

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

COUNTY OF WASHOE,)	
)	
Complainant,)	
)	Case No. A1-045300
vs.)	
)	
WASHOE COUNTY SHERIFF'S)	
DEPUTIES ASSOCIATION, INC.,)	
)	
Respondent.)	
)	

ORDER

Respondent has moved to dismiss the first cause of action in this complaint alleging that the matters raised therein were previously decided by the Second Judicial District Court in Case No. 294161. That decision was rendered in 1974, was not appealed and is now final.

Case No. 294161 was a complaint for declaratory ruling filed by the Association seeking a determination that Articles 19 and 21 of the collective bargaining agreement between the parties foreclosed any modification in the contract by factfinding or otherwise without an agreement of the parties to such modification. Both parties moved for summary judgment; the Association's motion was granted.

In response to the motion to dismiss, the County asserts that the District Court was without jurisdiction to hear and determine the matter as original jurisdiction is vested in the Board pursuant to NRS 288.110(2). The pivotal question before the District Court was the affect of the contractual provisions; this necessarily involved construing them. The same year that the District Court ruled in Case No. 294161, we ruled that we were without jurisdiction to construe the provisions of a collective bargaining agreement. Reno Police Protective Association vs.

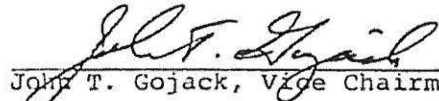
City of Reno, et al., Case No. 10273, Item #16, order filed August 16, 1974.


Upon consideration of the documentation on file in this case we conclude that the first cause of action as set forth in the complaint is an attempt to re-litigate, upon a different theory and in a different forum, matters previously decided by the Second Judicial District Court. The motion to dismiss is well taken. It is

ORDERED that the Complainant's first cause of action is dismissed; the matter shall proceed to hearing on the second cause of action which was not challenged by the motion to dismiss.

Dated this 10th day of August, 1976.


Christ N. Karamanos, Chairman


John T. Gojack, Vice Chairman


Dorothy Eisenberg, Board Member

cc:
Counsel of Record