

FILED

DEC 18 2018

STATE OF NEVADA

STATE OF NEVADA
E.M.R.B.

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

Frank (Francis) Regich,

Complainant,

v.

SEIU Local 1107; Clark County Real Property
Management and Human Resources; Marshall
Divisions of the Regional Justice Center,

Respondents.

CASE NO. 2017-005

NOTICE OF ENTRY OF ORDER

To: Complainant Frank Regich, pro se;

To: Respondent Marshal Division and Regional Justice Center and their attorneys Lori M. Story,
Senior Deputy Attorney General and Attorney General's Office.

PLEASE TAKE NOTICE that an **ORDER** was entered in the above-entitled matter on
December 18, 2018.

A copy of said order is attached hereto.

DATED this 18th day of December, 2018.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY


MARISU ROMUALDEZ ABELLAR
Executive Assistant

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 18th day of December 2018, I served a copy of the foregoing **NOTICE**
4 **OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

5 Frank Regich
6 742 Canfield Pt. Avenue
7 Las Vegas, NV 89183

8 Frank Regich
9 2558 Date St., Apt. 207
Honolulu, HI 96826

10 Lori Story
11 Senior Deputy Attorney General
12 Attorney General's Office
13 100 North Carson Street
14 Carson City, NV 89701-4717

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MARISU ROMUALDEZ ABELLAR
17 Executive Assistant
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ORDER

PANEL A

ITEM NO. 835

On December 11, 2018, this matter came before Panel A of the State of Nevada, Local Government Employee-Management Relations Board ("Board") for deliberation 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 and Administrative Procedures Act.

Respondent Marshall Divisions of the Regional Justice Center's ("RJC") previously filed its Motion to Dismiss. In June of 2017, the Board stayed this case. Currently, at issue, is RJC's renewed motion to dismiss.

The Board has ruled that courts are not local government employers under NRS 288.060 and therefore employees of a court are beyond the scope of the Act. *Clark County Deputy Marshals Ass'n v. Clark County*, EMRB Case No. A1-046058, Item No. 793, Case No. A1-046058 (2014). However, that matter was on appeal before the Supreme Court of Nevada, Case No. 68660. As is long standing Board practice, the Board ordered this matter stayed pending said appeal.

RJC reasserts in its renewed motion that the Board does not have jurisdiction over the Eighth Judicial District Court or its employees. NRS 288.110(2) authorizes the Board to "hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization." On

1 September 7, 2018, the Nevada Supreme Court issued its Order Dismissing Appeal in Case No. 68660.
2 Justice Cherry, with whom, Justice Douglas and Justice Gibbons agreed with, upheld the Board's
3 Decision in Item No. 793 as well as affirming the district court's ruling in this regard. The Justices held
4 that the Board did not abuse its discretion in determining that Clark County is not the deputy marshals'
5 employer. The Justices concluded: "By the terms of the Chapter, once it is determined that the parties
6 in question are not local government employees, as happened here, there is no need for further analysis
7 as to which subject require bargaining."

8 Therefore, the Board agrees with RJC that it does not have jurisdiction over the Division's
9 employer, the EJDC. RJC also asserts that the Complaint is untimely because it was filed beyond the
10 deadline imposed by the EMRA. In June of 2017, the Board granted Clark County's Motion to Dismiss
11 on this basis - The Complaint was initially filed with this Board on March 1, 2017. NRS 288.110(4)
12 provides that "[t]he Board may not consider any complaint or appeal filed more than 6 months after the
13 occurrence which is the subject of the complaint or appeal." As such, NRS 288.110(4) prevents this
14 Board from considering any complaint which is filed more than six months after the occurrence which
15 is the subject of the complaint. *Campos v. Town of Pahrump*, Item No. 785, Case No. A1-046081
16 (2013). The Board incorporates herein its findings, analysis, and conclusions from said order granting
17 Clark County's Motion to Dismiss and grants the current motion on this basis as well.

18 Given the above, and good cause appearing:


19 IT IS, THEREFORE, ORDERED that the Renewed Motion to Dismiss is GRANTED.

20 DATED this 18th day of December, 2018.

21 LOCAL GOVERNMENT EMPLOYEE-
22 MANAGEMENT RELATIONS BOARD

23 By: 
BRENT ECKERSLEY, ESQ., Chair

24 By: 
SANDRA MASTERS, Vice-Chair

25 By: 
26 PHILIP LARSON, Board Member
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