

1 **STATE OF NEVADA**  
2 **LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT**  
3 **RELATIONS BOARD**  
4

5 **LAS VEGAS CITY EMPLOYEES**  
6 **PROTECTIVE & BENEFIT ASSOCIATION,**  
7 **Complainant,**

8 **vs.**

9 **CITY OF LAS VEGAS,**  
10 **Respondent.**

**ITEM NO. 464**

**CASE NO. A1-045673**

**ORDER**

11 **For Complainant: Peter Alpert, Esq.**

12 **For Respondent: Morgan Davis, Esq.**  
13 **Las Vegas City Attorney's Office**

14 **On December 21, 1999, a complaint was filed by the Las Vegas City Employees Protective**  
15 **& Benefit Association (hereafter "CEA"), through its counsel, alleging unfair practices, violations of**  
16 **the applicable Civil Service laws, and "violations of collective bargaining laws" by the City of Las**  
17 **Vegas (hereafter "City").**

18 **On January 10, 2000, the City filed a motion to dismiss the complaint, arguing that this Board**  
19 **has no jurisdiction to hear the complaint at this time, the appropriate test to be used in privatization**  
20 **cases, and that the CEA failed to exhaust its remedies under their collective bargaining agreement and**  
21 **the Civil Service Rules.**

22 **CEA filed an opposition to the motion on January 13, 2000, arguing its right to pursue**  
23 **complaint, "nature of services" is the appropriate test once jurisdiction in this Board has been**  
24 **determined, the necessity of adjudication by this Board, and further elaborated on the alleged**  
25 **violations by the City.**

26 **The City filed reply points and authorities on January 18, 2000, presenting further arguments**  
27 **in support of its motion for dismissal along with an affidavit of Brent Profaizer, and request certain**  
28 **relief from this Board.**

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1 Pursuant to the Board's deliberations at its meeting of February 8, 2000, noticed in  
2 accordance with Nevada's Open Meeting law, the Board decides and rules as follows:

3 This Board has, in the past, refused to hear certain cases in which the parties have not  
4 exhausted their contractual grievance/arbitration remedies, especially where there are no showings  
5 of extreme prejudice or special circumstances requiring the Board to hear the matter. In the present  
6 case, the parties have failed to exhaust their contractual remedies, and no showings of extreme  
7 prejudice or special circumstances have been made.

8 The Board will not take jurisdiction in a matter that is a contract grievance. Without ruling  
9 the on the merits of the issues,

10 IT IS, THEREFORE, ORDERED for the reasons set forth above that the motion to dismiss  
11 is HEREBY DENIED.

12 IT IS FURTHER ORDERED that the parties shall exhaust their remedies under the  
13 contractual dispute resolution system contained within their collective bargaining agreement. Within  
14 thirty (30) days after the completion of their contractual dispute resolution remedies, the parties are  
15 to report the outcome of the same to this Board and, should there be any change of circumstances,  
16 either party hereto may re-petition this Board. Within 20 days after providing notification to the  
17 Board of the outcome of the contractual dispute resolution remedies, if the matter is not resolved,  
18 the parties pre-hearing statements will be due.

19 DATED this 9<sup>th</sup> day of February 2000.

20 LOCAL GOVERNMENT EMPLOYEE-  
21 MANAGEMENT RELATIONS BOARD

22 By David Goldwater  
23 DAVID GOLDWATER, Chairman

24 By Karen L. McKay  
25 KAREN L. MCKAY, Vice-Chairperson

26 By James E. Wilkerson, Sr.  
27 JAMES E. WILKERSON, SR., Member  
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