### 1 STATE OF NEVADA 2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT 3 **RELATIONS BOARD** 4 RICARDO BONVICIN, 5 Complainant, ITEM NO. 653C 6 CASE NO. A1-045893 VS. 7 NORTH LAS VEGAS POLICE OFFICER! ASSOCIATION, LOCAL 41, I.U.P.A.A.F.L.C.I.O., 8 **ORDER** 9 Respondent 10 For Complainant: Daniel Marks, Esq. 11 Adam Levine, Esq. Law Offices of Daniel Marks 12 For Respondent: Jeffrey Allen, Esa. 13 Olson, Cannon, Gormley & Desruisseaux 14 On the 23rd day of June, 2008, the Local Government Employee-Management Relations 15 Board ("Board") deliberated on Complainant's request for attorneys' fees, costs, and an award of 16 back pay as the prevailing party in this matter. This matter was duly noticed pursuant to the 17 provisions of NRS and NAC Chapters 288, as well as NRS Chapter 233B and Nevada's Open 18 Meeting laws. 19 This case arose on October 26, 2006, when Ricardo Bonvicin ("Bonvicin") filed a 20 21

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complaint with the Board against the North Las Vegas Police Officers Association ("Association"). Bonvicin's allegations against the Association were that it breached its duty to him of fair representation and as a result, Bonvicin has lost certain rights guaranteed to him under the parties' collective bargaining agreement ("CBA"), i.e., the right to an appeal of any arbitration decision rendered in the matter between Bonvicin and the City of North Las Vegas ("City").

An answer was filed by the Association as well as a motion to dismiss. The motion was denied, and the parties filed their respective prehearing statements. Thereafter, the matter was scheduled for hearing on November 2, 2007, and concluded on December 19, 2007. The Board

found in favor of Bonvicin and against the Association. The Board also awarded attorneys' fees and costs to Bonvicin as the prevailing party and ordered that the parties address that issue as well as whether Bonvicin is entitled to back pay. Bonvicin filed his petition for attorneys' fees, costs, and back pay on April 16, 2008; and thereafter, the Association opposed the requests.

BASED UPON the arguments raised by the parties, and good cause appearing therefore, IT IS HEREBY ORDERED that Bonvicin is awarded attorneys' fees in the amount of \$22,611.25 and costs in the amount of \$5,222.83 pursuant to NRS 288.110(6). The hourly rate of \$325.00 is not unreasonable for the Las Vegas, Clark County, area, especially considering the firm's reputation in this community in the specialized area of labor law and the length of the hearing in this matter.

IT IS FURTHER ORDERED that Bonvicin is not entitled to back pay. NRS 288.110(2) allows the Board to order a party to "restore to the party aggrieved any benefit of which he has been deprived by that action." Based upon the Nevada Supreme Court decision in Nev. Serv. Empl. Union v. Orr, 121 Nev. 675, 119 P.3d 1259 (2005), the issue of back pay is best left for an arbitration of such an issue. Notice of the breach of the duty of fair representation shall be posted by the Association for a period of ninety (90) days, commencing within twenty (20) days of this order. Such posting shall be at a prominent place likely to be viewed by all bargaining unit members.

DATED this 24th day of June, 2008.

MANAGEMENT RELATIONS BOARD
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VACAESE. WILKERSON SR., Chairman
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JANOST, FSO., Vice-Chairman
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JOHN E DICKS, ESQ., Board Member
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LOCAL GOVERNMENT EMPLOYEE-

JIM GIBBONS

Governor

MENDY K. ELLIOTT

Director



Members of the Board

JAMES E. WILKERSON, SR., Chairman

JANET TROST, ESQ., Vice-Chairman

JOHN E. DICKS, ESQ., Board Member

JOYCE HOLTZ
Board Secretary

# DEPARTMENT OF BUSINESS AND INDUSTRY LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104 (702) 486-4504 • Fax (702) 486-4355 www.emrb.state.nv.us

June 26, 2008

#### NOTICE TO EMPLOYEES AND ASSOCIATION MEMBERS

POSTED PURSUANT TO AN ADMINISTRATIVE DECISION RENDERED AFTER A CONTESTED HEARING BEFORE THE LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD 2501 E. Sahara Ave., # 203

Las Vegas, NV

#### NEVADA LAW PROHIBITS THE FOLLOWING ACTS BY EMPLOYEE ORGANIZATIONS:

- A) Interference, restraint, or coercion of any employee in the exercise of any right guaranteed under NRS chapter 288.
- B) Refuse to bargain collectively in good faith with the respective representative as required by NRS 288.150.
- C) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.
- D) Fail to provide the information required by NRS 288.180.

WE WILL NOT do anything that interferes with these rights. More particularly,

WE WILL NOT arbitrarily, discriminatorily or in bad faith refuse, on request, to process grievances sought to be processed by RICARDO BONVICIN or any other employee towards whom we owe a duty of fair representation.

WE WILL NOT in any similar way frustrate your exercise of any of the rights stated above.

WE WILL promptly initiate and pursue in good faith and with due diligence any grievances filed on behalf of RICARDO BONVICIN concerning his discharge and any other terms or conditions of his employment with the City of North Las Vegas and the North Las Vegas Police Department, and will take whatever means are appropriate and necessary pursuant to our duty of fair representation up to, and including arbitration.

CHARGED PARTY: North Las Vegas Police Officers Association					
Dated: a	a By				
	Association Representative				
	Title:				

The Local Government Employee-Management Relations Board is a Nevada State Agency created to enforce the provisions of NRS chapter 288. To find out more about your rights under the Local Government Employee-Management Relations Act and how to file a complaint alleging prohibited labor practices, you may obtain information from the Board's website: http://emrb.state.nv.us

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE. THIS NOTICE MUST REMAIN POSTED FOR 90 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE BOARD'S OFFICES AT 702-486-4504.

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1	STATE OF NEVADA		
2	LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT		
3	RELATIONS BOARD		
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5	RICARDO BONVICIN,		
6	Complainant,		
7	vs.	CASE NO. A1-045893	
8	NORTH LAS VEGAS POLICE OFFICERS		
9	ASSOCIATION, LOCAL 41, 1.U.P.A.A.F.L.C.I.O.,	NOTICE OF ENTRY OF ORDER	
10	Respondent.		
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12	To: Daniel Marks, Esq. Adam Levine, Esq. Law Offices of Daniel Marks		
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14	To: Walter R. Cannon, Esq.  Jeffrey F. Allen, Esq. Olson, Cannon, Gormley & Desi		
15	Olson, Cannon, Gormley & Desi	uisseaux	
16	PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter or		
17	June 24, 2008.		
18	A copy of said order and notice are attached hereto.		
19	DATED this 26th day of June, 2008.		
20	LOCAL GOVERNMENT EMPLOYEE-		
21	M.	ANAGEMENT RELATIONS BOARD	
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23		JOYCE A. HOLTZ, Board Secretary	
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## **CERTIFICATE OF MAILING**

Las Vegas, Nevada 89129

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 26th day of June, 2008, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to: Daniel Marks, Esq. Adam Levine, Esq.
Law of Offices of Daniel Marks 302 East Carson Avenue, Suite 702 Las Vegas, Nevada 89101 Walter R. Cannon, Esq. Jeffrey F. Allen, Esq. Olson, Cannon, Gormley, & Desruisseaux 9950 West Cheyenne

JOYCE HOLTZ, Board Secretary