMPLOYEES INTERNATIONAL)
UNION, LOCAL 1107)

Complainant,

vs.

CLARK COUNTY

Respondents.

ITEM NO. 713

CASE NO. A1-045965

ORDER

For Complainant: Service Employees International Union, Local 1107, and their attorneys
Jonathan Cohen Esq., of Rothner, Segall & Greenstone and Douglas V.
Ritchie, Esq., of Laquer, Urban, Clifford & Hodge, LLP

For Respondents: Clark County, and their attorney Yolanda T. Givens, Esq.

On the 19th day of January, 2010, 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 Service Employees International Union, Local 1107 ("SEIU") filed this
action on October 19, 2009. The complaint alleges that Respondent Clark County unilaterally
changed the terms of employment, and retaliated against a specific employee, Martin Bassick
due to union activity or membership.

On November 19, 2009, Respondent Clark County filed a motion to dismiss. The motion
to dismiss alleges that the Union waived the right to grieve the decision of the layoff committee
because it did not timely submit a grievance, the Board does not have jurisdiction because the
complaint asserts merely a claim for breach of the collective bargaining agreement rather than a
claim for a prohibited labor practice, and that the Union could not establish retaliation in the
matter of Martin Bassick's layoff.

1 SEIU filed an opposition on December 9, 2009, and Clark County filed its reply on
2 December 14, 2009.

3 BASED UPON the arguments raised in the motion, the opposition and the reply, the
4 Board finds that Clark County's motion to dismiss does not establish a waiver of the prohibited
5 practices claims asserted by SEIU; that the Board has jurisdiction over the claims asserted in the
6 Complaint pursuant to NRS 288.110(2) and NRS 288.280; whether SEIU can establish
7 retaliation against Martin Bassick presents a question of fact and dismissal at this stage is not
8 warranted.

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

10 IT IS FURTHER ORDERED that the parties shall submit pre-hearing statements within
11 20 days of the date of this order.

12 IT IS FURTHER ORDERED that Respondent Clark County may submit an Answer to
13 the Complaint within 20 days of the date of this order.

14 DATED this 25th day of January, 2010.

15 LOCAL GOVERNMENT EMPLOYEE-
16 MANAGEMENT RELATIONS BOARD

17 BY: 
18 SEATON J. CURRAN, ESQ., Chairman