

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

5 WASHOE EDUCATION ASSOCIATION,)
6 Complainant,) ITEM NO. 778
7 vs.) CASE NO. A1-046034
8 WASHOE COUNTY SCHOOL DISTRICT,)
9 Respondents,) **ORDER**
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11

12 For Complainant: Sandra G. Lawrence, Esq., for Washoe Education Association.

13 For Respondent: Rick R. Hsu, Esq., for Washoe County School District

14 This matter came on before the State of Nevada, Local Government Employee-
15 Management Relations Board ("Board") on March 8, 2012 for consideration and decision
16 pursuant to the provisions of the Local Government Employee-Management Relations Act ("the
17 Act"); NAC Chapter 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's
18 open meeting laws. This order is issued pursuant to NAC 288.410 and NRS 233B.120.

19 Washoe County School District ("WCSD") is a local government employer and is subject to the
20 provisions of the Act.

21 Petitioner Washoe Education Association ("WEA") is the recognized bargaining agent
22 for the bargaining unit of licensed employees (including teachers) who are employed by WCSD.
23 Beginning in May of 2011, WEA began negotiating the terms of a collective bargaining
24 agreement with WCSD. During the course of negotiations, WEA submitted the three requests for
25 bargaining to WCSD which are the subject of this petition. WEA submitted a request to bargain
26 over teacher performance evaluations, the process for reversion of post-probationary employees
27 back to probationary status owing to a new statutory requirement imposed by the Legislature
28 deeming certain post-probationary employees as probationary, and the definition of a grievance.

1 WCSD declined to negotiate these three topics with WEA. WEA then filed this petition for
2 declaratory order with the Board, seeking a declaration that WCSD is obligated, by NRS
3 288.150, to negotiate each of these three proposals with WEA.

4 The Act imposes a duty on local government employers to negotiate specified terms of
5 employment with a recognized bargaining agent. NRS 288.150(1). The Act specifies those
6 subjects, for which bargaining is mandatory, by setting forth a list of such topics in NRS
7 288.150(2).

8 The Act allows for, but does not require, bargaining over topics that are not mandatory
9 subjects of bargaining, and requires local government employers to discuss such topics with a
10 recognized bargaining agent. NRS 288.150(6).

11 Whether or not a particular proposal is a mandatory subject of bargaining under NRS
12 288.150 is a determination that must be made by this Board. NAC 288.100; Clark County School
13 Dist. v. Local Government Emp. Management Relations Bd., 90 Nev. 442, 446, 530 P.2d 114,
14 117 (1974) (hereafter "Clark County School Dist.").

15 The Nevada Supreme Court has confirmed that it is within the authority of this Board to
16 apply a "significantly related" test to determine whether or not a particular topic is a mandatory
17 subject of bargaining. Truckee Meadows Fire Protection Dist. v. International Ass'n of Fire
18 Fighters, Local 2487, 109 Nev. 367, 849 P.2d 343 (1993) (hereafter "Truckee Meadows").
19 Under the significantly related test, a topic that is not specifically enumerated in NRS 288.150(2)
20 may nonetheless be a mandatory subject of bargaining if it bears a "significant relationship" to
21 one or more of the enumerated subjects of bargaining listed in NRS 288.150(2). Id. In order to
22 resolve questions arising under the Act concerning mandatory subjects of bargaining, the Board
23 may look to and evaluate sources of law outside of the Act. See City of Reno v. Reno Police
24 Protective Ass'n, 98 Nev. 472, 653 P.2d 156 (1982).

25 Teacher Performance Evaluations

26 This Board first addressed the question of teacher performance evaluations as a
27 mandatory subject of bargaining in 1971, and held at that time that teacher performance was a
28 mandatory subject of bargaining. In the Matter of Washoe County School Dist. and Washoe

1 Teacher's Ass'n., EMRB Item No. 3 (October 9, 1971). That decision was subsequently
2 reviewed by the Nevada Supreme Court which upheld the Board's conclusion that performance
3 evaluations were a mandatory subject of bargaining. Clark County School Dist., at 448-449, 530
4 P.2d at 118-119.

