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LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

STATE OF NEVADA

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APR 01 2010

STATE OF NEVADA
E.M.R.B.

IN RE: THE TRUCKEE-CARSON
IRRIGATION DISTRICT and THE
TRUCKEE-CARSON IRRIGATION
DISTRICT EMPLOYEES'
ASSOCIATION

Case No.: A1-045956

ITEM # 706A

**STIPULATION AND [PROPOSED] ORDER
WITHDRAWING THE TRUCKEE-CARSON
IRRIGATION DISTRICT'S REQUEST FOR
AN ELECTION**

This stipulation is made by and between petitioner The Truckee-Carson Irrigation District ("TCID") and respondent the Nevada Classified School Employees Association, AFT/PSRP, Local 6181, AFL-CIO ("NCSEA") (collectively the "Parties"), by and through their counsel.

This stipulation is made with reference to the following facts:

A. On November 29, 2006, the NCSEA filed a complaint with the Nevada Employee-Management Relations Board ("EMRB") alleging that TCID committed certain prohibited labor practices in connection with the collective bargaining process. The complaint also alleged certain prohibited practices with respect to TCID's termination of Lenard Lynch. This matter was given EMRB Case Number A1-045895 (the "NCSEA Action").

1 B. The NCSEA Action proceeded to hearing before the EMRB on certain
2 dates in 2007 and 2008. The EMRB issued its final decision, entitled "Findings of Fact,
3 Conclusions of Law & Order," ("Decision") on May 14, 2009.

4 C. On June 12, 2009, TCID filed in the Third Judicial District, in Churchill
5 County, Nevada, Case Number 34924, a timely Petition for Judicial Review of the
6 Decision.

7
8 D. On June 18, 2009, TCID filed with the EMRB a Petition to Withdraw
9 Recognition of the NCSEA in affiliation with the Association or, in the Alternative, for the
10 EMRB to Conduct an Election (the "Election Petition"). This matter was given EMRB
11 Case Number A1-045946.

12 E. TCID and the NCSEA have reached a settlement, without admission of
13 liability, regarding the NCSEA Action and other disputes between them. To memorialize
14 their agreement, TCID and the NCSEA have executed a written settlement agreement
15 effective as of March 5, 2010 (the "Agreement").
16

17 F. Among other things, the Agreement calls for TCID to withdraw its Election
18 Petition currently pending before the EMRB.

19 G. The Agreement also calls for the NCSEA to withdraw its claims of affiliation
20 with the TCID Employees Association ("Association"), to be the bargaining agent or
21 representative of the Association or the TCID bargaining unit, and to recognize that the
22 Association not in affiliation with the NCSEA is the bargaining representative.

23 Based on the foregoing facts IT IS HEREBY STIPULATED by and between the
24 Parties as follows:

- 25 1. TCID hereby withdraws its Election Petition.
- 26 2. The NCSEA acknowledges the following: (a) that the NCSEA is no longer
27 the bargaining Representative for TCID employees; (b) the NCSEA is no longer the
28

1 bargaining agent for the Association; and (c) the NCSEA withdraws any claim of
2 affiliation with the Association.

3
4 3. The NCSEA consents to EMRB recognition of the Association not in
5 affiliation with the NCSEA as an employee organization and as authorized bargaining
6 agent and representative for TCID employees.

7
8 4. The Parties shall bear their own fees and costs in connection with this
9 matter.

10 5. The Parties may sign this stipulation in counterparts.

11 .DATED: March 30, 2010

HANSON BRIDGETT LLP

12
13 By: 

14 MICHAEL J. VAN ZANDT - NV Bar No. 7199
15 Attorneys for Petitioner
16 TRUCKEE-CARSON IRRIGATION
17 DISTRICT

18 mvanzandt@hansonbridgett.com
19 425 Market Street, 26th Floor
20 San Francisco, CA 94105
21 Telephone: (415) 777-3200
22 Facsimile: (415) 541-9366

23 DATED: March 15, 2010

24
25 By: 

26 MICHAEL E. LANGTON - NV Bar No. 290
27 Attorney for Respondent
28 NEVADA CLASSIFIED SCHOOL
EMPLOYEES ASSOCIATION, AFT/PSRP,
LOCAL 6181, AFL-CIO

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801 Riverside Drive
Reno, NV 89503
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IT IS SO ORDERED:

Date: March , 2010
April 22, 2010 *sl*

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: *[Signature]*

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CERTIFICATE OF SERVICE

The undersigned hereby declare:

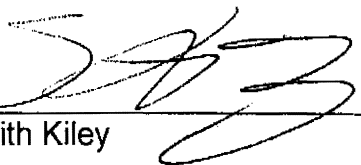
I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is Hanson Bridgett, LLP, 425 Market Street, 26th Floor, San Francisco, CA 94105. On the date designated below I served the within:

STIPULATION AND [PROPOSED] ORDER WITHDRAWING THE TRUCKEE-CARSON IRRIGATION DISTRICT'S REQUEST FOR AN ELECTION

on the interested parties on the below-listed parties via U.S. mail.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 31, 2010


Keith Kiley

Counsel for the NCSEA

Michael E. Langton, Esq.
801 Riverside Drive
Reno, NV 89503

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

5 TRUCKEE-CARSON IRRIGATION
6 DISTRICT,

7 Complainant,

8 vs.

9 TRUCKEE-CARSON IRRIGATION
10 DISTRICT EMPLOYEES' ASSOCIATION,

11 Respondents.

CASE NO. A1-045956

NOTICE OF ENTRY OF ORDER

12 TO: Truckee-Carson Irrigation District and their attorney Michael J. VanZandt, Esq. of
Hanson Bridgett LLP

13 TO: Truckee-Carson Irrigation District Employees' Association and their attorney Michael E.
14 Langton, Esq.

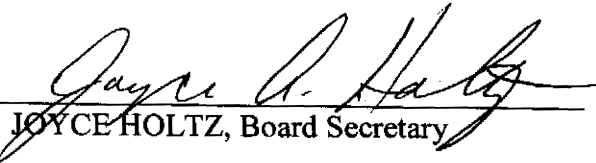
15 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
16 April 22, 2010.

17 A copy of said order is attached hereto.

18 DATED this 23rd day of April, 2010.

19 LOCAL GOVERNMENT EMPLOYEE-
20 MANAGEMENT RELATIONS BOARD

21 BY

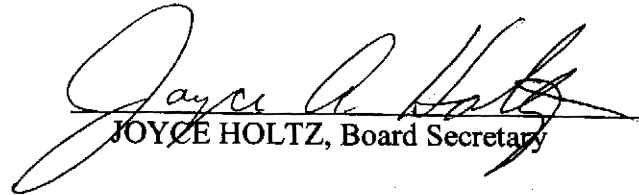

22 JOYCE HOLTZ, Board Secretary

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 23rd day of April, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Michael J. Van Zandt, Esq.
HANSON BRIDGETT LLP
425 Market St. 26th Floor
San Francisco, CA 94105

Michael E. Langton, Esq.
801 Riverside Drive
Reno, NV 89503



JOYCE HOLTZ, Board Secretary

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