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STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

CLARK COUNTY PARK RANGER EMPLOYEES )  
ASSOCIATION, IUPA, LOCAL 124, )  
Petitioner, )  
-vs- )  
COUNTY OF CLARK, )  
Respondent. )

ITEM NO. 338  
CASE NO. A1-045564  
DECLARATORY ORDER

For Petitioner: Jeffrey E. Fisher, Esq.

For Respondent: Mitchell M. Cohen, Esq.  
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

STATEMENT OF THE CASE

On February 11, 1994, the Clark County Park Ranger Employees Association, IUPA, Local 124 (hereinafter referred to as "the Association") filed a Petition For A Declaratory Order, requesting that the Board find that individuals employed by the County of Clark (hereinafter referred to as "the County") as park rangers are "police officers" as defined by NRS 288.215(1)(b). Further, the Association seeks an Order declaring that it, as bargaining agent for park rangers, may avail itself of the impasse procedures set forth in NRS 288.205 and NRS 288.215 for "police officers".

After hearing oral argument by the parties and due deliberation at its meeting of May 18, 1994, noticed pursuant to Nevada's Open Meeting Law, the Board has determined that the impasse procedures for "police officers", as set forth in NRS 288.205 and NRS 288.215, apply to park rangers employed by the County. The basis for the Board's determination is set

1 forth in the DISCUSSION, FINDINGS OF FACT, CONCLUSIONS OF LA.  
2 and ORDER which follow:

3 DISCUSSION

4 The relevant citations from NRS 288.205 and NRS 288.215  
5 are quoted below:

6 288.205 Submission of dispute between certain  
7 employees and local government employer to  
8 factfinder: Time limited for certain matters. In  
9 the case of an employee organization and a local  
10 government employer to which NRS 288.215 applies,  
11 the following departures from the provisions of  
12 NRS 288.200 also apply:

13 1. If the parties have not reached agreement  
14 by April 10, either party may submit the dispute  
15 to an impartial factfinder at any time for his  
16 findings.

17 2. In a regular legislative year, the  
18 factfinding hearing must be stayed up to 20 days  
19 after the adjournment of the legislature sine die.

20 3. Any time limit prescribed by this section  
21 or NRS 288.200 may be extended by agreement of the  
22 parties.

23 (Added to NRS by 1977, 916; A 1979, 1375)

24 288.215 Submission of dispute between firemen  
25 or police officers and local government employer  
26 to arbitrator; hearing; negotiations and final  
27 offer; effect of decision of arbitrator; content  
28 of decision.

1. As used in this section:

(a) "Firemen" means those persons who are  
salaried employees of a fire prevention or  
suppression unit organized by a political  
subdivision of the state and whose principal  
duties are controlling and extinguishing fires.

(b) "Police officers" means those persons  
who are salaried employees of a police department  
or other law enforcement agency organized by a  
political subdivision of the state and whose  
principal duties are to enforce the law.

2. The provisions of this section apply only  
to firemen and police officers and their local  
government employers.

3. If the parties have not agreed to make  
the findings and recommendations of the factfinder  
final and binding upon all issues, and do not  
otherwise resolve their dispute, they shall,  
within 10 days after the factfinder's report is  
submitted, submit the issues remaining in dispute

1 to an arbitrator who must be selected in the  
2 manner provided in NRS 288.200 and have the same  
powers provided for factfinders in NRS 288.210.

3 4. The arbitrator shall, . . .

4 (Emphasis added.)

5 It is apparent that, in adopting the language contained  
6 in NRS 288.215(1)(b), the legislature established two criteria  
7 which must be met in order for the employees to be considered  
8 as "police officers" and be eligible for the impasse  
9 procedures prescribed in NRS 288.205 and NRS 288.215; i.e.,  
10 the employees must be (1) "persons who are salaried employees  
11 of a police department or other law enforcement agency  
12 organized by a political subdivision of the state" and (2)  
13 they must be persons "whose principal duties are to enforce  
14 the law". There is no dispute concerning the second criteria;  
15 i.e., park rangers employed by the County are clearly persons  
16 whose principal duties are to enforce the law. However, the  
17 Respondent contends that park rangers employed by the County  
18 as "park security officers" (in the Parks and Recreation  
19 Department) are not "salaried employees of a police department  
20 or other law enforcement agency organized by a political  
subdivision of the state".