5 In response to the Nevada Supreme Court's decision, the Nevada Legislature amended
6 NRS 288.150 to limit the subjects of mandatory bargaining to those subjects set forth in an
7 enumerated list. A.B. 572, 58th Leg. (Nev. 1975), 1975 Nev. Stat. at 920-921. See also Truckee
8 Meadows at 372, 849 P.2d at 347, n. 1 (1993).

9 Following the 1975 amendments to NRS 288.150, this Board twice found that teacher
10 performance evaluations were not a mandatory subject of bargaining: in 1976 in Washoe Co.
11 Teachers Assn. v. Washoe Sch. Dist. and the Bd. of Trustees of the Washoe Co. Sch. Dist., Item
12 No. 56, EMRB Case No. A1-045297 (1976), and again in 1981. Nevada Classified Sch.
13 Employees Assn. v. Clark Co. Sch. Dist., Item No. 111, EMRB Case No. A1-045345 (1981).

14 In 1988 the Board again addressed the issue of teacher performance evaluations. Pershing
15 County Classroom Teachers Ass'n v. Pershing County School District, Item No. 212, EMRB
16 Case No. A1-045416 (1988) ("Pershing County"). The reasoning in Pershing County is similar
17 to the arguments advanced by the WEA in this case. Pershing County considered legislative
18 changes to NRS Chapter 391 which had been made during a prior legislative session and
19 concluded that the amendments to NRS Chapter 391 which tied teacher performance evaluations
20 to the dismissal process were sufficient to push teacher performance evaluations into the realm of
21 subjects that were significantly related to a mandatory subject of bargaining. Because of the
22 heightened importance of performance evaluations to dismissing teachers under Chapter 391, the
23 Board held in Item 212 that performance evaluations had become a mandatory subject of
24 bargaining.

25 The Pershing County School District sought judicial review of this Board's order in
26 Pershing County. Upon judicial review, the First Judicial District Court in Carson City ruled that
27 teacher performance evaluations are not a mandatory subject of bargaining and remanded the
28 matter back to the Board for reconsideration in light of the District Court's order. The District

1 Court did not apply the significantly related test, and instead stated that NRS 391.3125 addressed
2 teacher performance evaluations by requiring that evaluations be developed by conferring with
3 the elected representative of the teachers, and the process of conferring with the teachers
4 pursuant to NRS 391.3125 “does not encompass ‘bargaining’ within the meaning of NRS
5 288.150.” The District Court’s order was issued on May 16, 1990. (The District Court’s order
6 was included as Exhibit 3 to the Response to Petition for Declaratory Order).

7 Three years later, in 1993, the Nevada Supreme Court confirmed the validity of the
8 Board’s significantly related test to determine whether a topic was a mandatory subject of
9 bargaining in Truckee Meadows, 109 Nev. 367, 849 P.2d 343 (1993).

10 In 2004, the Board again considered the issue of teacher performance evaluations and,
11 relying upon Truckee Meadows, applied the significantly related test to find that teacher
12 performance evaluations were a mandatory subject of bargaining. The Board looked to Truckee
13 Meadows as authority to disregard the District Court’s decision in the Pershing County case and
14 to apply the significantly related test to the issue of teacher performance evaluations. Washoe
15 Education Ass’n v. Washoe County School Dist., Item No. 575A, EMRB Case No. A1-045792
16 (2004). However, the Board’s decision in Item 575A was subsequently set aside in 2005 by the
17 First District Court on petition for judicial review. In setting aside the Board’s order, the District
18 Court explained that “it is unreasonable for the EMRB to apply the significantly related test in a
19 manner that renders other statutory provisions meaningless.” (The District Court’s order was
20 included as Exhibit 8 to the Petition for Declaratory Order). Thereafter WEA filed an appeal of
21 the District Court’s decision to the Nevada Supreme Court; however that proceeding was
22 resolved by a settlement and without a decision from the Supreme Court on the merits of the
23 District Court’s order.

