STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

SHANNON D'AMBROSIO, Complainant, vs. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Respondent.	CASE NO. A1-046119 and CASE NO. A1-046121 (CONSOLIDATED) **AMENDED ORDER** **ITEM NO. 808**

This matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board") for decision pursuant to the provisions of the Local Government Employee-Management Relations Act ("the Act"); NAC Chapter 288 and NRS chapter 233B. The Board held a hearing on this matter on September 17, 2015.

Complainant Shannon D'Ambrosio was a civilian employee of Respondent Las Vegas Metropolitan Police Department ("Department"). She was employed as a forensic scientist trainee, an entry-level position that ideally leads to a confirmed position as a full forensic scientist. Ms. D'Ambrosio's position was situated within the Department's toxicology detail. This position involves the scientific analysis of bodily fluids to detect the presence of drugs or alcohol. This position also requires that forensic scientists frequently appear in court to testify as an expert witness concerning the results of this scientific analysis. Although employed by the Department, forensic scientists are not sworn peace officers, and the position is situated within the bargaining unit of civilian employees represented by the Police Protective Association, Civilian Employees, Inc. ("PPACE"). PPACE has established a collective bargaining agreement with the Department that includes, among other provisions, a procedure for discharge and discipline of employees within the bargaining unit. The operative agreement was admitted into evidence at the hearing. Of relevance to this case is article 9.1(F) of the

agreement that adopts the Department's civil service rules regarding termination, so long as those policies did not conflict with a specifically-negotiated provision of the agreement. This same article also references a probationary period for employees and makes available to the Department a non-confirmation process to discharge probationary employees. This article indicates that the non-confirmation process is not a disciplinary action and not subject to the negotiated disciplinary procedures or grievance procedures. The Department's policy No. 440.1 specifies that newly hired civilian personnel serve a probationary period of 12 months, with an optional six month extension. These terms of employment governed Ms. D'Ambrosio's employment with the Department.

Shannon D'Ambrosio was hired by the Department on July 15, 2013. By all accounts, Ms. D'Ambrosio was a talented and competent forensic scientist trainee during her probationary period. At the hearing Kimberly Murga, the Department's Director of Laboratory Services testified that there were no issues with Ms. D'Ambrosio's work product, and her first performance review was very favorable.

On December 16, 2013, Ms. D'Ambrosio came to work with pink hair. Ms. D'Ambrosio testified that her pink hair was the result of an accidental mishap the night before when she was attempting to dye her hair to a more natural auburn hue. The Department has detailed policies concerning personal appearance, including the provision that "hair color will be common, natural colors with no unnatural streaking colors." On December 16, 2013, Ms. D'Ambrosio met with her immediate supervisor, Theresa Suffecool, concerning her hair color. Ms. Suffecool explained the Department's policy to Ms. D'Ambrosio, who explained to Ms. Suffecool that the pink hair was accidental, and there had not been time to rectify the problem before work that morning. That evening after work Ms. D'Ambrosio began the process of dying her hair back to a more natural color.

On February 8, 2014, Ms. D'Ambrosio dyed her hair again, this time blue. The blue hair was not accidental. Rather than show up to work with blue hair, Ms. D'Ambrosio wore a wig to work the next Monday to cover the blue hair. But during the course of the day on Tuesday February 11, 2014, some of her blue hair slipped out from underneath her wig and was observed

by her co-workers. Ms. D'Ambrosio was then called into a meeting with Ms. Suffecool and Ms. Murga. During that meeting Ms. Murga asked to see Ms. D'Ambrosio's hair color. Ms. Murga and Ms. Suffecool reemphasized the Department's policy requiring a professional appearance and a natural hair color and expressed concern over the fact that there had been another hair-color-related incident so soon after the pink hair matter had been resolved. Ms. D'Ambrosio responded that she had worn a wig to conceal her blue hair, and that she was permitted to do so by Department policy. On February 12, 2014, Ms. D'Ambrosio again met with Ms. Murga regarding this blue hair incident. During this meeting Ms. Murga confirmed that Department policy did permit a wig, but also explained that were the wig to slip and reveal the unnatural hair color then she would no longer be in compliance with Department policy. Ms. Murga also explained that the incident from the day before where the blue hair had slipped out was in violation of Department policy. After this February 12, 2014, meeting, Ms. Murga prepared a contact report to document the blue hair incident and the subsequent meetings. Ms. Murga met with Ms. D'Ambrosio on February 27, 2104, to deliver the contact report.

