

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

5 INTERNATIONAL BROTHERHOOD OF)
6 TEAMSTERS, LOCAL 14, AFL-CIO,)
7 Petitioner,)

ITEM NO. 520K

7 vs.)

CASE NO. A1-045735

8 CLARK COUNTY SCHOOL DISTRICT, and)
9 EDUCATION SUPPORT EMPLOYEES)
10 ASSOCIATION,)
11 Respondents.)

ORDER

11 EDUCATION SUPPORT EMPLOYEES)
12 ASSOCIATION,)
13 Counter Claimant,)

13 vs.)

14 INTERNATIONAL BROTHERHOOD OF)
15 TEAMSTERS, LOCAL 14, AFL-CIO, and)
16 CLARK COUNTY SCHOOL DISTRICT,)
17 Counter Respondents.)

17 For Petitioner: Michael W. Dyer, Esq.
18 Dyer, Lawrence, Penrose, Flaherty & Donaldson

19 For Respondents: Kristin L. Martin, Esq. and Adam J. Zapala, Esq.
20 Davis, Cowell & Bowe. LLP

21 Carlos L. McDade, Esq.
22 Clark County School District

22 On the 12th day of January, 2012, this matter came on before the State of Nevada, Local
23 Government Employee-Management Relations Board ("Board"), for consideration and decision
24 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B.

25 At issue before the Board is a motion to dismiss the entire petition filed by the Education
26 Support Employees Association (ESEA), requesting that this matter be dismissed due to a lack of
27 action on the part of Teamsters Local 14.

28 On December 21, 2009, the Nevada Supreme Court entered an order directing a runoff
election. The Supreme Court's order stated that "the parties can agree to an alternative method n

1 which to conduct the runoff election.” No deadline for reaching such an agreement was given
2 and thus far the discussions for agreeing upon an alternative method have been open-ended.
3 After the order was entered by the court, the Commissioner of the EMRB began to explore
4 whether the parties wished to agree to an alternative method of conducting the election. The
5 Commissioner’s discussions with the parties have not yet produced any such agreement.

6 ESEA’s motion argues that this delay in holding the runoff election has gone on for long
7 enough. We agree that action is needed, however we decline to dismiss the petition. It is the
8 intention of the Board to comply with the Supreme Court’s order and to conduct a runoff election
9 in accordance with the procedures that were approved and utilized at the prior election in this
10 matter unless the parties are able to promptly agree upon an “alternative method” for conducting
11 this election.

12 Having considered the above, it is hereby ordered that ESEA’s Motion to Dismiss is
13 denied;

14 It is further ordered that the parties shall have no more than 20 days from the date of this
15 order to submit a stipulated election plan for conducting the runoff election. In the event that no
16 stipulated plan is filed with the Board within 20 days, the election shall proceed under the
17 procedure that was utilized for conducting the previous election in this matter;

18 It is further ordered that Teamster’s Motion to Strike Declaration of Michael Dyer is
19 denied;

20 It is further ordered that this matter be placed on the agenda at the next regularly
21 scheduled Board meeting for further proceedings.

22 DATED this 13th day of January, 2012.

23 LOCAL GOVERNMENT EMPLOYEE-
24 MANAGEMENT RELATIONS BOARD

25
26
27 BY: 
28 SEATON J. CURRAN, ESQ., Chairman

1 STATE OF NEVADA
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3 RELATIONS BOARD
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5 INTERNATIONAL BROTHERHOOD OF)
6 TEAMSTERS, LOCAL 14, AFL-CIO,)
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7 vs.)

CASE NO. A1-045735

8 CLARK COUNTY SCHOOL DISTRICT, and)
9 EDUCATION SUPPORT EMPLOYEES)
10 ASSOCIATION,)
11 Respondents.)

NOTICE OF ENTRY OF ORDER

11 EDUCATION SUPPORT EMPLOYEES)
12 ASSOCIATION,)
13 Counter Claimant,)

13 vs.)

14 INTERNATIONAL BROTHERHOOD OF)
15 TEAMSTERS, LOCAL 14, AFL-CIO, and)
16 CLARK COUNTY SCHOOL DISTRICT,)
17 Counter Respondents.)

17 To: Michael W. Dyer, Esq.
18 Dyer, Lawrence, Penrose, Flaherty & Donaldson

19 To: Kristin L. Martin, Esq. and Adam J. Zapala, Esq.
20 Davis, Cowell & Bowe. LLP

21 Carlos L. McDade, Esq.
22 Clark County School District

23 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
24 January 13, 2012.

25 A copy of said order is attached hereto.

26 DATED this 13th day of January, 2012.

27 LOCAL GOVERNMENT EMPLOYEE-
28 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 13th day of January, 2012, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

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

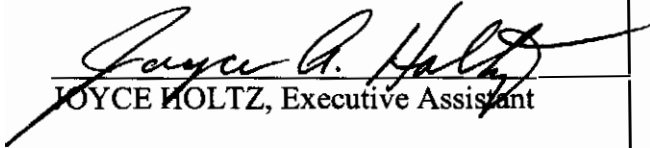
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17 Julie Wallace, Executive Coordinator
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19 1250 Burnham Ave., 2nd Floor
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21 David T. Spurlock, Jr., Esq.
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23 1250 S. Burnham Ave. 2nd Floor
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27 595 Market Street, #1400
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JOYCE HOLTZ, Executive Assistant