

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,

8 and

9 NYE COUNTY SCHOOL DISTRICT,

10 Employer,

11 and

12 NYE COUNTY SUPPORT STAFF  
13 ORGANIZATION,

14 Recognized Employee  
Organization.

ITEM NO. 595A

CASE NO. A1-045818

**ORDER**

15 For Petitioner: Kristin L. Martin, Esq.  
16 McCracken, Stemerma, Bowen & Holsberry

17 For Employer: Paul J. Anderson, Esq.  
18 Walther, Key, Maupin, Oats, Cox & LeGoy

19 For Recognized Employee Organization: James W. Penrose, Esq.  
20 Dyer, Lawrence, Penrose, Flaherty & Donaldson

21 On November 19, 2004, the International Brotherhood of Teamsters, Local 14, AFL-CIO  
22 ("Local 14"), filed with this Board a Petition for Hearing Pursuant to NRS 288.160 and NAC  
23 288.146. Local 14 challenges in its Petition whether Nye County Support Staff Organization  
24 ("NCSSO") has ceased to represent a majority of the bargaining unit for bus drivers, school  
25 secretaries, office aides, custodians, educational and certified occupational therapists, computer  
26 technicians, and library aides employed by Nye County School District ("District"). Local 14  
27 seeks a hearing on the same, and ultimately, an election. Local 14 asserts in its Petition that the  
28 current bargaining agreement between NCSSO and the District expires on June 30, 2005, and  
therefore, the Petition appears timely pursuant to NAC 288.146(2)(b).

1 On December 9, 2004, the District submitted its Answer to the Petition. On December  
2 17, 2004, this Board deliberated on the Petition, at a hearing noticed in accordance with  
3 Nevada's open meeting law, approved the filing of the District's Answer and ordered the parties  
4 to proceed with the filing of prehearing statements in accordance with NAC 288.250.  
5 Unfortunately, in issuing this Order, this Board inadvertently overlooked the issue of whether the  
6 NCSSO should be required to answer the Petition.

7 On January 21, 2005, the NCSSO filed a Motion to Enlarge Time for Filing Prehearing  
8 Statements to allow it to submit a motion to dismiss or alternative motion to compel Local 14 to  
9 produce representation cards and to allow NCSSO to file an answer if its motion to dismiss is  
10 denied. On January 24, 2005, Local 14 filed its Answer to NCSSO's Motion to Enlarge Time  
11 and the District filed its Prehearing Statement. On January 25, 2005, Local 14 filed its  
12 Prehearing Statement. On January 26, 2005, NCSSO replied to Local 14's Answer to the Motion  
13 to Enlarge Time.

14 On February 14, 2005, NCSSO filed its Motion to Dismiss, or in the Alternative, Compel  
15 Production of Documents. On February 7, 2005, Local 14 filed its Opposition to NCSSO's  
16 Motion.

17 On February 23, 2005, this Board deliberated on NCSSO's Motion to Dismiss/Compel  
18 Production of Documents noticed in accordance with Nevada's open meeting law. Good cause  
19 appearing, we hereby

20 ORDER that the NCSSO's Motion to Dismiss/Compel Production of Documents is  
21 DENIED on the grounds that neither NRS 288.160 nor NAC 288.146 require the submission to  
22 this Board of the documents listed at NRS 288.160(1)-(2).<sup>1</sup>

23 WE FURTHER ORDER that NCSSO shall file its Answer to Local 14's Petition within  
24 twenty (20) days of this Order. Upon filing its Answer, NCSSO shall have another twenty (20)  
25 days to file its Prehearing Statement. Any party desiring to amend its Prehearing Statement in  
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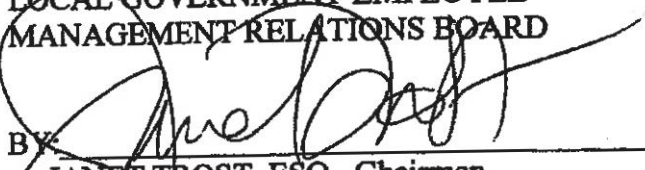
27 <sup>1</sup>We reject Local 14's assertion that NCSSO's Motion to Dismiss is untimely. NAC 288.146(2)  
28 does not require an Answer from the parties, and because this Board had not yet ordered NCSSO  
to file an answer, NCSSO's Motion was timely filed. Additionally, based on the decision today,  
NCSSO's Motion to Enlarge Time for Filing Prehearing Statements is moot.

1 light of NCCSSO's Answer shall file its amended prehearing statement within twenty (20) days  
2 after service of NCCSSO's Answer upon that party.

3 IT IS SO ORDERED.

4 DATED this 23<sup>rd</sup> day of February, 2005.

5 LOCAL GOVERNMENT EMPLOYEE-  
6 MANAGEMENT RELATIONS BOARD

7 BY:   
8 JANET TROST, ESQ., Chairman

9 BY:   
10 JOHN E. DICKS, ESQ., Board Member  
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