

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

5 JAMES CROM,

6 Complainant,

7 vs.

8 LAS VEGAS CLARK COUNTY LIBRARY  
9 DISTRICT; TEAMSTERS LOCAL 14; DOE  
10 INDIVIDUALS 1-300; ROE INDIVIDUALS  
11 1-300,

Respondents,

ITEM NO. 752B

CASE NO. A1-046004

**ORDER**

12 For Complainant: Philip J. Trenchak, Esq.

13 For Respondent: Scott M. Abbott, Esq. for Las Vegas-Clark County Library District

14 For Respondent: David T. Spurlock, Jr., Esq. for Teamsters Local 14

15 On the 1<sup>st</sup> day of November, 2011 this matter came on before the State of Nevada, Local  
16 Government Employee-Management Relations Board ("Board"), for consideration and decision  
17 pursuant to the provisions of the NRS and NAC chapters 288, NRS chapter 233B, and was  
18 properly noticed pursuant to Nevada's open meeting laws.

19 Respondent Las Vegas-Clark County Library District ("District") has filed a motion to  
20 dismiss on the basis that some of the allegations raised by Complainant Crom assert only breach  
21 of contract issues which lie outside the jurisdiction of this Board. Respondent Teamsters Local  
22 14 joined in the motion. Complainant Crom opposed the motion and argued that the Board has  
23 broad jurisdiction to hear any issue related to a collective bargaining dispute. The District also  
24 filed a reply in support of its motion.

25 As the District correctly argues, this Board exercises limited jurisdiction under the  
26 confines of the statutory provisions of NRS Chapter 288. Those provisions authorize this Board  
27 to hear and decide claims of prohibited labor practices and other matters arising under NRS  
28 Chapter 288. See NRS 288.110(2); NRS 288.280. Although this Board can consider contractual

1 issues which are foundational to prohibited labor practice claims, e.g. NLRB v. C & C Plywood  
2 Corp., 385 U.S. 421 (1967), this Board has consistently held that it lacks jurisdiction over  
3 contractual disputes which do not allege a prohibited labor practice under the provisions of NRS  
4 Chapter 288. Clark County Classroom Teachers Ass'n v. Clark County School Dist., EMRB  
5 Case No. A1-045280, Item No. 44 (Aug. 19, 1975).

6 Turning to the allegations in this case, the District asks that the Second, Fourth, Fifth,  
7 Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Twenty-  
8 Seventh causes of action be dismissed as these claims raise only contractual issues. We agree  
9 with the District that these claims should be dismissed to the extent that they assert only  
10 contractual matters. We also note that the allegations in these causes of action refer to Crom's  
11 discipline and discharge, which may present a prohibited labor practice. City of Reno v. Reno  
12 Police Protective Ass'n, 118 Nev. 889, 59 P.3d 1212 (2002). At this stage, and based upon the  
13 evidence presented in the motion, we cannot definitively state that Crom has not alleged a  
14 unilateral change claim within the bounds of his complaint and the causes of action that the  
15 District seeks to dismiss. Therefore, we will dismiss these causes of action as to the breach of  
16 agreement issues, but dismissal is not warranted to the extent that they assert a prohibited labor  
17 practice.

18 This order is intended to narrow the issues in this case from 13 separate "causes of  
19 action" down to a claim of unilateral change to discipline and discharge procedures.

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

- 21 1. Pursuant to NRS 288.110(2) and NRS 288.280, the Board has jurisdiction over  
22 violations of NRS Chapter 288.
- 23 2. A unilateral change to discipline and discharge procedures is a prohibited labor  
24 practice within the exclusive jurisdiction of this Board pursuant to City of Reno v.  
25 Reno Police Protective Ass'n, 118 Nev. 889, 59 P.3d 1212 (2002).
- 26 3. Crom's Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh,  
27 Twelfth, Thirteenth, Fourteenth, and Twenty-Seventh causes of action fall outside

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1 of the jurisdiction of this Board to the extent that they raise only contractual  
2 issues.

3 4. The factual allegations raised in Crom's Second, Fourth, Fifth, Sixth, Seventh,  
4 Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Twenty-  
5 Seventh causes of action may raise issues of unilateral change and at this stage the  
6 Board will retain jurisdiction over any unilateral change claim asserted by the  
7 facts in said causes of action.

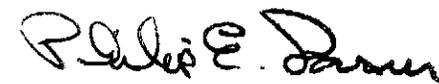
8 Based upon the foregoing, and good cause appearing therefore:

9 IT IS HEREBY ORDERED that the District's Motion to Dismiss is granted in part as set  
10 forth herein.

11 DATED this 14th day of November, 2011.

12 LOCAL GOVERNMENT EMPLOYEE-  
13 MANAGEMENT RELATIONS BOARD

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

16 BY:   
17 PHILIP E. LARSON, Vice-Chairman

18 BY:   
19 SANDRA MASTERS, Board Member  
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11 1-300,

Respondents,

**NOTICE OF ENTRY OF ORDER**

12 To: Philip J. Trenchak, Esq.

13 To: Scott M. Abbott, Esq. for Las Vegas-Clark County Library District

14 To: David T. Spurlock, Jr., Esq. for Teamsters Local 14

15  
16 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
17 November 14, 2011.

18 A copy of said order is attached hereto.

19 DATED this 14<sup>th</sup> day of November, 2011.

20 LOCAL GOVERNMENT EMPLOYEE-  
21 MANAGEMENT RELATIONS BOARD

22 BY

  
23 JOYCE A. HOLTZ, Executive Assistant  
24  
25  
26  
27  
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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 14<sup>th</sup> day of November, 2011, I served a copy of the foregoing  
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Philip J. Trenchak, Esq.  
6 3470 E. Russell Road #215  
7 Las Vegas, NV 89120

8 Scott M. Abbott, Esq.  
9 Kramer Zucker Abbott  
10 3000 W. Charleston Blvd. #3  
11 Las Vegas, NV 89102

12 David T. Spurlock, Jr., Esq.  
13 7121 West Craig Rd. #113  
14 Las Vegas, NV 89129

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JOYCEHOLTZ, Executive Assistant