21 As indicated previously, park rangers are employees of  
22 the County. They are hired, like other County employees,  
23 through the authority of the County Manager. Clark County  
24 Code Section 19.04.004. Within the County, park rangers are  
25 employees of the Department of Parks and Recreation. Clark  
26 County Code Section 19.04.002(1). Park rangers serve under  
27 the supervision of the Director of Parks and Recreation.  
28

1 Clark County Code Section 19.04.001(2); 19.04.002(1). The  
2 Director of Parks and Recreation is also responsible for the  
3 training of park rangers. Clark County Code Section  
4 19.04.005. Under the Department of Parks and Recreation, park  
5 rangers are organized into a division entitled the Park Ranger  
6 Unit. The Unit is an administrative designation; it has no  
7 existence independent of the County or the Department of Parks  
8 and Recreation. The County's authority for the Unit is  
9 contained in NRS 244.167, which provides:

10 A board of county commissioners may employ  
11 security officers who have the powers of peace  
12 officers when they are carrying out duties  
13 prescribed by ordinance.

14 Based on the foregoing, Respondent contends that the County  
15 Park Ranger Unit is merely an administrative designation for a  
16 specialized group of security officers working with the Clark  
17 County Department of Parks and Recreation, which does not meet  
18 the definition of a "law enforcement agency" under NRS  
19 288.215(1)(b).

20 The Association contends that park rangers are employees  
21 of a law enforcement agency by virtue of the enactment of NRS  
22 280.125 in 1993, which states in part:

23 280.125 Establishment and administration of  
24 units of specialized law enforcement by  
25 participating political subdivisions; jurisdiction  
26 and authority.

27 1. The provisions of this chapter do not  
28 prohibit a participating political subdivision  
from establishing and administering the following  
units of specialized law enforcement:

- (a) A unit consisting of animal control officers.
- (b) A unit consisting of marshals.
- (c) A unit consisting of park rangers.
- (d) A unit for the investigation of arson.

1 (e) A unit for the enforcement of laws  
relating to the licensure of businesses.

2 (f) A unit for the enforcement of nonmoving  
traffic laws.

3 (Emphasis added.)

4 A determination of whether the Park Ranger Unit of Clark  
5 County is a "law enforcement agency organized by a political  
6 subdivision of the State (NRS 288.215(1)(b)) requires a close  
7 look at legislative intent. NRS 280.125(1)(c), cited above,  
8 provides that insight.

9 This statute refers to the "... following units of  
10 specialized law enforcement ..." which are established by a  
11 "political subdivision", and identifies one such unit as "A  
12 unit consisting of park rangers." NRS 280.125(1)(c). We are  
13 constrained to find an expression of legislative intent more  
14 clear than this. If park rangers are considered a "unit of  
15 specialized law enforcement" established by a "political  
16 subdivision" under NRS 280.125(1), then clearly they meet the  
17 first criteria of NRS 288.215(1)(b) which defines a "police  
18 officer" as "... those persons who are salaried employees of a  
19 ... law enforcement agency organized by a political  
20 subdivision of the state ..."

21 The Board is not unmindful of the fact that its decision  
22 in this case will have the effect of granting park rangers the  
23 opportunity to avail themselves of impasse procedures which  
24 were previously considered as unavailable to individuals  
25 employed by "units of specialized law enforcement". However,  
26 the Board is reluctant to deny such benefits to said employees  
27 based on the narrow interpretation of NRS 288.215(1)(b) urged  
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1 upon it by the Respondent. A narrow construction of NRS  
2 288.215(1)(b) clearly would be inappropriate and contrary to  
3 legislative intent. To effectuate the intent of the  
4 legislature, it should be interpreted broadly, to encompass  
5 rather than to exclude. Las Vegas City Employees' Protective  
6 Association vs. Nevada Business Services, Case No. A1-045536,  
7 EMRB Item Nos. 315 and 315-A (June 15, 1993 and September 10,  
8 1993, respectively).