During this February 27th meeting Ms. D'Ambrosio began to worry about possible disciplinary action and requested the presence of a PPACE representative. Ms. Murga denied this request. Initially Ms. D'Ambrosio refused to sign the contact report at that meeting. But after subsequently conferring with Carla Scott, the President of PPACE, she relented and on March 5, 2014, signed the contact report, with one small change. On March 5, 2014, the Department also extended Ms. D'Ambrosio's probationary period for an additional six months and documented this extension with another contact report. The stated reason for the extension was concern about Ms. D'Ambrosio's forthrightness. In this second contact report, Ms. Murga indicated that although there were concerns, she was willing to work with Ms. D'Ambrosio to correct the issue.

The final incident occurred on April 29, 2014. On that day, Kimberly Murga noticed that Ms. D'Ambrosio's hairstyle was not professional and not in compliance with Department policies. Her hair had been partially shaved, and was pinned back revealing a shaved pattern. The Board received into evidence photographs of the hairstyle taken that day at Exhibit 11. Ms.

Murga testified that this latest hair incident represented the culmination of the prior issues with Ms. D'Ambrosio's appearance and professionalism, and following this incident Ms. D'Ambrosio was relieved of duty and placed on paid leave pending a non-confirmation hearing. Ms. Murga testified that the reason for this decision was the repeated concerns about Ms. D'Ambrosio's willingness to comply with Department's policy, all related to hairstyle, which indicated to Ms. Murga that Ms. D'Ambrosio was "not a good fit" with the Department. Ms. Murga subsequently recommended that Ms. D'Ambrosio be non-confirmed, ending her employment with the Department. This recommendation was adopted by higher authorities within the Department: Tracy Birch, the Executive Director of the Criminalistics Bureau and Deputy Chief Kirk Primas. Ms. D'Ambrosio's employment with the Department officially ended on May 28, 2014.

Ms. D'Ambrosio now alleges multiple violations of the Act against the Department. We address each allegation below. In doing so, we note that it is not our role to determine whether there may have been just cause to non-confirm Ms. D'Ambrosio or whether her hairstyles were actually in compliance with Department policy. Our consideration is limited to whether Ms. D'Ambrosio has shown that the Department violated the Act.

Weingarten Rights

During the above-referenced meeting between Ms. D'Ambrosio and Ms. Murga on February 27, Ms. D'Ambrosio did request union representation, and Ms. Murga did not consent to the request. There is no dispute about these facts. Ms. Murga admitted as much in her testimony before the Board, and the written reports of this meeting further confirm these facts. Ms. D'Ambrosio claims that as a result her right to union representation under the Act was violated by the Department.

Embedded within the Act is the same employee right to union representation recognized by the United States Supreme Court in NLRB v. J Weingarten, Inc., 420 U.S. 251 (1975). North Las Vegas Police Officers Association v. City of North Las Vegas, Item No. 717A, Case No. A1-045964 (March 3, 2011). However, these so-called Weingarten rights are not

implicated in every meeting between a supervisor and an employee. Weingarten rights only arise when employee has an objectively reasonable belief that the employer-conducted interview may lead to discipline. Id. When considering whether there was an objectively reasonable fear of discipline, the Board considers all the relevant circumstances of the case. Heitzinger v. Las Vegas-Clark County Library District, Item No. 728, Case No. A1-045977 (June 30, 2010).

