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STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

5 In the Matter of the Request of Las Vegas
6 Metropolitan Police Department to Withdraw
7 Recognition of Police Protective Association
8 as Representative for Certain Members, namely
9 Police Officers I and II, and Corrections Officers
I and II,

ITEM NO. 486A
CASE NO. A1-045700
DECISION

10 On February 28, 2001, the Las Vegas Metropolitan Police Department (hereafter "LVMPD")
11 lodged correspondence with the Local Government Employee-Management Relations Board
12 (hereafter "Board") requesting resolution of a dispute "regarding the appropriate employee
13 representative of some employees," namely, Police Officers I and II and Correctional Officers I and
14 II. The Las Vegas Law Enforcement Association (hereafter "LVLEA") challenged the majority
15 representation of employees in the bargaining unit by the incumbent Las Vegas Police Protective
16 Association Metro, Inc. (hereafter "LVPPA"); The Employer, LVMPD, was neutral as to which
17 employee organization holds a majority. Thereafter, the parties to this litigation filed their pre-
18 hearing statements and participated in a telephonic pre-hearing conference.

19 On April 11, 2001, this matter came on for hearing before the Board, noticed in accordance
20 with Nevada's Open Meeting Law.

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DISCUSSION

23 The parties were present at the hearing through their duly appointed representatives and their
24 attorneys of record. The Board was able to weigh the credibility of the testimony of six (6) witnesses
25 called by the parties and consider the voluminous exhibits offered by the parties in support of their
positions.

26 **BASED UPON** the evidence and testimony presented, the Board **FINDS and CONCLUDES**
27 **as follows:**

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FINDINGS OF FACT, CONCLUSIONS OF LAW

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2 1. That the LVLEA has failed to prove with substantial evidence that it has a "verified
3 membership list showing that it represents a majority of the employees in" the bargaining
4 unit consisting of Police Officers I and II and Correctional Officers I and II [NRS
5 288.160(2)];
- 6 2. That there is substantial evidence creating a "good faith doubt[by the Board] whether any
7 employee organization is supported by a majority of the local government employees" in the
8 bargaining unit at issue herein, i.e., Police Officers I and II and Correctional Officers I and
9 II [NRS 288.160(4)];
- 10 3. That evidence was presented suggesting the Fraternal Order of Police (hereafter "FOP") was
11 the alter ego of the LVLEA; however, FOP has failed to comply with NRS 288.160(1) if it
12 intended to be the employee organization representing Police Officers I and II and
13 Correctional Officers I and II. Therefore, FOP does not have standing as a party in the
14 instant matter before the Board; and
- 15 4. That the Sergeants currently in this bargaining unit represented by the LVPPA are not
16 affected by this representative dispute as a consent election is scheduled in the near future
17 to determine their appropriate employee representative group; however, the License
18 Investigator currently in the instant LVPPA bargaining unit in dispute will remain
19 "grandfathered" in whichever employee organization is determined to be the appropriate
20 bargaining agent for Police Officers I and II and Correctional Officers I and II.

ORDER

22 **BASED UPON the above findings and conclusions, IT IS HEREBY ORDERED THAT:**

- 23 1. The Board will "conduct an election by secret ballot" pursuant to NRS 288.160(4) to
24 determine the appropriate exclusive bargaining agent, if any, for the Metro employee unit
25 identified as Police Officers I and II and Correctional Officers I and II.
- 26 2. LVMPD, LVLEA and LVPPA shall prepare and execute an election order within seven (7)
27 days from the date of this order and that the election be conducted within thirty (30) days
28 from the date of this order.

1 3. LVMPD, LVLEA and LVPPA shall cooperate with the Commissioner to supervise and
2 conduct an orderly and prompt election pertaining to the appropriate bargaining unit for
3 Police Officers I and II and Correctional Officers I and II.

4 DATED this 12th day of April, 2001.

5 LOCAL GOVERNMENT EMPLOYEE-
6 MANAGEMENT RELATIONS BOARD

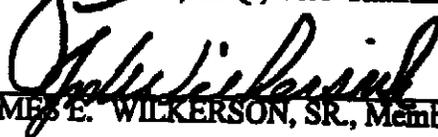
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8 By


KAREN L. MCKAY, Chairman

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10 By


JOHN E. DICKS, ESQ., Vice-Chairman

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12 By


JAMES E. WILKERSON, SR., Member