

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

5 WASHOE COUNTY SCHOOL DISTRICT, )

6 Petitioner,

ITEM NO. 627

7 vs.

CASE NO. A1-045880

8 WASHOE EDUCATION SUPPORT  
9 PROFESSIONALS and UNITED WE  
STAND CLASSIFIED EMPLOYEES – AFT, )

**ORDER**

10 Respondents.

11 For Petitioner:

C. Robert Cox, Esq.  
Rick R. Hsu, Esq.  
Walther, Key, Maupin Oats, Cox & LeGoy

12 For Respondents:

Sandra G. Lawrence, Esq.  
Dyer, Lawrence, Penrose, Flaherty & Donaldson  
Michael E. Langton, Esq.

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16 On March 3, 2006, Petitioner WASHOE COUNTY SCHOOL DISTRICT (“District”)  
17 filed a Petition for Declaratory Order with the LOCAL GOVERNMENT EMPLOYEE-  
18 MANAGEMENT RELATIONS BOARD (“Board”).

19 On March 27, 2006, Respondent UNITED WE STAND CLASSIFIED EMPLOYEES –  
20 AFT (“UWSCE”) filed their Answer and Memorandum of Points and Authorities in Support of  
21 its Opposition to Petition for Declaratory Order.

22 On April 12, 2006, Respondent WASHOE EDUCATION SUPPORT PROFESSIONALS  
23 (“WESP”) filed its Answer and Points and Authorities in Opposition of the District’s Petition for  
24 Declaratory Order.

25 On April 17, 2006, the District filed its Reply Points and Authorities in Support of  
26 Petition for Declaratory Order.

27 The Board held deliberations on the Petition for Declaratory Order on May 2, 2006,  
28 noticed in accordance with Nevada’s Open Meeting Law. Based upon the Board’s deliberations,

1 IT IS HEREBY ORDERED that the Petition for Declaratory Order is granted as follows:

- 2 1) The Board finds that allowing only representatives of the current recc d  
3 bargaining agent to represent a classified employee does not violat S  
4 288.140 or 288.270.
- 5 2) The Board additionally finds that the decision by the District to allow  
6 classified employees in the bargaining unit to choose another person o gal  
7 counsel to represent them at any stage in the grievance, compla r  
8 discipline process, including arbitration, is permissible so long as it does not  
9 violate the intent of NRS 288.140 or 288.270.

10 IT IS FURTHER ORDERED that the parties shall bear its own attorney's fees and costs.

11 DATED this 2<sup>nd</sup> day of May, 2006.

12 LOCAL GOVERNMENT EMPLOYEE-  
13 MANAGEMENT RELATIONS BOARD

14 BY: 

15 JOHN E. DICKS, ESQ., Chairman

16 BY: 

17 JANET TROST, ESQ., Vice-Chairman

18 BY: 

19 JAMES E. WILKERSON, SR., Board Memb<sup>er</sup>  
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