

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

5 UNITED WE STAND CLASSIFIED
6 EMPLOYEES - AFT,

7 Petitioner,

8 vs.

9 WASHOE COUNTY SCHOOL DISTRICT
10 and WASHOE EDUCATION SUPPORT
11 PROFESSIONALS,

12 Respondents.

) ITEM NO. 623A

) CASE NO. A1-045875

) ORDER

13 For Petitioner: Michael E. Langton, Esq.

14 For Respondent: Rick R. Hsu, Esq.
Maupin, Cox & LeGoy

15 Sandra G. Lawrence, Esq.
Dyer, Lawrence, Penrose, Flaherty & Donaldson

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17 On November 30, 2005, Petitioner UNITED WE STAND CLASSIFIED EMPLOYEES
18 AFT ("UWSCE") filed a Petition Challenging Recognition of Employee Organization a
19 Petition for Election of Representative. An Errata was filed on December 12, 2005. On
20 December 19, 2005, Respondent WASHOE COUNTY SCHOOL DISTRICT ("District") fil d
21 their Answer to Petition Challenging Recognition of Employee Organization and Petition i r
22 Election of Representative. On December 23, 2005, Respondent WASHOE EDUCATIC N
23 SUPPORT PROFESSIONALS ("WESP") filed a Motion to Dismiss or in the Alternative to
24 Strike. An Opposition to Motion to Dismiss or in the Alternative Motion to Strike was filed n
25 January 3, 2006. On January 12, 2006, WESP filed their Reply to Opposition to Motion to
26 Dismiss; or in the Alternative, to Strike, and an Errata was filed on January 13, 2006. A
27 Response to Errata was filed on January 17, 2006. On January 27, 2006, WESP filed the r
28 Respondent's Reply to Petitioner's Response to Errata.

1 On April 4, 2006, the Board ordered that the Motion to Dismiss be denied. An Amend^{ed}
2 Verification was filed on April 21, 2006, and Respondent's Answer was filed on April 26, 2006.

3 UWSCE filed their Prehearing Statement on May 16, 2006, and WESPs' Preheari^{ng}
4 Statement was filed on May 22, 2006. On May 30, 2006, WESP filed a Motion to Strik^e
5 Petitioner's Prehearing Statement. The District filed their Prehearing Statement on June 1, 2006.
6 On June 12, 2006, an Opposition to Motion to Strike Petitioner's Prehearing Statement was filed
7 and on June 23, 2006, a Reply to Opposition to Motion to Strike Petitioner's P^e g
8 Statement was filed.

9 The Board held deliberations on said motion on August 22, 2006, noticed in aⁿ e
10 with Nevada's Open Meeting Law. Based upon the Board's deliberations,

11 The Board notes that the matter before it is a Petition for Election that chall^{enge}
12 majority of the bargaining unit. However, the Board further notes that numerous issu^{es} set
13 forth in UWSCE's Prehearing Statement that were not alleged in their initial Petition. The new
14 issues that Petitioner asserted for the first time in their Pre-hearing Statement are:

- 15 1. That UWSCE now alleges that the District committed a prohibited practice and
16 by NRS 288.270,
- 17 2. That UWSCE now asserts that the District unlawfully recognized WESP as the^{ir}
18 exclusive bargaining agent,
- 19 3. That the District entered into "secret negotiations" with WESP,
- 20 4. That the District unlawfully extended the collective bargaining agreement throu gh
21 June 2007, and
- 22 5. That the District was obligated to withdraw recognition of WESP upon its
23 disaffiliation with NCSEA.

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1 Therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above-
2 enumerated issues will be stricken from the Prehearing Statement as well as from the Hearing of
3 this matter as they were not raised in the Petition and are not properly before the Board.

4 DATED this 7th day of September, 2006.

5 LOCAL GOVERNMENT EMPLOYEE-

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8 BY:  B

JOHN E. DICKS, ESQ., Chairman

9
10 BY: 

JAMES E. WILKERSON, SR., Board Member