

1 Ronald J. Dreher  
2 NV Bar No. 15726  
3 P.O. Box 6494  
4 Reno, NV 89513  
5 Telephone: (775) 846-9804  
6 dreherlaw@outlook.com  
7 *Attorney for Complainant*

FILED  
May 3, 2024  
State of Nevada  
E.M.R.B.  
4:55 p.m.

8  
9  
10 **BEFORE THE STATE OF NEVADA**  
11  
12 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

13 ASSOCIATION OF PROFESSIONAL-  
14 TECHNICAL ADMINISTRATORS,

Case No.: 2024-001

15 Complainant,

Panel:

16 vs.

17 WASHOE COUNTY SCHOOL  
18 DISTRICT,

19 Respondent.  
20 \_\_\_\_\_/

21 **NOTICE PURSUANT TO ORDER TO STAY PROCEEDINGS**

22 **COMES NOW** Complainant ASSOCIATION OF PROFESSIONAL-TECHNICAL  
23 ADMINISTRATORS, (“APTA”), by and through its undersigned attorney, hereby files this  
24 Notice Pursuant to Order to Stay Proceedings to the Board and all parties of APTA’s intent  
25 not to pursue an action under NRS Chapter 82 at this time. This Notice incorporates the  
26 pleadings and papers on file herein.

27 **I. Discussion**

28 On April 18, 2024, the parties appeared before the Board and presented arguments on a  
Motion to Dismiss filed by the Washoe County School District, (“District”), a Motion to Bar  
Affirmative Defenses filed by APTA, and a Motion to Quash filed by the District.

1 In its Motion to Dismiss and oral arguments presented on April 18, 2024, the District  
2 claimed that APTA’s exclusive remedy to determining the question of the alleged voluntary  
3 withdrawal by APTA was under NRS Chapter 82. Specifically, NRS 82.216(1). However,  
4 NRS 288.280 provides that “[a]ny controversy concerning prohibited practices may be  
5 submitted to the board” and the Nevada Supreme Court has recognized that the “EMRB has  
6 exclusive jurisdiction over unfair labor practice issues.” *City of Reno v. Reno Police*  
7 *Protective Ass’n*, 118 Nev. 889, 895, 59 P.3d 1212, 1217 (2002).  
8

9 On April 18, 2024, APTA’s counsel submitted that NAC 288.145 only permits a  
10 withdrawal of recognition of members of a public employee labor organization by the  
11 employer “**if the employee organization**” voluntarily withdraws recognition. Otherwise, an  
12 employer is required to obtain permission of this Board prior to removing recognition of a  
13 labor organization. Any such removal without this voluntary authorization of the organization  
14 and without the prior approval of the Board constitutes a prohibited practice under NRS 288  
15 and is within **the exclusive jurisdiction** of the Board. *Reno Police Protective Ass’n*, 118 Nev.  
16 at 895, 59 P.3d at 1217.  
17  
18

19 While the District claimed that NRS 82.216 is the exclusive remedy for APTA, it  
20 failed to cite to a single piece of legal authority that would support its claim. Further, the  
21 District failed to cite to a single piece of legal authority that would support its claim that NRS  
22 82.216 would answer the question of a voluntary withdrawal under NRS Chapter 288 and/or  
23 under NAC Chapter 288, as this question is clearly within the exclusive jurisdiction of this  
24 Board. *Id.* Moreover, in its Motion to Dismiss and during oral arguments on April 18, 2024,  
25 the District failed to cite to a single piece of legal authority that would support that this Board  
26 does not have jurisdiction over the application and interpretation of NRS Chapter 288 and/or  
27 over NAC Chapter 288 and that NRS Chapter 82 would be the exclusive remedy.  
28

1 At the completion of oral arguments, the Board deliberated on the three motions filed  
2 by the parties. Despite the lack of legal authority to support the District's assertions that NRS  
3 82.216 is the exclusive remedy available to APTA in this matter, and the fact that the District  
4 could not provide any legal authority that APTA's complaints were not in the Board's  
5 exclusive jurisdiction, the Board ordered a thirty (30) day stay pending the potential  
6 resolution of any action that APTA may choose to bring under NRS Chapter 82.  
7

