

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

GISELA MONTECERIN

Complainant,

vs.

CLARK COUNTY SCHOOL DISTRICT,

Respondents.

ITEM NO. 714

CASE NO. A1-045958

ORDER

For Complainant: Gisela Montecerin and her attorney, Christian Gabroy, Esq.

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

Respondent Clark County School District filed a motion to dismiss, asking the Board to dismiss the matter on the basis that Complainant Gisela Montecerin has filed claims before the Nevada Equal Rights Commission and the Equal Employment Opportunity Commission. The motion asserts only that these claims have been filed, and does not assert that any final decision has been reached by either of these agencies.

Complainant filed an opposition to the motion asserting that this Board has jurisdiction to hear this matter under NRS 288.270(1)(f).

Complainant correctly points out that this Board has jurisdiction over prohibited practice claims arising under NRS Chapter 288. NRS 288.280. A claim that a local-government employer has discriminated on the basis of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations is specifically

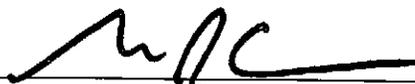
1 enumerated as a prohibited practice under NRS Chapter 288. NRS 288.270(1)(f). The
2 complaint alleges that Respondent is a local government employer, and that Respondent
3 discriminated against Complainant on the basis of race, national origin and personal reasons.
4 These claims arise under NRS 288.270(1)(f) and the Board has a duty to hear them.

5 The mere fact that Complainant has concurrently filed similar claims with other agencies,
6 and without any final decision being entered by those agencies, does not deprive this Board of
7 the ability to hear the claims arising under NRS Chapter 288.

8 Based upon the foregoing and good cause appearing therefore, IT IS HEREBY
9 ORDERED that Respondent's Motion to Dismiss is Denied.

10 DATED this 2nd day of February, 2010.

11 LOCAL GOVERNMENT EMPLOYEE-
12 MANAGEMENT RELATIONS BOARD

13 BY: 
14 SEATON J. CURRAN, ESQ., Chairman

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

5 GISELA MONTECERIN

6 Complainant,

7 vs.

8 CLARK COUNTY SCHOOL DISTRICT,

9 Respondents.

CASE NO. A1-045958

NOTICE OF ENTRY OF ORDER

10 TO: Gisela Montecerin and her attorney, M. Lani Esteban-Trinidad, Esq.

11 TO: Las Vegas Valley Water District and their attorney Brian Chally, Esq.
12

13 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
14 February 2, 2010.

15 A copy of said order is attached hereto.

16 DATED this 2nd day of February, 2010.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

19 BY


JOYCE HOLTZ, Board Secretary

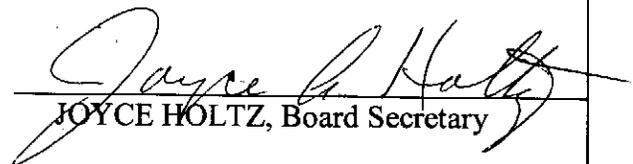
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 2nd day of February, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Christian Gabroy, Esq.
170 South Green Valley Pkwy #280
Henderson, NV 89012

William Hoffman, Esq.
Office of General Counsel
Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89146


JOYCE HOLTZ, Board Secretary

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