

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

STACEY D. MADDEN,

Complainant,

vs.

REGIONAL TRANSPORTATION
COMMISSION OF SOUTHERN NEVADA
(RTC); JACOB SNOW, GENERAL
MANAGER; JERRY KEATING,
ASSISTANT GENERAL MANAGER;
TAMMARA WILLIAMS, MANAGER OF
HUMAN RESOURCES; KENNY
RODRIGUEZ, MANAGER OF CUSTOMER
SERVICE; and CASSANDRA CAMPBELL,
SUPERVISOR OF CUSTOMER SERVICE

Respondent.

ITEM NO. 718

CASE NO. A1-045959

ORDER

For Complainant: Stacey D. Madden, In Proper Person

For Respondents: Regional Transportation Commission of Southern Nevada; Jacob Snow, General Manager, Jerry Keating, Assistant General Manager; Tammara Williams, Manager of Human Resources; Kenny Rodriguez, Manager of Customer Service; and Cassandra Campbell, Supervisor of Customer Service and their Attorney Shaun P. Haley, Esq. of Fisher and Phillips LLP

On the 17th day of November, 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.

Respondents filed a motion to dismiss Complainant's prohibited practices complaint on August 28, 2009. Respondents assert that the prohibited practices complaint fails to state a claim of a prohibited practice arising under the Employee-Management Relations Act, NRS Chapter 288. Respondent argues that in order for this Board to consider a Complaint involving an alleged contractual violation, the complaint must also allege that the violation also constituted a prohibited practice enumerated under NRS Chapter 288, relying upon this Board's prior decision

1 in *Esmeralda County Classroom Teachers Ass'n v. Esmeralda County School Dist.* Case No. A1-
2 045497, Item # 273.

3 Complainant filed an opposition to the motion to dismiss on October 19, 2009, stating
4 that Complainant was unaware of the practice rules of this Board and alleging that Respondent
5 Regional Transportation Commission of Southern Nevada has refused to comply with the terms
6 of the agreement.

7 Respondent filed a reply to Complainant's opposition on November 2, 2009.

8 The Board, having duly considered the pleadings on file, fully considered the law and
9 being fully advised in the premises makes its Findings of Fact, Conclusions of Law and Order as
10 follows:

11 **FINDINGS OF FACT**

- 12 1. Complainant's prohibited practice complaint was filed with the Board on August 6, 2009.
13 This complaint does not contain a statement of the legal authority under which the
14 complaint was made.
15 2. If any of the foregoing findings is more appropriately construed a conclusion of law, it
16 may be so construed.

17 **CONCLUSIONS OF LAW**

- 18 1. The Board has exclusive jurisdiction over claims arising under the Employee-
19 Management Relations Act, NRS Chapter 288.
20 2. Complainant's prohibited practices complaint alleges only contractual violations and
21 does not state a claim for relief arising under the Employee-Management Relations Act.
22 3. As the complaint does not state a claim for relief arising under the Employee-
23 Management Relations Act, dismissal without prejudice is appropriate.
24 4. If any of the foregoing conclusions is more appropriately construed a finding of fact, it
25 may be so construed.

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ORDER

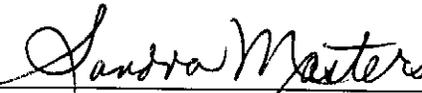
IT IS HEREBY ORDERED that this matter be Dismissed without prejudice.

DATED this 17th day of February, 2010.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: 
SEATON J. CURRAN, ESQ., Chairman

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

BY: 
SANDRA MASTERS, Board Member

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

5 STACEY D. MADDEN,

6 Complainant,

7 vs.

8 REGIONAL TRANSPORTATION
9 COMMISSION OF SOUTHERN NEVADA
10 (RTC); JACOB SNOW, GENERAL
11 MANAGER; JERRY KEATING,
12 ASSISTANT GENERAL MANAGER;
13 TAMMARA WILLIAMS, MANAGER OF
14 HUMAN RESOURCES; KENNY
15 RODRIGUEZ, MANAGER OF CUSTOMER
16 SERVICE; and CASSANDRA CAMPBELL,
17 SUPERVISOR OF CUSTOMER SERVICE

18 Respondent.

CASE NO. A1-045959

NOTICE OF ENTRY OF ORDER

19 TO: Stacey D. Madden, In Proper Person

20 TO: Regional Transportation Commission of Southern Nevada; Jacob Snow,
21 General Manager, Jerry Keating, Assistant General Manager; Tammara
22 Williams, Manager of Human Resources; Kenny Rodriguez, Manager of
23 Customer Service; and Cassandra Campbell, Supervisor of Customer
24 Service and their Attorney Shaun P. Haley, Esq. of Fisher and Phillips
25 LLP

26 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
27 February 17, 2010.

28 A copy of said order is attached hereto.

DATED this 18th day of February, 2010.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY

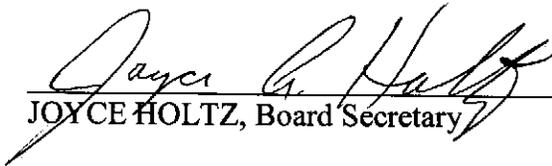

JOYCE HOLTZ, Board Secretary

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 18th day of February, 2010, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Stacey D. Madden
6 4650 N. Rainbow Blvd., #1075
7 Las Vegas, NV 89108

8 Shaun P. Haley, Esq.
9 Fisher & Phillips LLP
10 3800 Howard Hughes Pkwy. #950
11 Las Vegas, NV 89169

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13 JOYCE HOLTZ, Board Secretary

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