

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

5 NYE COUNTY SUPPORT STAFF
6 ORGANIZATION,

7 Complainant,

8 vs.

9 NYE COUNTY SCHOOL DISTRICT,

10 Respondent.

ITEM NO. 559A

CASE NO. A1-045754

ORDER

11 For Complainant: Francis C. Flaherty, Esq.
12 Dyer, Lawrence, Penrose, Flaherty & Donalson

13 For Respondent: Paul J. Anderson, Esq.
14 Walther, Key, Maupin, Oats, Cox & LeGoy

15 Briefly, on January 15, 2003, the Nye County Support Staff Organization (hereafter
16 "Organization") filed a complaint with the Local Government Employee-Management Relations
17 Board (hereafter "Board") alleging that the Nye County School District (hereafter "School
18 District") unilaterally changed working conditions pertaining to school bus drivers and routes,
19 affecting such employees' wages and insurance eligibility.

20 The School District filed its answer on February 7, 2003. On March 3, 2004, the
21 Organization filed its prehearing statement and on March 14, 2003, the School District filed its
22 prehearing statement.

23 On August 26, 2003, the Board held a hearing in this matter, noticed in accordance with
24 Nevada's Open Meeting Law, and on December 9, 2003, the Board entered its decision. That
25 decision is now the subject of a judicial review.

26 On January 5, 2004, the Organization filed with this Board its "Accounting of Attorneys'
27 Fees and Costs." On January 9, 2004, the School District then filed its Motion for Stay of
28 Administrative Decision. The Organization filed its Opposition to the Motion, and the School
District filed its Reply.

1 The Board held a hearing on February 17, 2004 on the afore-mentioned Motion, noticed
2 in accordance with Nevada's Open Meeting Law, and based thereon:

3 IT IS HEREBY ORDERED that the Motion for Stay is denied inasmuch as the decision
4 has been appealed to the District Court for review, depriving this Board of jurisdiction as to that
5 decision. However, pursuant to Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000), this
6 Board retains jurisdiction as to fees and costs. Therefore, the School District shall file an
7 opposition to the "Accounting" of fees and costs, if it so desires, within ten (10) days from the
8 date of this order and this "Accounting" will be scheduled for deliberations thereafter.

9 DATED this 17th day of February, 2004.

10 LOCAL GOVERNMENT EMPLOYEE-
11 MANAGEMENT RELATIONS BOARD

12 BY: 
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JANET TROST, ESQ., Chairman

14 BY: 
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16 JOHN E. HICKS, ESQ., Board Member
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