8 The core question that is before this Board is the definition and interpretation of NAC  
9 288.145 and what constitutes a voluntary withdrawal under this NAC. It is clear that this  
10 question must be decided by this Board, as it has yet to be interpreted outside of one case, *Nye*  
11 *County v. Nye County Law Enforcement Management Association*, EMRB Item No. Item 815,  
12 Case No. 2016-005 (2016). (Ex. 1.) However, that case only found that an association without  
13 members is unable to voluntarily withdraw its recognition. Otherwise, the Board has yet to  
14 hear and decide the question of what constitutes a voluntary withdrawal of recognition under  
15 NAC 288.145. As recognized in the *Nye County Law Enforcement Management Association*  
16 case, the Board has jurisdiction over NAC 288.145 and the question of what constitutes  
17 voluntary withdrawal. Therefore, the proper venue for this matter is in front of this Board.  
18  
19

## 20 II. Conclusion

21 Given that NRS Chapter 82 does not provide a remedy to APTA regarding the  
22 prohibited practices alleged in its First Amended Complaint, and this Board has the exclusive  
23 jurisdiction of deciding this matter, APTA is not pursuing an action under NRS Chapter 82 at  
24 this time. APTA respectfully requests that at the expiration of the thirty (30) day stay ordered  
25 on April 18, 2024, the Board order the parties to appear so that it may conduct a hearing in the  
26 above-captioned matter consistent with the Order on Motion to Expedite Hearing filed on  
27 February 29, 2024.  
28

DATED this 3rd day of May, 2024.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

/s/ Ronald J. Dreher  
Ronald J. Dreher  
NV Bar No. 15726  
P.O. Box 6494  
Reno, NV 89513  
Telephone: (775) 846-9804  
dreherlaw@outlook.com  
*Attorney for Complainant*

**CERTIFICATE OF SERVICE**

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Association of Professional-Technical Administrators and that on this date I served a true and correct copy of the preceding document addressed to the following:

Anthony Hall, Esq.  
AHall@SHJNevada.com  
Jonathan McGuire, Esq.  
Nevada Bar No. 15280  
JMcGuire@SHJNevada.com  
Simons Hall Johnston, PC  
690 Sierra Rose Dr.  
Reno, Nevada 89511  
Telephone: (775) 785-0088

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 3rd day of May, 2024.

/s/ Ronald J. Dreher  
Ronald J. Dreher  
NV Bar No. 15726  
P.O. Box 6494  
Reno, NV 89513  
Telephone: (775) 846-9804  
dreherlaw@outlook.com  
*Attorney for Complainant*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Association of Professional-Technical Administrators and that on this date I served a true and correct copy of the preceding document addressed to the following:

Bruce Snyder, Esq.  
Commissioner, EMRB  
3300 W. Sahara Avenue  
Suite 260  
Las Vegas, NV 89102  
bsnyder@business.nv.gov

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 3rd day of May, 2024.

/s/ Ronald J. Dreher  
Ronald J. Dreher  
NV Bar No. 15726  
P.O. Box 6494  
Reno, NV 89513  
Telephone: (775) 846-9804  
dreherlaw@outlook.com  
*Attorney for Complainant*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT LIST**

<b><u>Exhibit No.</u></b>	<b><u>Description</u></b>	<b><u>No. of Pages</u></b>
1	<i>Nye County v. Nye County Law Enforcement Management Association, EMRB Item No. Item 815, Case No. 2016-005 (2016).</i>	4

STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

1  
2  
3  
4  
5 NYE COUNTY,

Case No. 2016-005

6 Petitioner,

**ORDER**

7 v.

**ITEM NO. 815**

8 NYE COUNTY LAW ENFORCEMENT  
9 MANAGEMENT ASSOCIATION,

10 Respondent.

11 On or about January 28, 2016, Nye County (“the County”) filed a Request for Hearing and  
12 Petition for Permission to Withdraw Recognition of Bargaining Unit with the Employee – Management  
13 Relations Board (the “Board”). On or about March 21, 2016, the County filed an Amended Petition for  
14 Permission to Withdraw Recognition of Bargaining Unit Nunc Pro Tunc with the Board pursuant to  
15 NRS 288.160 and NAC 288.145. On or about April 4, 2016, the County’s services copy of the  
16 Amended Petition was returned to the Nye County District Attorney’s Office by the U.S. Postal Service  
17 marked “RETURN TO SENDER – NOT DELIVERABLE AS ADDRESSED – UNABLE TO  
18 FORWARD.” There has been no answer to the Amended Petition. On May 11, 2016, this matter came  
19 on before the Board for deliberation and decision, the Board has jurisdiction, and the hearing was  
20 properly noticed pursuant to Nevada’s open meeting laws.

