

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

JAMES CROM,

Complainant,

vs.

LAS VEGAS CLARK COUNTY LIBRARY
DISTRICT; TEAMSTERS LOCAL 14; DOE
INDIVIDUALS 1-300; ROE INDIVIDUALS
1-300,

Respondents,

ITEM NO. 752

CASE NO. A1-046004

ORDER

For Complainant: Philip J. Trenchak, Esq.

For Respondent: Scott M. Abbott, Esq. for Las Vegas-Clark County Library District

For Respondent: David T. Spurlock, Jr., Esq. for Teamsters Local 14

This matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board"), on May 11, 2011 for consideration and decision pursuant to the provisions of the Local Government Employee-Management Relations Act ("the Act"); NAC Chapter 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

Respondents Teamsters Union Local No. 14 ("Teamsters") and the Las Vegas-Clark County Library District have each moved to dismiss the complaint. The Teamsters motion was filed on February 3, 2011 and the Library District's motion was filed on February 7, 2011. An argument that is common to both motions is that the Board is prevented from hearing this matter due to the six-month statute of limitations codified in NRS 288.110(4), which states: "[t]he Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal." Complainant James Crom has opposed the motions.

///

1 The six-month limitation period is triggered when a complainant has reason to believe
2 that a prohibited labor practice has occurred. Cone v. Nevada Service Employees Union, 116
3 Nev. 473, 477, 998 P.2d 1178, 1181 n. 2 (2000). Thus, to resolve these motions, we consider
4 whether Crom had reason to believe that the alleged prohibited labor practices had occurred
5 more than six months before he filed his complaint with this Board.

6 In this case, Complainant Crom raises a number of allegations against the Library District
7 based upon the termination of his employment with the Library District, which occurred in
8 November of 2009 according to the complaint. (Complaint ¶¶36-44). Crom's complaint was
9 filed with this Board on January 18, 2011.

10 After Crom's termination in November of 2009, Crom attempted to pursue a grievance
11 against the District. The complaint alleges that the Teamsters were enlisted to pursue the
12 grievance, but did not pursue it beyond Step 2 in the grievance procedure. (Complaint ¶¶48-53;
13 94). Crom's allegations against the Teamsters are based upon the manner in which the Teamsters
14 handled his grievance. The complaint alleges that on July 6, 2010, the Library District informed
15 Crom's then-attorney that the Teamsters had not processed the grievance beyond step 1, and that
16 the opportunity to proceed any further with the grievance had long since passed. (Complaint ¶
17 93); (Opposition to Motion to Dismiss, pp. 8-9).

18 These communications indicate that at least as of July 6, 2010, Crom knew, or should
19 have known, the necessary details regarding the status of his grievance, whether the Teamsters
20 had taken any action beyond proceeding to Step 1 in the grievance process, and that the deadline
21 to move the grievance to Step 2 had passed. Thus, we conclude that as of July 6, 2010 Crom had
22 reason to believe that the prohibited labor practices identified in the complaint had occurred. The
23 complaint was filed with this Board more than six months after July 6, 2010. The statute of
24 limitations mandates only one outcome in this situation. The Board is prohibited from
25 considering this matter by NRS 288.110(4).

26 Having considered the above, the Board makes the following findings of fact and Conclusions of
27 Law:

28 ///

FINDINGS OF THE FACTS

1. James Crom's employment with the Las Vegas-Clark County Library District was terminated in November of 2009.
2. On July 6, 2010 Counsel for the Library District advised Crom's attorney that the Teamsters had not processed his grievance beyond Step 1 and that the timeframe for moving the grievance to Step 2 had passed.
3. As of July 6, 2010 James Crom had reason to believe that the prohibited labor practices alleged in his complaint had occurred.
4. James Crom's complaint was filed with this Board on January 18, 2011.

CONCLUSIONS OF LAW

1. The EMRB has exclusive jurisdiction over claims for unfair labor practices arising under NRS Chapter 288.
2. NRS 288.110(4) contains a six-month statute of limitations. By this statute, the Board may not consider claims which are filed outside of this limitations period.
3. The six month statute of limitations of NRS 288.110(4) began to run no later than July 6, 2010, as this was the date that Crom was notified that the Teamsters had not pursued his grievance and that it was not possible for the grievance to proceed any further.
4. Crom's Complaint, filed on January 18, 2011, is untimely as it exceeded the six-month statute of limitations of NRS 288.110(4).
5. Because the complaint was untimely, the Board does not reach the merits of the underlying prohibited labor practice claims alleged by Crom.

///

///

///

///

///

///

///

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

5 JAMES CROM,

6 Complainant,

7 vs.

CASE NO. A1-046004

8 LAS VEGAS CLARK COUNTY LIBRARY
9 DISTRICT; TEAMSTERS LOCAL 14; DOE
10 INDIVIDUALS 1-300; ROE INDIVIDUALS
11 1-300,

Respondents,

NOTICE OF ENTRY OF ORDER

12 To: Philip J. Trenchak, Esq.

13 To: Scott M. Abbott, Esq. for Las Vegas-Clark County Library District

14 To: David T. Spurlock, Jr., Esq. for Teamsters Local 14

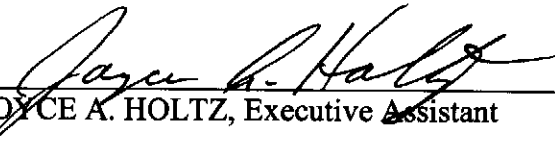
15 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
16 May 17, 2011.

17 A copy of said order is attached hereto.

18 DATED this 17th day of May, 2011.

19 LOCAL GOVERNMENT EMPLOYEE-
20 MANAGEMENT RELATIONS BOARD

21
22 BY


23 JOYCE A. HOLTZ, Executive Assistant
24
25
26
27
28