24 In 2011, the Nevada Legislature enacted significant changes to the laws governing
25 educators, which included changes to both NRS Chapter 391 and NRS Chapter 288.

26 Regarding teacher performance evaluations, WEA contends that recent statutory changes
27 heighten the role that performance evaluations play in salary and wage rates and in disciplinary
28 proceedings. Both “salary and wage rates” and “disciplinary proceedings” are mandatory

1 subjects of bargaining under NRS 288.150(2)(a) and (i), respectively. As to salary and wage
2 rates, A.B. 229, 76th Leg. (Nev. 2011) requires a school district to establish a program for
3 performance pay for teachers and allows that teacher evaluations may be included as a
4 component of the program. 2011 Nev. Stat. at 2283. As to disciplinary and discharge
5 proceedings, A.B. 225 sets the criteria for when a post-probationary teacher is deemed to revert
6 back to probationary status. This reversion back to probationary status is based solely upon
7 performance evaluations. A.B. 225 § 1, 76th Leg. (Nev. 2011), 2011 Nev. Stat. at 2258.

8 Further, a new section of the Act, NRS 288.151, as adopted by A.B. 229, 76th Leg. (Nev.
9 2011), 2011 Nev. Stat at 2261, allows that performance evaluations must be considered by a
10 school district when the district conducts a reduction in force. NRS 288.151(3). The procedure
11 for conducting a reduction in force is also a mandatory subject of bargaining. NRS
12 288.150(2)(v). Given the increased importance that performance evaluations play in these areas,
13 WEA contends that performance evaluations have now become significantly related to each of
14 these mandatory subjects of bargaining and that NRS 288.150 and the significantly related test
15 therefore impose a duty on WCSD to bargain with WEA over teacher performance evaluations.

16 The Board's use of the significantly related test has twice been considered and approved
17 by the Nevada Supreme Court, although not entirely without reservation. In Clark County School
18 Dist., the Nevada Supreme Court stated, "[t]he 'significantly related' standard adopted by the
19 EMRB is a reasonable guideline if reasonably applied, and it is safe to suppose that it usually
20 will be." Clark County School Dist. at 499, 530 P.2d at 119. When the Nevada Supreme Court
21 again confirmed the use of the significantly related test in Truckee Meadows, it quoted Clark
22 County School Dist. as authority that the significantly related test is reasonable "if it is
23 reasonably applied." Truckee Meadows at 376, 849 P.2d at 349. This approval of the
24 significantly related test is not universal and contemplates the possibility of instances in which it
25 would not be reasonable for the Board to apply the significantly related test. Accordingly, the
26 Board must first confront a threshold question of whether it is reasonable to apply the
27 significantly related test in this case before reaching the question of whether teacher performance
28 evaluations are significantly related to any of the enumerated mandatory subjects of bargaining

1 in NRS 288.150. As set forth below, the Board concludes that it is not reasonable to apply the
2 significantly related test.

3 The mandatory bargaining provisions of the Act apply to all local government employers
4 in Nevada. NRS 288.060; NRS 288.150(1). However, many local government employers are
5 also subject to profession-specific statutory provisions beyond the requirements of the Act. Many
6 of these other statutes contain provisions that also touch upon mandatory subjects of bargaining
7 and in such cases the Legislature has subordinated these statutory provisions to the collective
8 bargaining process where it wished to do so. e.g. NRS 289.057 (statutory terms regarding
9 suspension of a peace officer are subordinate to terms of negotiated collective bargaining
10 agreement); NRS 391.166 (school district's incentive pay program established by collective
11 bargaining).

