

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

3 CLARK COUNTY CLASSROOM TEACHERS )  
ASSOCIATION, )

4 Complainant, )

5 vs. )

6 CLARK COUNTY SCHOOL DISTRICT and )  
BARRY GUNDERSON, )

7 Respondent. )

ITEM NO. 398-A

CASE NO. A1-045607

AMENDED ORDER

8 CLARK COUNTY SCHOOL DISTRICT, )  
9 Cross-Complainant, )

10 vs. )

11 CLARK COUNTY CLASSROOM TEACHERS )  
ASSOCIATION, )

12 Cross-Respondent. )

13 For Complainant & Cross-Respondent:

Sandra G. Lawrence, Esq.

14 For Respondent & Cross-Complainant:

C.W. Hoffman, Esq.

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16 Pursuant to its deliberations on October 23, 1996, the Board  
17 has determined that the Association has processed a grievance  
18 which is substantially the same as the instant Complaint.

19 As set forth in Education Support Employees Association vs.  
20 Clark County School District, EMRB Item No. 288, Case No. A1-  
21 045509, (3/11/92), it is the Board's policy to encourage parties,  
22 whenever possible, to exhaust their remedies under the  
23 contractual dispute resolution systems contained in their  
24 collective bargaining agreements before seeking relief from the  
25 EMRB. Thus, where the parties have not exhausted their  
26 contractual grievance arbitration remedies, the Board will not  
27 exercise its discretion to hear a complaint unless there is a  
28 clear showing of special circumstances or extreme prejudice.

1 [See, I.A.F.F., #731 vs. City of Reno, EMB Item No. 257, Case  
2 No. A1-045466 (2/15/91)]. No such showing of special,  
3 circumstances or extreme prejudice has been shown to exist in the  
4 instant case.

5 The Board will not take jurisdiction in a matter which is  
6 clearly a contract grievance ripe for arbitration. The Board's  
7 position is well-established. In this regard, see Clark County  
8 Classroom Teachers Association vs. Clark County School District,  
9 EMRB Item No. 130, Case No. A1-045351 (4/29/82) and Clark County  
10 Classroom Teachers Association vs. Clark County School District,  
11 EMRB Item No. 203, Case No. A1-045408 (3/16/88), as well as  
12 I.A.F.F., #731 vs. City of Reno, SUDTA.

13 IT IS HEREBY ORDERED, for the reason set forth above, that  
14 the Complaint and the Cross Complaint be, and hereby are,  
15 remanded back to the parties for resolution in accordance with  
16 the grievance and/or arbitration procedures prescribed in the  
17 parties labor agreement, without ruling upon the merits of the  
18 issue(s) presented. The time limit(s) for re-filing the  
19 Complaint or Cross Complaint subsequent to exhaustion of said  
20 contractually mandated remedies will be stayed until thirty (30)  
21 days following the arbitrator's decision.

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