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FILED
OCT 24 2024
STATE OF NEVADA
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October 24, 2024

VIA ELECTRONIC MAIL

Employee-Management Relations Board
c/o Mr. Bruce K. Snyder, Commissioner
bsnyder@business.nv.gov
emrb@business.nv.gov

Re: Oral Argument Request in Cases 23-020 and 24-029

Dear Commissioner Snyder, and Board Members:

This law firm represents the Clark County Education Association (“CCEA”) in EMRB Cases 23-020 and 24-029. There are two motions, one in each of the pending matters, slated to be deliberated upon during the November 6-8, 2024 series of Board meeting sessions:

- 1) CCEA has filed a motion to dismiss Clark County School District’s (“CCSD”) Petition to Withdraw Recognition of CCEA as Exclusive Bargaining Agent in Case No. 23-020; and
- 2) and CCSD has filed a motion to dismiss CCEA’s Petition for Declaratory Order in Case No. 24-029.

Both motions are now fully briefed under the Board’s rules of practice. CCEA here makes formal request for hearing by the Board and presentations by the parties in support of their respective positions on each motion.

CCEA believes that oral presentations by the parties, as well as the opportunity for Board members to make direct inquiries of CCEA and CCEA, would assist the Board in resolving the issues to be decided in each motion. As the Board knows, these two cases involve questions of enormous importance and matters with which the Board will be dealing for what appears to be the first time in its history: namely, the circumstances, procedures, and standards under which it will consider a request for permission to withdraw recognition of a duly-constituted public employee organization by a public employer, for allegedly disavowing a no-strike pledge.

As the papers filed in these cases make clear, CCEA and CCSD have widely differing views on the grounds and manner upon which such a case should proceed. Given that one such difference is the implication of constitutional due process rights for the parties, CCEA believes that—beyond the practical benefits of oral presentations and opportunity to respond to Board questions in real time—a hearing would further assist in the establishment of an appropriate record in these cases.

Counsel for CCEA has been in contact with counsel for CCSD, and it has expressed a contrary view regarding the desirability of oral presentations in these matters, preferring the Board to proceed with resolving the motions solely upon the papers on file presently and without further opportunity of the parties to address, or respond to, the Board in a hearing.

CCEA understands that, due to notice requirements, its request may necessitate the placement of the deliberation of the two motions on the December meeting calendar. A brief delay, however, is not prejudicial in any respect, especially when weighed against the value of the opportunity for the Board to hear these matters in full.

Thank you for your consideration of this request.

Very truly yours,

BRAVO SCHRAGER LLP

/s/ Bradley S. Schrager

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October 24, 2024

VIA ELECTRONIC MAIL

Employee Management Relations Board
Commissioner Bruce K. Snyder
emrb@business.nv.gov

Re: *Clark County School District's Letter Opposition to Clark County Education Association's Oral Argument Request in Cases 2023-020 and 2024-029*

Commissioner Snyder and Members of the Board:

This firm represents the Clark County School District in the Cases 2023-020 and 2024-029, currently pending before the Board. In Case No. 2023-020, Respondent Clark County Education Association (CCEA) has moved to dismiss the District's Amended Petition to Withdraw Recognition of CCEA's exclusive bargaining-agent status. In Case No. 2024-029, the District has moved to dismiss, or in the alternative consolidate, CCEA's Petition for Declaratory Order, which CCEA filed in response to the District's earlier filed Petition to Withdraw Recognition. Both of these motions are fully briefed, and each party has had ample opportunity to present its respective arguments to the Board in its filings. The Board has noticed its intent to deliberate on the Parties' pending motions during its public meeting on November 6–8, 2024, but it did not order oral argument on either motion.

On October 24, 2024, CCEA served a letter on the Board and the District, requesting leave to present oral argument on its Motion to Dismiss Case No. 2023-020. The Board filed the letter as a pleading in Cases 2023-020 and 2024-029. The District hereby opposes CCEA's request. The District does not believe that oral argument is necessary to resolve the pending motions. In fact, it has been the District's position that CCEA's Petition for Declaratory Order is duplicative of the District's earlier filed Petition to Withdraw Recognition of CCEA's exclusive bargaining status. For that reason, the District moved to dismiss CCEA's Petition for Declaratory Order, *or consolidate* it with the District's earlier filed Case No. 2023-020. Thus, CCEA would suffer no prejudice if the Board dismissed or consolidated its Petition for Declaratory Order without argument because CCEA will still have the opportunity to raise its arguments in Case No. 2023-020.

The Board appears to acknowledge that oral argument on these motions is unnecessary. Rule 288.306 affords the Board considerable discretion in allowing oral argument on briefs and contested motions. The regulation instructs:

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The Board may, following the filing of briefs or upon contested motions:

(a) set the matter for oral argument upon 14 days written notice . . . unless the Board considers a shorter time advisable; and

(b) Limit the amount of time available to each party for oral argument.”

NAC 288.306(1). The Parties’ motions to dismiss have been fully briefed since October 21, 2024, and the Board has not ordered oral argument. Nor has the Board provided written notice for such argument. Instead, the Board informally noticed its intent to deliberate on the motions—without argument—during its November 6–8, 2024, sitting. The Board has also conveyed its intent to consider CCEA’s request for oral argument on November 8, 2024, at 9:00 a.m.

By declining to schedule oral argument under NAC 288.306, the Board has tacitly acknowledged that such argument is unnecessary. Indeed, had the Board felt that argument was necessary before it deliberated on these motions, NAC 288.306 provides the mechanism for it to order such argument. The Board need not reconsider its initial inclination to deliberate on these pending motions without additional argument from the Parties.

Nevertheless, should the Board believe that argument is necessary to decide the Parties’ pending motions, the District hereby waives the fourteen-day notice period to schedule argument under NAC 288.306(1)(a). The District requests that the Board decide these motions at its November 6–8, 2024, sitting. While the District affirmatively waives NAC 288.306(1)(a)’s fourteen-day notice provision, the waiver is not required for the Board to schedule such argument within that time period. NAC 288.306(1)(a) advises the Board to provide fourteen-days written notice “*unless the Board considers a shorter time advisable.*” (emphasis added). Given the Board’s initial decision to deliberate on and decide these motions, on November 6–8, 2024, the District asks that it still decide these motions during that sitting, regardless of its decision on the necessity of oral argument.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ethan D. Thomas".

Ethan D. Thomas
Andrew S. Clark