12 As a general principle, the scope of mandatory bargaining under the Act is intended to be
13 broad. See Truckee Meadows at 375, 849 P.2d at 349. However, the ultimate source of a local
14 government employer's bargaining obligations is the Legislature; and where the Legislature has
15 separately addressed the bargaining relationship between a local government employer and a
16 bargaining agent over a particular topic in statutes outside of the Act, and where those statutes
17 provide that relationship is something less than negotiation, the Board concludes that it is not
18 reasonable to apply the significantly related test. In such cases, an application of the significantly
19 related test would render such other statutory provisions as meaningless and would create
20 uncertainty as to the extent of a local government employer's bargaining obligations.

21 Thus, the Board will look to other law to inform our decision of whether it is reasonable
22 to use the significantly related test.

23 In this case, the Board looks to NRS 391.3125(2) which states: "each [school] board,
24 following consultation with and involvement of elected representatives of the teachers or their
25 designees, shall develop a policy for objective evaluations in narrative form." The Board also
26 looks to NRS 391.3127 which applies the same language to school administrators. These
27 provisions establish the relationship between school district employers and bargaining agents on
28 the subject matter of performance evaluations. As these subsections state, the school board is

1 required to “consult” with the bargaining agent. “Consultation” is distinct from, and is less
2 involved than “negotiation.” Black’s Law Dict. 311, 1059 (7th ed. 1999).

3 The Board also notes that A.B. 222, 76th Leg. (Nev. 2011) established the Teachers and
4 Leaders Council of Nevada and charged that body with the task of developing recommendations
5 for teacher performance evaluations which are to be recommended to the State Board of
6 Education in order to develop, by regulation, a statewide performance evaluation system. See
7 NRS 391.460-.465. While school boards will still be required to consult with teacher
8 representatives to develop a policy for performance evaluations going forward, these policies
9 will be required to comply with any statewide evaluation system developed by the Board of
10 Education. A.B. 222 § 8.5, 2011 Nev. Stat. at 3089.

11 Accordingly, as the bargaining relationship between WEA and WCSD concerning
12 teacher performance evaluations is defined by NRS 391.3125(2) as requiring consultation rather
13 than negotiation over performance evaluations, and given the statutes governing the role of the
14 Teachers and Leaders Council of Nevada and the State Board of Education, this Board concludes
15 that it is not reasonable to apply the significantly related test in this instance. Because the Board
16 does not apply the significantly related test in this case, the Board makes no finding as to
17 whether teacher performance evaluations are significantly related to any of the enumerated
18 subjects of bargaining listed in NRS 288.150(2).

19 In the absence of the significantly related test, the Board looks to the specifically
20 enumerated mandatory subjects of bargaining in NRS 288.150(2) as authority to determine
21 whether a topic is a mandatory subject of bargaining. Teacher performance evaluations are not
22 listed as a mandatory subject of bargaining under NRS 288.150(2). Therefore, the Board
23 concludes that WCSD was not obligated to bargain with WEA on the topic of teacher
24 performance evaluations.

25 Process for Post-Probationary Teachers to Revert Back to Probationary Status

26 The second issue to be addressed in WEA’s petition concerns the process of reverting a
27 post-probationary teacher to probationary status which is established by section 1 of A.B. 225
28 76th Leg. (Nev. 2011) and is noted above. WEA argues that post-probationary teachers have the

1 right to procedural due process under Cleveland Bd. of Education v. Loudermill, 470 U.S. 532
2 (1985), and given that some sort of procedure must be in place for these post-probationary
3 teachers to revert back to probationary status WCSB is mandated to negotiate those procedures
4 with WEA.

5 WEA has articulated an argument that the reversion procedures are a specifically
6 enumerated as a mandatory subject of bargaining. NRS 288.150(2)(i) lists “discipline and
7 discharge procedures” as a mandatory subject of bargaining. WEA argues that a reversion back
8 to probationary status is disciplinary in nature, and that the reversion process is therefore a
9 mandatory subject of bargaining as required by NRS 288.150(2)(i).

