

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

CLARK COUNTY EDUCATION
ASSOCIATION,

Complainant,

vs.

CLARK COUNTY SCHOOL DISTRICT,

Respondents,

CASE NO. A1-046025

ITEM: 764

ORDER

For Complainant: Clark County Education Association & their attorney Francis C. Flaherty, Esq.

For Respondent: Clark County School District and their attorney S. Scott Greenberg, Esq.

On the 12th day of October, 2011, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board"), for consideration and decision pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

At issue were Respondent Clark County School District's motion to dismiss and Complainant's motion for expedited hearing. Each of these motions are addressed separately below.

Motion to Dismiss

The District argues that dismissal should be granted pursuant to NAC 288.375(2) which permits the Board to dismiss a matter when the parties have not exhausted their contractual remedies, including resort to arbitration. Alternatively, the District requests that this matter be held in abeyance pending the arbitration. The District has attached evidence that the contract/arbitration process is currently pending.

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1 This Board is generally required to defer to arbitration proceedings. City of Reno v. Reno
2 Police Protective Ass'n, 118 Nev. 889, 59 P.3d 1212 (2002). In such cases it is the practice of the
3 Board to stay pending matters during the arbitration process. Therefore, rather than dismiss this
4 matter, the Board will stay the proceedings pending the outcome of the arbitration. We will
5 require the parties to submit a joint progress report at the conclusion of the arbitration
6 proceedings.

7 Motion for Expedited Hearing

8 As this matter is stayed pending the outcome of the arbitration, Complainants motion for
9 expedited hearing is denied.

10 Based upon the foregoing it is hereby ordered that Complainant's motion for an
11 expedited hearing is Denied;

12 It is further ordered that Respondent's motion to dismiss is Denied;

13 It is further ordered that this matter be stayed pending completion of arbitration between
14 the parties;

15 It is further ordered that upon completion of arbitration, the parties shall submit to this
16 Board a joint progress report advising the Board of the status of the parties' claims.

17 DATED this 31st day of October, 2011.

18 LOCAL GOVERNMENT EMPLOYEE-
19 MANAGEMENT RELATIONS BOARD

20 BY: 
21 SEATON J. CURRAN, ESQ., Chairman

22 BY: 
23 PHILIP E. LARSON, Vice-Chairman

24 BY: 
25 SANDRA MASTERS, Board Member
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LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

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ASSOCIATION,

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NOTICE OF ENTRY OF ORDER

To: Clark County Education Association & their attorney Francis C. Flaherty, Esq.

To: Clark County School District and their attorney S. Scott Greenberg, Esq.

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
October 31, 2011.

A copy of said order is attached hereto.

DATED this 31st day of October, 2011.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

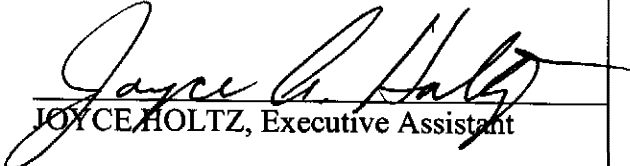
BY 
JOYCE A. HOLTZ, Executive Assistant

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 31st day of October, 2011, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Francis C. Flaherty, Esq.
Dyer, Lawrence, Penrose, Flaherty, Donaldson, & Prunty
2805 Mountain Street
Carson City, NV 89703

S. Scott Greenberg, Esq.
Office of the General Counsel
Clark County School District
5100 West Sahara Ave.
Las Vegas, NV 89146


JOYCE HOLTZ, Executive Assistant

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