

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

ADONIS VALENTIN,
Complainant,

vs.

CLARK COUNTY PUBLIC WORKS,
Respondents,

ITEM NO. 762

CASE NO. A1-046010

ORDER

For Complainant: Adonis Valentin, in Proper Person

For Respondent: Yolanda Givens, Esq.

On the 13th day of June, 2011, 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.

On April 6, 2011, Respondent Clark County filed a motion to dismiss the complaint. The motion was properly served upon Complainant, who has not filed an opposition to the motion.

The motion asserts that the complaint lacks probable cause because it does not allege that the County violated any provision of NRS Chapter 288. The Board agrees.

In order to proceed, a complaint must allege a violation of NRS Chapter 288. Although other remedies may exist in different venues, a mere breach of a collective bargaining agreement, without more, is not a violation of NRS Chapter 288. Clark County Classroom Teachers Ass'n v. Clark County School Dist., EMRB Case No. A1-045280, Item No. 44 (1975). The complaint also refers to the Family Medical Leave Act (FMLA), however this Board does not have jurisdiction over matters arising under FMLA.

1 The Board, having duly considered the pleadings filed herein, and having fully
2 considered the law and being fully advised in the premises makes its Findings of Fact,
3 Conclusions of Law and Order as follows:

4 **FINDINGS OF FACT**

- 5 1. Complainant Adonis Valentin is a local government employee
6 2. Respondent Clark County is a local government employer.
7 3. If any of the foregoing findings is more appropriately construed a conclusion of law, it
8 may be so construed.

9 **CONCLUSIONS OF LAW**

- 10 1. This Board has exclusive jurisdiction over claims of unfair labor practices arising under
11 NRS Chapter 288.
12 2. The complaint filed by Adonis Valentin in this matter does not allege that the County
13 violated any provision of NRS Chapter 288.
14 3. The Board does not have jurisdiction over claims which assert only a breach of a
15 collective bargaining agreement.
16 4. The Board does not have jurisdiction over claims arising under the Family Medical Leave
17 Act.
18 5. Pursuant to NAC 288.375(1) the complaint lacks probable cause and dismissal of the
19 complaint is appropriate.
20 6. If any of the foregoing conclusions is more appropriately construed a finding of fact, it
21 may be so construed.

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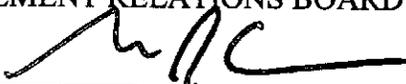
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ORDER

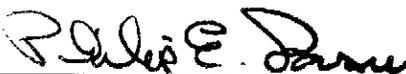
IT IS HEREBY ORDERED that this action is dismissed without prejudice, each party to bear its own fees and costs.

DATED this 1st day of July, 2011.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: 
SEATON J. CURRAN, ESQ., Chairman

BY: 
SANDRA MASTERS, Vice-Chairman

BY: 
PHILLIP E. LARSON, Board Member

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

5 ADONIS VALENTIN,
6 Complainant,

7 vs.

8 CLARK COUNTY PUBLIC WORKS,
9 Respondents,

CASE NO. A1-046010

NOTICE OF ENTRY OF ORDER

11 To: Adonis Valentin, in Proper Person

12 To: Yolanda Givens, Esq

14 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
15 July 1, 2011.

16 A copy of said order is attached hereto.

17 DATED this 1st day of July, 2011.

18 LOCAL GOVERNMENT EMPLOYEE-
19 MANAGEMENT RELATIONS BOARD

20 BY 
21 JOYCE A. HOLTZ, Executive Assistant

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