10 This question turns on whether or not a reversion back to probationary status is
11 disciplinary in nature. As discussed below, the Board concludes that the reversion of post-
12 probationary teachers to probationary status is not a disciplinary action so as to bring the
13 reversion process under the mandatory bargaining requirement of NRS 288.150(2)(i).

14 As set forth above, the reversion of a post-probationary teacher is based solely upon
15 performance evaluations. NRS 391.3125(2) addresses these performance evaluations and states
16 in part: “[t]he primary purpose of an evaluation is to provide a format for constructive
17 assistance.” Further, performance evaluations are not based upon instances of misconduct and
18 are not considered to be a form of discipline. See NRS 391.3125(5). Accordingly, the Board
19 concludes that the process for reversion of a post-probationary teacher to back to probationary
20 status, which is solely dependent upon these non-disciplinary evaluations, is not disciplinary in
21 nature. Therefore the reversion process is not specifically enumerated as a mandatory subject of
22 bargaining under NRS 288.150(2)(i).

23 WEA also invokes the significantly related test and contends that the reversion process is
24 significantly related to discharge procedures as the apparent purpose of reverting teachers back
25 to probationary status is to make it easier to discharge such teachers.

26 As set forth above, the Board will look to other sources of law in order to determine
27 whether it is reasonable to apply the significantly related test.

28 ///

1 A.B. 225, 76th Leg. (Nev. 2011) addressed the reversion of post-probationary teachers to
2 probationary status. Section 4 of A.B. 225 contains an amendment to the language of NRS
3 391.3116.

4 NRS 391.3116 states in part:

5 ...the provisions of NRS 391.311 to 391.3197, inclusive,
6 do not apply to a teacher, administrator, or other licensed
7 employee who has entered into a contract with the board
8 negotiated pursuant to chapter 288 of NRS if the contract
contains separate provisions relating to the board's right to
dismiss or refuse to reemploy the employee or demote an
administrator.

9
10 NRS 391.311-3197, in turn, contain a procedure to allow for a hearing for teachers to
11 request a hearing upon a demotion, specifically at NRS 391.317-3197. While NRS 391.3116
12 renders these procedures generally inapplicable to situations controlled by a collective
13 bargaining agreement, the amendments to NRS 391.3116 in section 4 of A.B. 225 state that the
14 reversion to probationary status requirement of NRS 391.3129 is excluded from NRS 391.3116's
15 general exemption.

16 Thus, the current version of NRS 391.3116, as prompted by the amendments enacted by
17 section 4 to A.B. 225 appear to hold that the procedures in NRS 391.311-3197 apply to teacher
18 reversion from post-probationary status notwithstanding the terms of a negotiated collective
19 bargaining agreement.

20 Given that the Legislature has excluded bargained-for processes from applying to
21 reversion of post-probationary teachers, it is not reasonable to apply the significantly related test
22 in this instance in order to determine that the reversion process is a mandatory subject of
23 bargaining. Because the significantly related test does not apply in this instance, the Board makes
24 no finding as to whether the reversion of post-probationary teachers to a probationary status is
25 significantly related to discharge procedures.

26 Accordingly, the Board determines that WEA's request to negotiate the process for
27 reversion of post-probationary teachers to probationary status does not concern a mandatory
28 subject of bargaining.

1 Definition of a Grievance

2 NRS 288.150(2)(o) requires that “[g]rievance and arbitration procedures for resolution of
3 disputes relating to interpretation or application of collective bargaining agreements” are
4 mandatory subjects of bargaining. Where a negotiation request relates to the interpretation or
5 application of a collective bargaining agreement, the request is a mandatory subject of bargaining
6 under subsection 2(o), however if the request goes beyond the interpretation or application of the
7 collective bargaining agreement’s language then mandatory bargaining is not required by
8 subsection 2(o). Ormsby County Teachers Ass’n v. Carson City School Dist., Item No. 174,
9 EMRB Case No. A1-045382 (1985).

