

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
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5 GISELA MONTECERIN)
6 Complainant,) ITEM NO. 714
7 vs.) CASE NO. A1-045958
8 CLARK COUNTY SCHOOL DISTRICT,)
9 Respondents.) **ORDER**
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11 For Complainant: Gisela Montecerin and her attorney, Christian Gabroy, Esq.
12 For Respondents: Clark County School District and their attorney William Hoffnan, Esq.
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14 On the 19th day of January, 2010, this matter came on before the State of Nevada, Local
15 Government Employee-Management Relations Board ("Board"), for consideration and decision
16 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly
17 noticed pursuant to Nevada's open meeting laws.

18 Respondent Clark County School District filed a motion to dismiss, asking the Board to
19 dismiss the matter on the basis that Complainant Gisela Montecerin has filed claims before the
20 Nevada Equal Rights Commission and the Equal Employment Opportunity Commission. The
21 motion asserts only that these claims have been filed, and does not assert that any final decision
22 has been reached by either of these agencies.

23 Complainant filed an opposition to the motion asserting that this Board has jurisdiction to
24 hear this matter under NRS 288.270(1)(f).

25 Complainant correctly points out that this Board has jurisdiction over prohibited practice
26 claims arising under NRS Chapter 288. NRS 288.280. A claim that a local-government
27 employer has discriminated on the basis of race, color, religion, sex, age, physical or visual
28 handicap, national origin or because of political or personal reasons or affiliations is specifically

1 enumerated as a prohibited practice under NRS Chapter 288. NRS 288.270(1)(f). The
2 complaint alleges that Respondent is a local government employer, and that Respondent
3 discriminated against Complainant on the basis of race, national origin and personal reasons.
4 These claims arise under NRS 288.270(1)(f) and the Board has a duty to hear them.

5 The mere fact that Complainant has concurrently filed similar claims with other agencies
6 and without any final decision being entered by those agencies, does not deprive this Board of
7 the ability to hear the claims arising under NRS Chapter 288.

8 Based upon the foregoing and good cause appearing therefore, IT IS HEREBY
9 ORDERED that Respondent's Motion to Dismiss is Denied.

10 DATED this 2nd day of February, 2010.

11 LOCAL GOVERNMENT EMPLOYEE-
12 MANAGEMENT RELATIONS BOARD

13 BY: 
14 SEATON J. CURRAN, ESQ., Chairman

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5 GISELA MONTECERIN)

6 Complainant,)
7 vs.)

8 CLARK COUNTY SCHOOL DISTRICT,)
9 Respondents.)

CASE NO. A1-045958

NOTICE OF ENTRY OF ORDER

10 TO: Gisela Montecerin and her attorney, M. Lani Esteban-Trinidad, Esq.

11 TO: Las Vegas Valley Water District and their attorney Brian Chally, Esq.

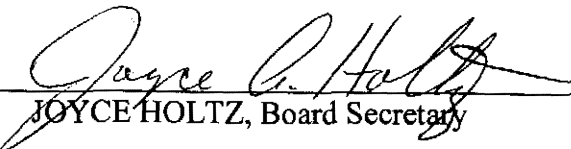
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13 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
14 February 2, 2010.

15 A copy of said order is attached hereto.

16 DATED this 2nd day of February, 2010.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

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20 BY


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JOYCE HOLTZ, Board Secretary

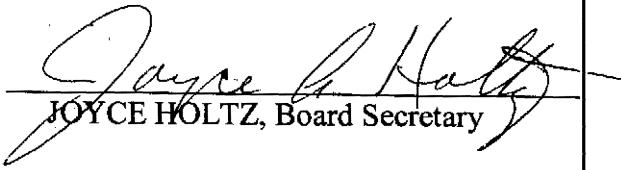
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 2nd day of February, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Christian Gabroy, Esq.
170 South Green Valley Pkwy #280
Henderson, NV 89012

William Hoffman, Esq.
Office of General Counsel
Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89146


JOYCE HOLTZ, Board Secretary