At the hearing, the Board was presented with competing accounts of this February 27th meeting. Ms. D'Ambrosio's version of the meeting states that the meeting went far beyond the simple delivery and discussion of the contact report. According to Ms. D'Ambrosio, Ms. Murga repeatedly questioned her about her blue hair, for the third time, asking for specific details such as who had seen the hair; details that had already been discussed in both the February 11 and February 12 meetings. Ms. D'Ambrosio testified that this repeated questioning led her to infer that Ms. Murga was attempting to catch her in a contradiction to serve as the foundation to a charge of untruthfulness, hence her request for a union representative. Ms. D'Ambrosio's version of the meeting also recounts that Ms. Murga responded to her requests for union representation by stating "I promise you, I promise you, that it is going to get worse for you if you ask [for union representation] one more time."

Ms. Murga's recounting of the meeting was somewhat different. Ms. Murga explained that the meeting was only a counseling session to discuss the contact report and to stress the importance of following Department policy. She testified that she had no intention of disciplining Ms. D'Ambrosio coming out the meeting. Ms. Murga stated that she did ask to see Ms. D'Ambrosio's blue hair during the meeting, but that Ms. D'Ambrosio did not object to showing her hair to Ms. Murga. Ms. Murga admitted that she did ask Ms. D'Ambrosio a few questions about who had seen the blue hair, but Ms. Murga testified she was only trying to help Ms. D'Ambrosio understand the parameters for wearing a wig to work and had no intention of leading the conversation into any disciplinary action. Ms. Murga also denied ever threatening Ms. D'Ambrosio or telling her that things would get worse if she continued to ask for union representation.

The Board finds the testimony of Ms. Murga to be credible and accepts her version of the February 27th meeting. In this environment, we do not see any evidence of an objectively reasonable fear of potential discipline. At this point the blue hair incident had already been investigated and was already addressed with a mere contact report. Under the collective bargaining agreement, a contact report does not rise to a disciplinary action. While the collective bargaining agreement specifies that two contract reports are necessary before disciplinary action can be taken, this does not lead to an objectively reasonable fear that the February 27th meeting may have plausibly led to discipline for the reason that there was no indication, at that time, that Ms. D'Ambrosio would have a future problem complying with Department policies. The Board heard no evidence that Department employees are routinely disciplined for conduct once that has already been addressed through a contact report. Because a contact report is not a disciplinary action pursuant to the collective bargaining agreement, it was not objectively reasonable for Ms. D'Ambrosio to presume that this meeting was a pre-cursor to disciplinary action and Ms. D'Ambrosio did not present credible evidence that points to a different conclusion. We find that the scope of the Feb. 27th meeting was limited to review of the non-disciplinary contact report and to a counseling session intended to assist Ms. D'Ambrosio in the future with compliance with Department policy. We further find that Ms. Murga did not threaten Ms. D'Ambrosio for requesting union representation. Ms. D'Ambrosio's fear of discipline was not objectively reasonable in this particular case. Therefore we do not find that the Department violated Ms. D'Ambrosio's Weingarten rights during the February 27th meeting

Discrimination Based Upon Personal Reasons

The Act contains a unique protection for local government employees that prohibits a local government employer from discriminating against them for "personal or political reasons or affiliations." NRS 288.270(1)(f). Ms. D'Ambrosio contends in this case that she was the victim of discrimination based upon personal reasons.

Discrimination based on personal reasons occurs where an employer takes adverse

action against an employee for "non-merit-or-fitness factors such the dislike of or bias against a person which is based upon an individual's characteristics, beliefs, affiliations, or activities that do not affect the individuals merit or fitness for a particular job." Kilgore v. City of Henderson, Item No. 550H, Case No. A1-045763 (March 30, 2005). A complainant bears the initial burden to establish a *prima facie* case of discrimination by presenting sufficient evidence to support an inference that personal reasons were a motivating factor for an employer's adverse action. Vos v. City of Las Vegas, Item 749, Case No. A1-046000 (March 24, 2014). In doing so, we consider whether the employer's motive qualifies as a "personal reason" under the definition we articulated in Kilgore. Elko County Employees Association v. Elko County, Item No. 807, EMRB Case No. A1-046068 (Sept. 18, 2015).