10 WEA’s request in this case attempts to expand grievance procedures to include items that
11 are not related to the interpretation or application of a collective bargaining agreement and seeks
12 to expand the definition of a grievance to include “school board policies, regulations and the
13 Nevada Revised Statutes.” This request is outside of scope of the statutory language of NRS
14 288.150(o). Therefore WEA’s proposal to negotiate the definition of a grievance is broader than
15 the scope of mandatory bargaining required by NRS 288.150(2)(o) and is not a mandatory
16 subject of bargaining in this instance.

17 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

18 1. Petitioner Washoe Education Association is an employee organization and is the
19 recognized bargaining agent for licensed employees employed by Respondent Washoe County
20 School District.

21 2. Respondent Washoe County School District is a local government employer.

22 3. The Local Government Employee-Management Relations Act requires a local
23 government employer to negotiate in good faith over the subject of mandatory bargaining listed
24 in NRS 288.150(2).

25 4. The EMRB has exclusive jurisdiction to hear and decide disputes between employee
26 organizations and local government employers concerning whether the Act requires mandatory
27 bargaining over a particular topic.

28 ///

1 5. WCS D declined to negotiate over WEA's request concerning employee evaluations.
2 (Exhibit 2 to Petition for Declaratory Order).

3 6. Employee evaluations are not specifically enumerated as a mandatory subject of
4 bargaining in NRS 288.150(2).

5 7. The Board applies the significantly related test to determine whether a particular proposal
6 is significantly related to one or more of the enumerated subjects of mandatory bargaining where
7 it is reasonable to do so.

8 8. The Board may look to other sources of law to inform its decision of whether it is
9 reasonable to apply the significantly related test.

10 9. It is not reasonable to apply the significantly related test where the parties' bargaining
11 relationship is addressed by statutes outside of the Act when those statutes contemplate a
12 relationship that is less than the good-faith negotiations required by the Act.

13 10. NRS 319.3125 and 391.3127 require a school board to consult with a bargaining agent
14 over the development of employee evaluations.

15 11. The consultation required by NRS 391.3125 and 391.3127 is less than the good-faith
16 negotiations of the Act.

17 12. As the bargaining relationship between WEA and WCS D is addressed in NRS 391.3125
18 and 391.3127, it is not reasonable to apply the significantly related test in this instance to
19 determine whether employee evaluations are a mandatory subject of bargaining.

20 13. WCS D declined to negotiate over WEA's proposal concerning the process for the
21 reversion of post-probationary teachers to probationary status. (Exhibit 1 to Petition for
22 Declaratory Order).

23 14. A teacher's reversion to probationary status is based solely upon performance
24 evaluations.

25 15. The primary purpose of performance evaluations is constructive assistance and is not
26 disciplinary.

27 16. Teacher performance evaluations are based upon performance rather than instances of
28 misconduct and are not disciplinary.

1 17. As teacher performance evaluations are not disciplinary, the reversion process which is
2 based solely upon said evaluations is not disciplinary.

3 18. The procedure for reversion of a post-probationary teacher to probationary status is not a
4 “discipline procedure” under NRS 288.150(2)(i).

5 19. The recent amendments to NRS Chapter 391 in A.B. 225 § 1, 76th Leg. (Nev. 2011)
6 establish the process of reverting a post-probationary teacher to probationary status.

7 20. NRS 391.3116 generally subordinates the procedures set forth in NRS 319.311-3197 to
8 the collective bargaining process required by the Act.

9 21. The recent amendments to NRS 391.3116 in A.B. 225 § 4, 76th Leg. (Nev. 2011)
10 excludes the process of reverting a post-probationary teacher to probationary status established in
11 A.B. 225 § 1 from NRS 391.3116.

