

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

5 KAREN BANKS,

6 Complainant,

7 vs.

8 CLARK COUNTY DEPARTMENT OF
9 AVIATION

10 Respondents.

ITEM NO. 661

CASE NO. AI-045909

ORDER

11 For Complainant: Karen Banks, In Proper Person

12 For Respondents: Roger K. Grandgenett II, Esq.
13 Littler Mendelson Attorneys at Law

14 This matter came on for discussion and deliberations by the Local Government
15 Employee-Management Relations Board ("Board") on September 20, 2007, noticed pursuant to
16 NRS and NAC chapters 288, NRS chapter 233B, and Nevada's open meeting laws; and the
17 Board finds, concludes, and orders as follows:

18 On May 15, 2007, Karen Banks ("Banks") filed a Complaint with the Board against her
19 employer, the Clark County Department of Aviation ("Aviation Department") alleging
20 discrimination based on her race and retaliation for filing a worker's compensation claim.
21 Although not all dates for occurrences were identified, Banks alleged discrimination in the filling
22 of a vacant position in November 2006 and cited to prior examples in February 2005, March
23 2005, September 2006, and May 2007. The Aviation Department filed a Motion to Dismiss
24 based upon NRS 288.110(4) (the six month statute of limitation), because Banks has not
25 established a prima facie claim of race discrimination, and the Board's lack of subject matter
26 jurisdiction over NRS chapter 284 claims. The Aviation Department filed a "Reply in Support"
27 of its motion based upon Banks' failure to timely oppose the Motion (NAC 288.240). On August
28, 2007, Banks' "Reply" was filed with the Board alleging that she "did not receive any certified

1 notice by mail." On August 6, 2007, the Department of Aviation filed a supplement^{ntal}
2 "Response" that certified mail was not required.

3 Order

4 BASED upon the above mentioned pleadings and documents filed by the parties through^{gh}
5 their respective attorneys of record, and good cause appearing therefore,

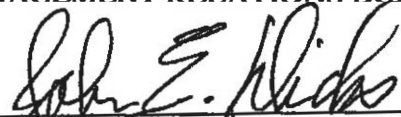
6 IT IS HEREBY ORDERED that the portions of Banks' complaint concerning alle^d
7 NRS chapters 613 and 284 violations are beyond this Board's jurisdiction and are dismissed.

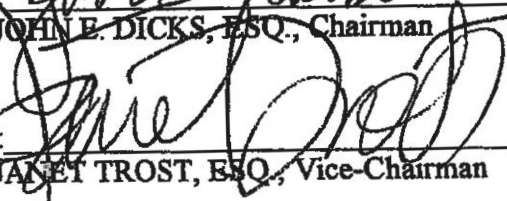
8 IT IS FURTHER ORDERED that the portions of Banks' complaint p^{ertaining to eve...}
9 beyond this Board's six-month statute of limitation are dismissed pursuant to NRS 288.110(4)
10 i.e., any event occurring beyond six months prior to the filing of the complaint with this Board.

11 Allegations of discrimination based upon race is a proper cause of action pursuant to
12 NRS 288.270(f) for this Board to consider, therefore, Banks' complaint p^{ertaining to such}
13 allegations will not be dismissed. Banks is admonished, however, that any further filings w^{ith}
14 this Board shall contain the appropriate cites to the statutes found in NRS chapter 288 and
15 regulations found in NAC chapter 288.

16 DATED this 20th day of September, 2007.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

19 BY: 
20 JOHN E. DICKS, ESQ., Chairman

21 BY: 
22 JANET TROST, ESQ., Vice-Chairman

23 BY: 
24 JAMES E. WILKERSON, SR., Board Member
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