

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

5 IN THE MATTER OF THE REQUEST FOR ) ITEM NO. 579B  
6 RECOGNITION FILED BY THE JUSTICE )  
7 COURT BAILIFFS WITH THE JUSTICE ) CASE NO. A1-045796  
8 COURT, )  
9

ORDER

9 For Association: Kirk T. Kennedy, Esq.  
10 For Justice Court: James T. Winkler, Esq.  
11 Littler Mendelson

12 On April 13, 2004, this Board's office received correspondence indicating that the Justice  
13 Court Bailiffs, an employee organization, had requested from Marguerite Creel, Las Vegas  
14 Justice Court Administrator, to be recognized as the employee representative for the court  
15 bailiffs of the Justice Courts of Las Vegas, Henderson, and North Las Vegas Townships. No  
16 further documents, however, were filed as of August 4, 2004. On that date, this Board dismissed  
17 this matter without prejudice because there was currently before the Board no motion or other  
18 form of request upon which the Board might act.

19 On August 16, 2004, the Justice Court Bailiffs moved for reconsideration of the order  
20 dismissing the case. On September 22, 2004, this Board granted the motion, noting that no  
21 opposition had been received, and ordered the Justice Court Bailiffs to file a formal request for  
22 recognition within five days.

23 On September 28, 2004, the Justice Court Bailiffs filed with this Board a Formal Request  
24 for Recognition as the exclusive bargaining representative for "all Clark County bailiffs for the  
25 Clark County Justice Court System," along with Proof of Service indicating that the Bailiffs had  
26 served the Formal Request on Justice Court Administrator Marguerite Creel.

27 On October 8, 2004, the Justice Court for Las Vegas Township moved to dismiss this  
28 matter. The Motion to Dismiss alleged lack of proper service on the court administrators for the

1 Justice Courts of Henderson and North Las Vegas Townships. The motion also alleged lack of  
2 subject matter jurisdiction, relying in part on this Board's decision: In the Matter of the Petition  
3 for Recognition by the Clark County Deputy Sheriff Bailiffs Assn, F.O.P., Local #1, Item No  
4 504A, EMRB Case No. A1-045722 (2002) (concluding after a hearing that Clark County was not  
5 the employer of Las Vegas Justice Court bailiffs; the Justices of those courts determine the  
6 duties, responsibilities and tasks of the bailiffs and the bailiffs are under the control of the Justice  
7 Courts rather than the County; and the Justice Courts are constitutional courts and are not a  
8 public employer subject to NRS Chapter 288); see also Washoe County Probation Employees  
9 Assn v. Washoe County and Washoe County Juvenile Court, Item No. 334, EMRB Case No. A1-  
10 045547 (1994) (recognizing that this Board's assertion of jurisdiction over a judicial department  
11 "would infringe upon the inherent right of the courts to govern their own affairs and would  
12 violate the separation of powers doctrine"); NRS 288.060 (defining "local government  
13 employer").

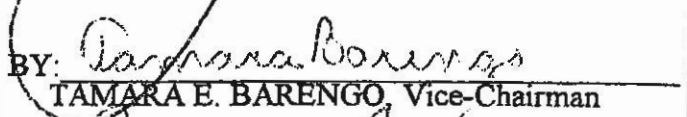
14 The Justice Court Bailiffs have not opposed the instant Motion to Dismiss. See NAC  
15 288.240(6) ("If a party fails to file and serve his written opposition to a motion, that failure to  
16 respond may be construed as an admission that the motion is meritorious and as consent to  
17 granting the motion."). Accordingly, and for good cause appearing, we hereby

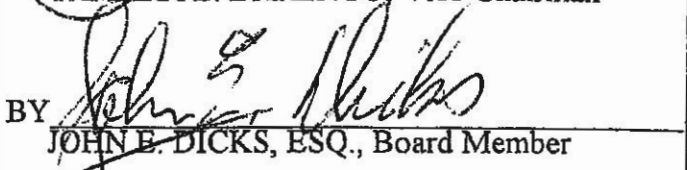
18 ORDER that the Motion to Dismiss is GRANTED. This matter is DISMISSED WITH  
19 PREJUDICE, each party to bear its own fees and costs.

20 DATED this 5<sup>th</sup> day of January, 2005.

21 LOCAL GOVERNMENT EMPLOYEE-  
22 MANAGEMENT RELATIONS BOARD

23  
24 BY:   
JANET TROST, ESQ., Chairman

25  
26 BY:   
TAMARA E. BARENGO, Vice-Chairman

27  
28 BY:   
JOHN E. DICKS, ESQ., Board Member