Ms. D'Ambrosio has not presented sufficient evidence to support an inference of discrimination based upon personal reasons because the Department's reasons for non-confirmation do not qualify as a "personal reason" under NRS 288.270(1)(f). The personal reasons clause of NRS 288.270(1)(f) affords protections to employees for conduct and for reasons that do not affect the employee's job performance or fitness, or are not job-related, e.g., Glazier v City of North Las Vegas, Item No. 624A, Case No. A1-045876 (March 13, 2007). However, this clause was not intended to prohibit an employer from taking adverse action against an employee for issues that are related to an employee's fitness for a job or ability to perform a job. The evidence before the Board indicates that the Department non-confirmed Ms. D'Ambrosio based upon recurring incidents relating to the Department's hairstyle policy and general concerns about Ms. D'Ambrosio's judgment and professionalism. These reasons are not "personal reasons" within the meaning of NRS 288.270(1)(f). Rather these issues raised concerns that were central to the duties and functions of a forensic scientist. Ms. Murga testified that a core function of the Department's forensic scientists is to testify as expert witnesses in court proceedings. In order to present as a credible expert, it is especially critical for forensic scientists to project a professional image in court. Thus, the need for a professional and conservative hair style is integral to a core job duty of a forensic scientist. We are not persuaded by Ms. D'Ambrosio's claim regarding the April 29 incident that she could have simply re-

adjusted her hairstyle before going to court because the Department's reasons were still grounded in an overall concern about her professionalism and ability to fulfill this critical duty. In this case, the Department was legitimately concerned about Ms. D'Ambrosio's ability to project the credible image of an expert witness and her willingness to abide by Department policy. Even if Ms. D'Ambrosio were technically in compliance with Department policy, her willingness to repeatedly push the envelope of that compliance justifies Ms. Murga's assessment that she was not a good fit with the Department as a non-personal reason. Because the reasons for non-confirmation involve concerns that are integral to the job duties of Ms. D'Ambrosio's position, we find that the Department's motivations for non-confirmation were not a "personal reason" within the meaning of NRS 288.270(1)(f), and that that Ms. D'Ambrosio has not met her burden to raise an inference that personal reasons were a motivating factor in her non-confirmation. The department did not violate NRS 288.270(1)(f) when it non-confirmed Ms. D'Ambrosio.

Unilateral Change

Ms. D'Ambrosio also argues that the Department committed a unilateral change. A unilateral change is regarded as a refusal to bargain in good faith in violation of NRS 288.270(1)(e) and as an interference with protected rights under NRS 288.270(1)(a), and constitutes a *per se* violation of the Act. See, Reno Police Protective Association v. City of Reno, Item No. 175, EMRB Case No. A1-045390 (Jan. 30, 1985). An employer's departure from the bargained-for terms of an agreement does not always amount to a unilateral change. Pershing County Law Enforcement Association v. Pershing County, Item No. 725A, Case No. A1-045974 (Nov. 15, 2010). However the employer's departure from the negotiated terms of the agreement is a typically a threshold showing to this sort of claim because an employer does not commit a unilateral change when it adheres to the bargained-for terms of an agreement. Bisch v. Las Vegas Metro Police Department, 302 P.3d 1108, 1116, n. 5 (Nev. 2013).

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D'Ambrosio argues that the Department unilaterally changed the bargained-for

disciplinary process in this case. We disagree because do not see evidence to show that the disciplinary process is even at issue. This case does not implicate the discipline procedures because the evidence does not show that Ms. D'Ambrosio was ever actually disciplined by the Department.