21 The County is a local government employer and Respondent is an employee organization  
22 recognized by the County as the exclusive bargaining representative for county employees with Peace  
23 Officer status assigned to specific management classifications. There are currently zero (0) members of  
24 Respondent due to retirements, resignations, and general attrition. As there are no members of  
25 Respondent, the withdraw of recognition is not a voluntary withdrawal of recognition.

26 NRS 288.160 provides, in pertinent part:

27 3. A local government employer may withdraw recognition from an employee organization  
28 which:

...



1 (c) Ceases to be supported by a majority of the local government employees in the bargaining  
unit for which it is recognized; ...

2 NAC 288.145 provides that a local government employer can seek withdrawal of recognition of  
3 an employee organize from the Board for any other reason than voluntary withdrawal. The NLRB has  
4 recognized "the principle of collective bargaining presupposed that there is more than one eligible  
5 person who desired to bargain." *Int'l Transp. Serv., Inc. v. N.L.R.B.*, 449 F.3d 160, 164 (D.C. Cir.  
6 2006), *citing Luckenbach Steamship Co.*, 2 N.L.R.B. 181, 193 (1936).

7 Based on the above and good cause appearing:

8 IT IS, THEREFORE, ORDERED that the Amended Petition is GRANTED and Nye County has  
9 the written permission of the Board to withdraw recognition of the Nye County Law Enforcement  
10 Management Association as a bargaining unit pursuant to NRS 288.160 and NAC 288.145.

11  
12 DATED this 16th day of May, 2016.

13 LOCAL GOVERNMENT EMPLOYEE-  
14 MANAGEMENT RELATIONS BOARD

15 By:   
16 PHILIP LARSON, Chairman

17 By:   
18 BRENT ECKERSLEY, ESQ., Vice-Chairman

19 By:   
20 SANDRA MASTERS, Board Member  
21  
22  
23  
24  
25  
26  
27  
28

1 STATE OF NEVADA

2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

3 RELATIONS BOARD

4 NYE COUNTY,

5 Petitioner,

6 v.

7 NYE COUNTY LAW ENFORCEMENT  
8 MANAGEMENT ASSOCIATION,

9 Respondent.

) Case No. 2016-005  
)  
)  
)

) NOTICE OF ENTRY OF ORDER  
)  
)

10 To: Nye County, through their attorneys Angela Bello, Esq., District Attorney, and Christi Kindel,  
11 Esq., Deputy District Attorney;

12 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on May 16,  
13 2016. A copy of said order is attached hereto.

14 DATED this 16th day of May, 2016.


15 LOCAL GOVERNMENT EMPLOYEE-  
16 MANAGEMENT RELATIONS BOARD

17 By: *MRue*  
18 MARISU ROMUALDEZ ABELLAR  
19 Board Secretary  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 17th day of May, 2016, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Angela Bello, Esq.  
Nye County District Attorney  
Christi Kindel  
1520 E. Basin Ave., Suite 107  
Pahrump, Nevada 89060

  
\_\_\_\_\_  
MARISU ROMUALDEZ ABELLAR  
Board Secretary

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FILED  
April 23, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

ASSOCIATION OF PROFESSIONAL-  
TECHNICAL ADMINISTRATORS

Complainant,

v.

WASHOE COUNTY SCHOOL DISTRICT,

Respondents.

Case No. 2024-001

**NOTICE OF ENTRY OF ORDER**

**EN BANC**

TO: Complainant and its attorney, Ronald J. Dreher, Esq.; and

TO: Respondent and its attorney, Anthony L. Hall, Esq. and Jonathan A. McGuire, Esq. of Simons Hall Johnston PC.

