

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

5 MARK TANSEY,

6 Complainant,

7 vs.

8 CLARK COUNTY; and SERVICE
9 EMPLOYEES INTERNATIONAL UNION
10 LOCAL 1107

11 Respondent.

ITEM NO. 726

CASE NO. A1-045973

ORDER

12 For Complainant: Adam Levine, Esq.

13 For Respondents: Yolanda T. Givens, Esq.
14 Deputy District Attorney

15 Michael A. Urban, Esq.
16 Douglas V. Ritchie, Esq.
The Urban Law Firm

17 On the 27th day of May, 2010, this matter came on before the State of Nevada, Local
18 Government Employee-Management Relations Board ("Board"), for consideration and decision
19 pursuant to the provisions of the NRS and NAC chapters 288, NRS chapter 233B, and was
20 properly noticed pursuant to Nevada's open meeting laws.
21

22 Respondent Clark County filed a Motion to Dismiss, asserting that Complainant Mark
23 Tansey has not alleged any prohibited labor practice against the County. The Complaint asserts
24 that the County terminated Tansey's employment without just cause, contrary to the provisions
25 of the collective bargaining agreement which governed his employment. The Complaint also
26 asserts that Tansey, through Respondent Service Employees International Union Local 1107
27 ("SEIU"), had been proceeding through the bargained-for grievance process with the County.
28

1 After the County denied Tansey's grievance at the Step Two level, SEIU then allegedly failed to
2 submit a written request to the County demanding that Tansey's grievance be taken to
3 arbitration, which is the next step in the grievance process. Because there was no Step Three
4 request submitted to the County, the County has apparently deemed Tansey's grievance as
5 abandoned. The County's argument is that the question of whether or not there was just cause to
6 terminate Tansey is a question reserved to the grievance process, not this Board, and because
7 there are no other allegations against the County, that the allegations in the Complaint do not
8 amount to a claim for a prohibited labor practice against the County.
9

10
11 Tansey filed an Opposition to the motion to dismiss, asserting that his claim constitutes a
12 "hybrid claim" over which the Board should assume jurisdiction, citing to Vaca v. Sipes, 386
13 U.S. 171 (1967); Hines v. Anchor Motor Freight, 424 U.S. 554 (1976) and Del Costello v.
14 International Brotherhood of Teamsters, 462 U.S. 151 (1983). Respondent SEIU did not file any
15 Opposition or Joinder to the motion to dismiss.
16

17 The Local Government Employee-Management Relations Act ("the Act") authorizes this
18 Board to "hear and determine any complaint arising out of the interpretation of, or performance
19 under, the provisions of [Chapter 288]," and to hear "any controversy concerning prohibited
20 practices." NRS 288.110(2); NRS 288.280. A complainant before this Board must allege "a
21 justiciable controversy under chapter 288 of NRS..." NAC 288.200.
22

23 Tansey's allegations against the County assert only a breach of the collective bargaining
24 agreement, and do not assert a violation of any section of the Act itself. Thus, Tansey fails to
25 allege any conduct by the County that falls within the statutory jurisdiction of the Board. The
26 County is therefore entitled to be dismissed from this matter.
27

28 Having considered the above, the Board unanimously finds as follows:

