

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

JACKIE BENTON,

Complainant,

vs.

EDUCATION SUPPORT EMPLOYEES
ASSOCIATION,

Respondents,

CASE NO. A1-046033

ITEM: 773

ORDER

For Complainant: Jackie Benton, In Proper Person

For Respondents: Education Support Employees Association and their attorney Jessica C. Prunty, Esq.

On the 3rd day of November 2011 this matter came before the State of Nevada Local Government Employee-Management Relations Board ("BOARD") for consideration and decision pursuant to the provision of NRS and NAC chapters 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

Respondent Education Support Employees Association ("ESEA") has filed a motion to dismiss on this matter on the basis that (1) the BOARD is barred from considering allegations based on events that allegedly occurred more than 6 months before the filing of the complaint and (2) that the complaint in its entirety involves an internal union matter, over which the BOARD historically declines to exercise jurisdiction. At the time of consideration no opposition to this motion had yet been filed by the complainant. In light of the lack of opposition to the motion and due to the BOARD's prior refusal to exercise jurisdiction in such matters the BOARD agrees with the ESEA's second argument in support of dismissal without making a finding on ESEA's first argument.

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1 **FINDINGS OF FACT**

- 2 1. Complainant, Jackie Benton, filed a complaint with this BOARD on August 25, 2011.
3 2. Respondent, ESEA, filed a motion to dismiss with this BOARD on September 20, 2011.
4 3. Complainant failed to respond to ESEA's motion by the time this matter was under
5 consideration by the BOARD on November 3, 2011.
6 4. The Complaint involves matters which, in their entirety, involve internal union matters.
7 5. If any of the foregoing conclusions is more appropriately construed a conclusion of law,
8 it may be so construed.

9 **CONCLUSIONS OF LAW**

- 10 1. The BOARD has exclusive jurisdiction over matters governed by NRS and NAC chapters
11 288.
12 2. Allegations that consist of matters that are entirely internal union matters do not fall
13 within the jurisdiction of the BOARD.
14 3. Dismissal is warranted under NAC 288.375(1)
15 4. If any of the foregoing conclusions is more appropriately construed a finding of fact, it
16 may be so construed.

17 **ORDER**

18 IT IS HEREBY ORDERED that this action is dismissed without prejudice.
19 DATED this 14th day of November, 2011.

20 LOCAL GOVERNMENT EMPLOYEE-
21 MANAGEMENT RELATIONS BOARD

22 BY: 
23 PHILIP E. LARSON, Vice-Chairman

24 BY: 
25 SANDRA MASTERS, Board Member

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
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5 JACKIE BENTON,

6 Complainant,

7 vs.

8 EDUCATION SUPPORT EMPLOYEES
9 ASSOCIATION,

10 Respondents,
11

CASE NO. A1-046033

NOTICE OF ENTRY OF ORDER

12 To: Jackie Benton, In Proper Person

13 To: Education Support Employees Association and their attorney Jessica C. Prunty, Esq.


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

16 A copy of said order is attached hereto.

17 DATED this 14th day of November, 2011.

18 LOCAL GOVERNMENT EMPLOYEE-
19 MANAGEMENT RELATIONS BOARD

20
21 BY

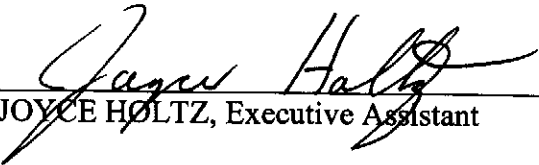

22 JOYCE A. HOLTZ, Executive Assistant
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 14th day of November, 2011, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Jacqueline D. Benton
6 475 Chesapeake Way
7 Henderson, NV 89015

8 Jessica C. Prunty, Esq.
9 Dyer, Lawrence, Penrose, Flaherty, Donaldson, & Prunty
2805 Mountain Street
Carson City, NV 89703

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14 JOYCE HOLTZ, Executive Assistant
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