

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

5 UNITED WE STAND – AFT,

6 Petitioner,

7 vs.

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

11 Respondents.

ITEM NO. 623E

CASE NO. A1-045875

ORDER

12 For Petitioner: Michael E. Langton, Esq.

13 For Respondents: Rick R. Hsu, Esq.
Maupin, Cox & LeGoy

14 Sandra G. Lawrence, Esq.
15 Dyer, Lawrence, Penrose, Flaherty & Donaldson
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17 This matter came on for discussion and deliberations by the Local Government
18 Employee-Management Relations Board (“Board”) on July 12-13, 2007, noticed pursuant to
19 NRS and NAC chapters 288, NRS chapter 233B, and Nevada’s open meeting laws; and the
20 following is the Board’s rehearing decision:

21 On March 12, 2007, a decision was rendered by this Board after a contested
22 administrative hearing. The Board concluded that United We Stand had not demonstrated that it
23 has the support of the majority of the employees in the bargaining unit at issue, and that the
24 Board did not have a good faith doubt as to whether United We Stand had the majority support
25 of the employees at issue upon which to order a representation election. The Board further
26 concluded that the Washoe County School District (“School District”) has discretion whether to
27 withdraw its recognition of the Washoe Education Support Professionals (“Association”)
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1 pursuant to NRS 288.160(3) and NAC 288.145 as the representative for the School District
2 employees at issue in this matter.

3 On March 30, 2007, United We Stand filed a Petition for Rehearing pursuant to NAC
4 288.360; and on April 17, 2007, the Board issued its order granting rehearing and requested the
5 parties brief certain issues. In compliance therewith, on June 18, 2007, the Association filed its
6 "Brief on Rehearing" and its "List of Dues-Paying Members." The School District filed its
7 "Brief" on June 18, 2007. United We Stand filed its "Brief Concerning Re-Hearing Order" on
8 June 18, 2007; and filed a "Motion Objecting to Board's Order" concerning producing a list of
9 its dues-paying members. The Association filed its opposition to the objection on July 5, 2007.

10 Based upon the briefs concerning rehearing, a review of the evidence presented at the
11 administrative hearing, the lists provided by the School District and the Association, and a
12 review of the applicable statutes and regulations, and in particular NAC 288.146(2), and good
13 cause appearing therefor,

14 **IT IS HEREBY ORDERED** that the Board now has a good faith doubt as to whether the
15 incumbent employee organization has the majority support of the employees in the bargaining
16 unit at issue herein, and pursuant to that doubt, now **ORDERS** that a "challenge" election
17 pursuant to NAC 288.146(2) be conducted to determine if the incumbent employee organization
18 has ceased to have the support of the majority of the employees at issue. The Board's
19 Commissioner will conduct the election when the funds become available. The election ballot
20 shall only have two choices, the incumbent employee organization and the choice of "no
21 employee organization."

22 In light of the fact that the Board has now ordered an election, it is not necessary to

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1 decide United We Stand's Objection to the Board's prior order.

2 DATED this 13th day of July, 2007.

3 LOCAL GOVERNMENT EMPLOYEE-
4 MANAGEMENT RELATIONS BOARD

5 BY: 
6 JOHN E. DICKS, ESQ., Chairman

7 BY: 
8 JANET FROST, ESQ., Vice-Chairman

9 BY: 
10 JAMES E. WILKERSON, SR., Board Member

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