9 FINDINGS OF FACT

10 1. That the Petitioner, Clark County Park Ranger  
11 Employees Association, IUPA, Local 124, is a recognized  
12 employee organization as defined by NRS 288.040, and is the  
13 exclusive bargaining agent for a bargaining unit consisting of  
14 park rangers employed by Clark County in its Department of  
15 Parks and Recreation.

16 2. That the Respondent, County of Clark, is a  
17 recognized local government employer as defined by NRS  
18 288.060, and "a political subdivision of the state" as  
19 referred to in NRS 288.215(1)(b).

20 3. That "park rangers" are employees of a unit of  
21 specialized law enforcement as defined by NRS 280.125.

22 4. That, pursuant to NRS 288.215(1)(b), there are two  
23 criteria which must be met before employees may be considered  
24 as "police officers" eligible for the impasse procedures set  
25 forth in NRS 288.205 and NRS 288.215; i.e., (1) they must be  
26 "persons of a police department or other law enforcement  
27 agency organized by a political subdivision of the state", and  
28

1 (2) they must be employees "whose principal duties are to  
2 enforce the law".

3 5. That the principal duty of park rangers is "to  
4 enforce the law", and as employees of a unit of specialized  
5 law enforcement of the Clark County Department of Parks and  
6 Recreation they are salaried employees of a "police department  
7 or other law enforcement agency" as defined by NRS  
8 288.215(1)(b).

9 6. That, since park rangers meet both of the criteria  
10 set forth in NRS 288.215(1)(b), they are eligible for the  
11 impasse procedures provided therein for "police officers".

12 CONCLUSIONS OF LAW

13 1. That the Local Government Employee-Management  
14 Relations Board has jurisdiction over the parties and the  
15 subject matter of this Petition, pursuant to the provisions of  
16 NRS Chapter 288.

17 2. That the Petitioner, Clark County Park Ranger  
18 Employees Association, IUPA, Local 124, is a recognized  
19 employee organization as defined by NRS 288.040.

20 3. That the Respondent, County of Clark, is a  
21 recognized local government employer as defined by NRS  
22 288.060, and "a political subdivision of the state" as  
23 referred to in NRS 288.215(1)(b).

24 4. That "park rangers" are employees of a unit of  
25 specialized law enforcement in the Clark County Department of  
26 Parks and Recreation, as defined by NRS 280.125.

27 5. That there are two criteria which must be met before  
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1 employees may be considered as "police officers" eligible for  
2 the impasse procedures set forth in NRS 288.205 and NRS  
3 288.215; i.e., (1) they must be employees of a "police  
4 department or other law enforcement agency organized by a  
5 political subdivision of the state", and (2) they must be  
6 employees "whose principal duties are to enforce the law".

7 6. That the principal duty of park rangers is "to  
8 enforce the law", and as employees of a unit of specialized  
9 law enforcement they are salaried employees of a "police  
10 department or other law enforcement agency" as defined by NRS  
11 288.215(1)(b).

12 7. That, since park rangers meet both of the criteria  
13 established by NRS 288.215(1)(b), in order to be considered as  
14 "police officers", they are eligible for the impasse  
15 procedures set forth in NRS 288.205 and NRS 288.215.

16 ORDER

17 For the reasons set forth herein, the Board hereby  
18 ORDERS AND DECLARES that "park rangers" employed in Clark  
19 County Department of Parks and Recreation are "police  
20 officers" as defined by NRS 288.215(1)(b) and are eligible for  
21 the impasse procedures set forth in NRS 288.205 and NRS  
22 288.215.

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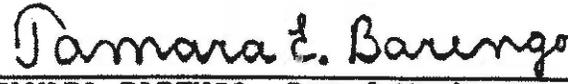
IT IS FURTHER ORDERED that each party bear its own costs and fees in the above-captioned matter.

DATED this 9<sup>th</sup> day of August, 1994.

LOCAL GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

By   
SUSAN L. JOHNSON, Chairman

By   
SALVATORE C. GUGINO, Vice Chairman

By   
TAMARA BARENGO, Board Member