

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

5 SERVICE EMPLOYEES INTERNATIONAL)
6 UNION, LOCAL 1107, AFL-CIO,)

7 Complainant,

8 vs.

9 UNIVERSITY MEDICAL CENTER OF)
10 SOUTHERN NEVADA,)

11 Respondent.

ITEM NO. 615

CASE NO. A1-045832

DECISION

12 For Complainant: Marcus D. Hatcher, Director of Representation

13 For Respondent: Jeffrey I. Pitegoff, Esq.
Black, Lobello & Pitegoff

14 On June 14, 2005, Complainant SERVICE EMPLOYEES INTERNATIONAL UNION
15 LOCAL 1107, AFL-CIO ("SEIU") filed a Complaint with the LOCAL GOVERNMENT
16 EMPLOYEE-MANAGEMENT RELATIONS BOARD ("Board").

17 On July 5, 2005, Respondent UNIVERSITY MEDICAL CENTER OF SOUTHERN
18 NEVADA ("UMC") filed their Answer and on July 25, 2005, filed their Pre-Hearing Statement.

19 On August 12, 2005, UMC filed a Motion to Strike and/or Dismiss based on
20 Complainant's failure to submit to the Board a timely Pre-Hearing Statement pursuant to NAC
21 288.250. SEIU filed its Opposition to the Motion on August 25, 2005 and UMC filed their
22 Reply in Support of Motion to Strike and/or Dismiss the Complaint on August 30, 2005.

23 On October 10, 2005, the Board held deliberations hereon, noticed in accordance with
24 Nevada's Open Meeting Law.

25 FINDINGS OF FACT

26 1. The Complaint herein was filed on June 14, 2005.

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1 2. The Complaint alleges that UMC is violating NRS Chapter 288.270 (1) (a), (b)
2 (c), (e) and (f). The Complaint does not allege the place of the occurrence of the particular act
3 and the names of persons involved.

4 3. The Answer herein was filed on July 5, 2005.

5 4. SEIU has not submitted to the Board a Pre-Hearing Statement.

6 5. On August 12, 2005, UMC filed a Motion to Strike and/or Dismiss based on the
7 failure of SEIU to submit said Pre-Hearing Statement.

8 **CONCLUSIONS OF LAW**

9 1. Under NAC 288.200, a Complaint shall contain, inter alia, a clear and concis
10 e statement of the facts constituting the alleged practice sufficient to raise a justiciable controver
11 s y under chapter 288 of NRS, including the time and place of the occurrence of the particular act
12 and the names of persons involved.

13 2. The Complaint herein fails to contain the requisite statement of facts and therefor
14 e fails to comply with NAC 288.200.

15 3. NAC 288.250 requires that Complainant submit to the Board a Pre-Hearing
16 e Statement, not later than 20 days after the service of the answer, unless otherwise ordered by the
17 Board.

18 4. Complainant is in violation of NAC 288.250, having filed no Pre-Hearing
19 e Statement.

20 **ORDER**

21 Based on the foregoing, the Complaint herein is hereby dismissed without prejudice.

22 DATED this 19th day of October, 2005.

23 LOCAL GOVERNMENT EMPLOYEE-
24 MANAGEMENT RELATIONS BOARD

25 BY: Tamara E. Barengo
TAMARA E. BARENGO, Chairman

26 BY: John E. Hicks
JOHN E. DICKS, ESQ., Vice-Chairman

27 BY: Janet Frost
JANET TROST, ESQ., Board Member