

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD.
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5 GENERAL SALES DRIVERS, DELIVERY)
6 DRIVERS AND HELPERS, TEAMSTERS) ITEM NO. 698
7 LOCAL UNION NO. 14 AFFILIATED WITH) CASE NO. A1-045946
8 INTERNATIONAL BROTHERHOOD OF)
9 TEAMSTERS, AFL-CIO,)
10 Complainant,) **ORDER**
11 vs.)
12 LAS VEGAS-CLARK COUNTY LIBRARY)
13 DISTRICT,)
14 Respondent.)

12 For Complainant: Kerianne R. Steele, Esq.
13 Law Offices of Kristina L. Hillman
14 For Respondents: Scott M. Abbott, Esq.
15 Kamer, Zucker & Abbott

16 This matter having come on for hearing before the State of Nevada Local Government
17 Employee-Management Relations Board ("Board") on April 3, 2009, noticed pursuant to NRS
18 and NAC chapters 288, NRS chapter 233B, as well as Nevada's Open Meeting Laws, finds and
19 orders as follows:

20 A complaint was filed in this matter on January 22, 2009 by General Sales Drivers,
21 Delivery Drivers & Helpers, Teamsters Local Union No. 14, Affiliated with the International
22 Brotherhood of Teamsters, AFL-CIO ("Teamsters"), complaining of the Las Vegas-Clark
23 County Library District ("Library District"). The complaint was subsequently corrected on
24 February 2, 2009. Rather than file an Answer, the Library District filed a Motion to Dismiss on
25 February 9, 2009, alleging that Teamsters had not exhausted their administrative remedies.
26 Teamsters filed their Opposition on February 19, 2009. On March 2, 2009, the Library District
27 filed its "Reply" in support of the motion. Additionally, on February 9, 2009, the Library

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1 District filed a Motion for the Recusal of Board Member James E. Wilkerson, Sr. No oppositi
2 was filed to the Motion for Recusal.

3 BASED UPON the documents and pleadings filed to date, and good cause appearing
4 therefore, IT IS HEREBY ORDERED that the Motion to Dismiss is DENIED. As argued by the
5 Teamsters, the parties' collective bargaining does not provide a remedy appropriate for the ac
6 complained of thus there can be no exhaustion, nor was a request for deferral requested.

7 IT IS FURTHER ORDERED that the Motion for Recusal is DENIED. Reasons for the
8 denial include the fact that Member Wilkerson left employment with Teamsters in the year 2000;
9 that any pension received by Member Wilkerson from the International Association cannot be
10 terminated based on any decision made in this matter; and the remaining two members of the
11 Board are long-time attorneys. Thus, any past employment approximately a decade earlier will
12 not improperly influence Board Member Wilkerson.

13 The Library District may file an answer within 15 days from the service of this Order. At
14 the expiration of such a timeframe, the parties are to file their respective prehearing statements
15 pursuant to the Board's statutes and regulations.

16 DATED this 3rd day of April, 2009.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

19 BY: 

20 JANET FROST, ESQ., Chairman

21 BY: 

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

23 BY: 

24 JAMES E. WILKERSON, SR., Board Member
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