

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

5 CAROLINE RANGEN, RON SUFANA, JR.,)
6 PERAL MORRIS, SANDRA-LEE A.)
7 PUGLIA, LILIA CASTRO, MICHAEL S.)
8 HAMPTON, MICHAEL POWELL, KARL)
9 ESPARZA, ANA L. INZUNZA, MARI)
FERNANDEZ, JANET GILES, EMILY F.)
KLEIER, DELINDA SLOCUM and GINA)
CHINCHILLA, on behalf of themselves and)
others similarly situated,

ITEM NO. 643

CASE NO. A1-045894

ORDER

10 Complainants,

11 vs.

12 EDUCATION SUPPORT EMPLOYEES
13 ASSOCIATION,

14 Respondent.

15 For Complainant: Broolie D. Pierman, Esq.
Law Offices of Kristina L. Hillman

16 For Respondent: Michael W. Dyer, Esq.
17 James W. Penrose, Esq.
18 Dyer, Lawrence, Penrose, Flaherty & Donaldson

19 On or about November 3, 2006, CAROLINE RANGEN, RON SUFANA, JR., PERAL
20 MORRIS, SANDRA-LEE A. PUGLIA, LILIA CASTRO, MICHAEL S. HAMPTON,
21 MICHAEL POWELL, KARL ESPARZA, ANA L. INZUNZA, MARI FERNANDEZ, JANET
22 GILES, EMILY F. KLEIER, DELINDA SLOCUM and GINA CHINCHILLA ("Complainants")
23 filed a prohibited labor complaint against the EDUCATION SUPPORT EMPLOYEES
24 ASSOCIATION ("Association"). The allegations include a breach of the Association's duty of
25 fair representation.

26 On November 29, 2006, the Association filed a Motion to Dismiss. Thereafter, ... e
27 Complainant's filed an Opposition, and the Association filed its Reply authorities with affidavits.

1 This matter came on before the LOCAL GOVERNMENT EMPLOYEE
2 MANAGEMENT RELATIONS BOARD ("Board") on January 17, 2007, for deliberation
3 pursuant to NRS and NAC Chapters 288, as well as Nevada's Open Meeting laws, and good
4 cause appearing therefore,

5 IT IS HEREBY ORDERED that the Motion is denied and this matter shall proceed. The
6 denial is based on the appearance at this time of a violation of the Association's duty of fair
7 representation, rather than a breach of contract. On that basis alone, the motion is denied. An
8 answer is now due from Respondent within twenty (20) days of this order.

9 DATED this 17th day of January, 2007.

10 LOCAL GOVERNMENT EMPLOYEE-
11 MANAGEMENT RELATIONS BOARD

12 BY: 

13 JOHN E. DICKS, ESQ., Vice-Chairman

14 BY: 

15 JAMET TROST, ESQ., Board Member

16 BY: 

17 JAMES E. WILKERSON, SR., Board Member
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