12 22. It is not reasonable to apply the significantly related test to ascertain whether WEA’s
13 request to negotiate the process for reversion to probationary status is a mandatory subject of
14 bargaining under the Act.

15 23. WCSD declined to negotiate over WEA’s proposed definition of a “grievance.” (Exhibit
16 3 to Petition for Declaratory Order).

17 24. NRS 288.150(2)(o) requires mandatory bargaining over “grievance and arbitration
18 procedures for resolution of disputes relating to interpretation or application of collective
19 bargaining agreements.”

20 25. If a negotiations request is broader than the interpretation or application of a collective
21 bargaining agreement, then NRS 288.150(2)(o) does not require that the proposal be negotiated.

22 26. WEA’s proposal seeks to expand the definition of a grievance beyond the interpretation
23 or application of the collective bargaining agreement to include school board policy,
24 administrative regulations and Nevada Revised Statutes.

25 **DECLARATION AND ORDER**

26 Having made the foregoing findings, and good cause appearing therefore as set forth
27 above,

1 IT IS HEREBY ORDERED AND DECLARED that the Local Government Employee-
2 Management Relations Act does not require WCS D to negotiate with WEA over WEA's request
3 to negotiate the topic of employee evaluations;

4 IT IS FURTHER ORDERED AND DECLARED that the Local Government Employee-
5 Management Relations Act does not require WCS D to negotiate with WEA over WEA's request
6 to negotiate the process for teachers to revert from post-probationary status to probationary
7 status;

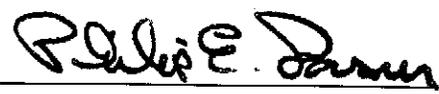
8 IT IS FURTHER ORDERED AND DECLARED that NRS 288.150(2)(o) does not
9 require WCS D to negotiate with WEA over WEA's request to negotiate the definition of a
10 "grievance."

11 DATED this 4th day of April, 2012.

12 LOCAL GOVERNMENT EMPLOYEE-
13 MANAGEMENT RELATIONS BOARD

14
15 BY: 

16 SEATON J. CURRAN, ESQ., Chairman

17
18 BY: 

19 PHILIP E. LARSON, Vice-Chairman
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STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

WASHOE EDUCATION ASSOCIATION,)

Complainant,)

vs.)

CASE NO. A1-046034

WASHOE COUNTY SCHOOL DISTRICT,)

Respondents,)

NOTICE OF ENTRY OF ORDER

To: Sandra G. Lawrence, Esq., for Washoe Education Association

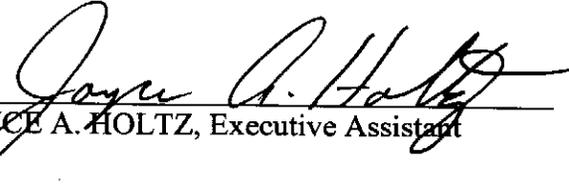
To: Rick R. Hsu, Esq., for Washoe County School District

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
April 4, 2012.

A copy of said order is attached hereto.

DATED this 4th day of April, 2012.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY 
JOYCE A. HOLTZ, Executive Assistant

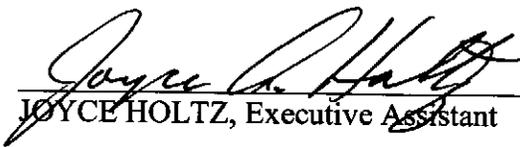
1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 4th day of April, 2012, I served a copy of the foregoing ORDER
4 by mailing a copy thereof, postage prepaid to:

5 Sandra G. Lawrence, Esq.
6 Dyer, Lawrence, Penrose, Flaherty, Donaldson, & Prunty
7 2805 Mountain Street
8 Carson City, NV 89703

9 Rick R. Hsu, Esq.
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JOYCE HOLTZ, Executive Assistant