PLEASE TAKE NOTICE that the **ORDER TO STAY PROCEEDINGS** was entered in the above-entitled matter on April 23, 2024.

A copy of said order is attached hereto.

DATED this 23rd day of April 2024.

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 Government Employee-Management Relations  
3 Board, and that on the 23<sup>rd</sup> day of April 2024, I served a copy of the foregoing **NOTICE OF ENTRY**  
4 **OF ORDER** by mailing a copy thereof, postage prepaid to:

5 Ronald J. Dreher, Esq.  
6 P.O. Box 6494  
7 Reno, Nevada 89513

8 Anthony L. Hall, Esq.  
9 Jonathan A. McGuire, Esq.  
10 Simons Hall Johnston PC  
11 690 Sierra Rose Dr.  
12 Reno, Nevada 89511

13 GOVERNMENT EMPLOYEE-  
14 MANAGEMENT RELATIONS BOARD

15 By:   
16 \_\_\_\_\_  
17 MARISU ROMUALDEZ ABELLAR  
18 Executive Assistant  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FILED  
April 23, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

ASSOCIATION OF PROFESSIONAL-  
TECHNICAL ADMINISTRATORS

Complainant,

v.

WASHOE COUNTY SCHOOL DISTRICT,

Respondents.

Case No. 2024-001

**ORDER TO STAY PROCEEDINGS**

**EN BANC**

On April 18, 2024, this matter came before the State of Nevada, Government Employee-Management Relations Board (Board) for consideration and decision pursuant to the provisions of the Government Employee-Management Relations Act (NRS Chapter 288, EMRA) and NAC 288. At issue in this case is whether the Board should temporarily stay the proceedings given the nature of this case.

During the proceedings held on April 18, 2024, the Board heard several motions from the parties including: Respondent's Motion to Dismiss; Complainant's Motion to Bar Affirmative Defenses; and Respondent's Motion to Quash. During deliberations on the motions, it became apparent to the Board that this matter could constitute a valid prohibited practices Complaint, or the Board could potentially lack jurisdiction to hear the matter. At this juncture the lack of jurisdiction is not apparent to the Board.

Given the uncertainty involved, the Board finds that it should provide the Complainant with an opportunity to file an appropriate action with a court of competent jurisdiction under NRS Chapter 82 to determine whether certain members of APTA took the necessary legal steps to voluntarily withdraw. In the event such an action is filed, the Board has determined that it would be appropriate to stay the proceedings under the limited deferral doctrine until that matter is resolved. In the event no such matter is filed, the Board has determined that it would need to revisit the Respondent's Motion to Dismiss and render a decision.

1 However, given the fact that it is possible the APTA board did not voluntarily withdraw in  
2 accordance with Nevada law, the Board finds that it would be inherently unfair, and could cause  
3 irreparable injury to the remaining members of APTA, if the matter was dismissed at this point because  
4 the remaining members of APTA could be left without a valid contract despite the existence of potentially  
5 unlawful acts under NRS Chapter 288. Moreover, there are also pending bad faith claims between the  
6 same parties in Case No. 2023-015. Conversely, it would be inherently unfair to require Respondent to  
7 negotiate with a party that may have voluntarily withdrawn.

8 IT IS, THEREFORE, **ORDERED** that this matter be stayed pending the potential resolution of  
9 an action brought under NRS Chapter 82, or until such time as the Board deems appropriate.

10 IT IS FURTHER **ORDERED** that the parties shall file a Joint Status Report every ninety (90)  
11 days during the pendency of any proceeding brought by Complainant under NRS Chapter 82, and also  
12 within five (5) business days following a substantive decision from a court in the event a case is filed by  
13 Respondent.

14 IT IS FURTHER **ORDERED** that the remaining members of APTA be provided the protections  
15 and benefits of the Collective Bargaining Agreement that was in place prior to the actions taken by the  
16 Washoe County School District to withdraw recognition of APTA since it would be inherently unfair to  
17 deprive them of said benefits during the pendency of any proceedings under NRS Chapter 82.

18 IT IS FURTHER **ORDERED** that Respondent has no obligation to negotiate with Complainant  
19 until such time this Board renders a decision on Respondent's Motion to Dismiss.

20 IT IS FURTHER **ORDERED**, that in the event an action is brought by Complainant under NRS  
21 Chapter 82 and the matter is resolved, the Complainant may amend their Complaint in this matter and  
22 the Respondent may be allowed to file an Answer to the Amended Complaint. The Board finds that this  
23 procedure is more efficient for the Board and the parties hereto.

24 DATED this 23<sup>rd</sup> day of April, 2024.

25 GOVERNMENT EMPLOYEE-  
26 MANAGEMENT RELATIONS BOARD

27 By: \_\_\_\_\_  
28

BRENT ECKERSLEY, ESQ., Chair

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FILED  
April 23, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

ASSOCIATION OF PROFESSIONAL-  
TECHNICAL ADMINISTRATORS

Complainant,

v.

WASHOE COUNTY SCHOOL DISTRICT,

Respondent.

Case No. 2023-015  
(consolidated with Case No. 2023-023)

**NOTICE OF ENTRY OF ORDER**

**EN BANC**

WASHOE COUNTY SCHOOL DISTRICT,

Complainant,

v.

ASSOCIATION OF PROFESSIONAL-  
TECHNICAL ADMINISTRATORS,

Respondent.

TO: Complainant<sup>1</sup> and its attorney, Ronald J. Dreher, Esq.; and  
TO: Respondent<sup>2</sup> and its attorney, Anthony L. Hall, Esq. and Jonathan A. McGuire, Esq. of Simons  
Hall Johnston PC.

PLEASE TAKE NOTICE that the **ORDER TO STAY PROCEEDINGS** was entered in the  
above-entitled matter on February 29, 2024.

...

...

<sup>1</sup> The use of the term Complainant is based on case 2023-015.  
<sup>2</sup> The use of the term Respondent is based on case 2023-015.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A copy of said order is attached hereto.

DATED this 23rd day of April 2024.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

By:   
\_\_\_\_\_  
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of the Government Employee-Management Relations Board, and that on the 23<sup>rd</sup> day of April 2024, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Ronald J. Dreher, Esq.  
P.O. Box 6494  
Reno, Nevada 89513

Anthony L. Hall, Esq.  
Jonathan A. McGuire, Esq.  
Simons Hall Johnston PC  
690 Sierra Rose Dr.  
Reno, Nevada 89511

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

By:   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

FILED  
April 23, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

ASSOCIATION OF PROFESSIONAL-  
TECHNICAL ADMINISTRATORS

Complainant,

v.

WASHOE COUNTY SCHOOL DISTRICT,

Respondent.

Case No. 2023-015  
(consolidated with Case No. 2023-023)

**ORDER TO STAY PROCEEDINGS**

**EN BANC**

WASHOE COUNTY SCHOOL DISTRICT,

Complainant,

v.

ASSOCIATION OF PROFESSIONAL-  
TECHNICAL ADMINISTRATORS,

Respondent.

On April 23, 2024, this matter came before the State of Nevada, Government Employee-  
Management Relations Board (Board) for consideration and decision pursuant to the provisions of the  
Government Employee-Management Relations Act (NRS Chapter 288, EMRA) and NAC 288. At issue  
in this case is whether the Board should temporarily stay the proceedings given the nature of this case  
and related proceedings.

This Board issued a stay in Case No. 2024-001 which involves the same parties herein. Since  
the outcome of Case 2024-001 could determine whether this matter is moot, the Board has decided to  
stay these proceedings in accordance with the Order issued in Case No. 2024-001.

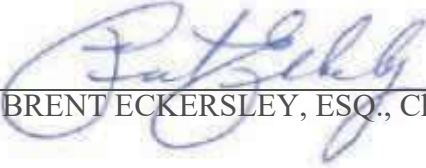
...

1 IT IS, THEREFORE, **ORDERED** that this matter be stayed pending the potential resolution of  
2 Case No. 2024-001 and any joint Status Report filed in Case No. 2024-001 will suffice for this matter as  
3 well.

4 DATED this 23rd day of April, 2024.

5 GOVERNMENT EMPLOYEE-  
6 MANAGEMENT RELATIONS BOARD

7 By:

  
8 BRENT ECKERSLEY, ESQ., Chair

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28