NRS 288.150(2)(i) states that discipline and discharge procedures are a mandatory subject of bargaining. As used in this section, the term discipline means "to punish." City of Reno v. Reno Police Protective Ass'n, 118 Nev. 889, 900, 59 P.3d 1212, 1220 (2002). Whether the Department punished Ms. D'Ambrosio is foundational to her unilateral change claim as nothing within the Act requires an employer to adhere to the disciplinary process in non-disciplinary matters. We see no evidence in this case that Ms. D'Ambrosio was ever punished by the Department.

Certainly, there was no disciplinary action as contemplated by the negotiated agreement. Ms. D'Ambrosio introduced evidence that she had received two contact reports: one on February 27th (which Ms. D'Ambrosio signed on March 5, 2014), and a second one on March 5, 2014, to extend her probationary period. The significance of these reports is defined by the agreement, which provides quite clearly that these reports are not disciplinary in nature. The Board also heard evidence that contact reports are not placed in the employee's personnel file, they are only temporarily placed in an employee's supervisory file and are purged after one year. These reports do not show disciplinary action against Ms. D'Ambrosio. The other instance of purported disciplinary action alleged by Ms. D'Ambrosio is that she had been non-confirmed by the Department. A non-confirmation is undeniably an adverse employment action, but a non-confirmation is not a disciplinary matter *ipso facto*. If we were to conclude that non-confirmation alone were sufficient to show disciplinary action, we would effectively intrude on the bargaining process and eradicate the ability of employers and bargaining agents to bargain for separate probationary periods and for non-confirmation processes. The Act requires bargaining over certain terms of employment, but it does not dictate the substance of those terms of employment. Thus, more is required than a simple non-confirmation in order to show disciplinary action.

D'Ambrosio points to prior instances where we have found a unilateral change arising out of the employer's use of the non-confirmation process. She urges us to follow our prior decision in Boykin v. City of North Las Vegas, Item No. 674E, Case No. A1-045921 (Nov. 12, 2010). In Boykin, we found that an employer committed a unilateral change by using the non-confirmation process as a substitute for the bargained-for disciplinary process in order to punish an employee. We specifically noted in Boykin that the evidence in that case established that the employer had taken disciplinary action against a police officer, and that the terms of the operative collective bargaining agreement governing the terms of the disciplinary process did not permit the employer's action. We have treated non-confirmation as a disciplinary action only when the particular facts and evidence in a given case have demonstrated an employer's intent to punish an employee, and where the non-confirmation process was used as a means to circumvent the bargained-for disciplinary process. *See, e.g.,* Frabbiele v. City of North Las Vegas, Item No. 680I, Case No. A1-045929 (Sept. 25, 2014). This case is distinguished from Boykin because it presents a different factual scenario. In this case we were not presented with any evidence establishing that the Department's non-confirmation was in fact a punitive action. We look to Exhibit 4, which is the Department's memorandum in support of non-confirmation. This memorandum indicates that the primary reason for the Department's non-confirmation was concern about Ms. D'Ambrosio's professionalism and her ability to perform a core function of the job to appear in Court and testify credibly as an expert witness. We also look to Ms. Murga's testimony that her recommendation was based upon concerns that Ms. D'Ambrosio was not a good fit with the Department. When there were instances of policy violations, the Department handled them outside of the disciplinary process with mere contact reports. Nothing in this case is indicative of disciplinary action against Ms. D'Ambrosio. This appears in our judgment to be a simple separation of employment without any indicia of disciplinary or punitive action by the Department that was critical to our decision in Boykin. It was the Department's prerogative to non-confirm Ms. D'Ambrosio on based upon its concerns because the Department had bargained for the ability to do so.

We also note that the Department's policy #5/101.20 established a procedure for the

Department to follow when non-confirming an employee, and we saw no evidence that the Department changed this process when it non-confirmed Ms. D'Ambrosio. By adhering to the negotiated terms of the agreement the Department did not commit a unilateral change to either the discharge or disciplinary process.

Discrimination Under NRS 288.270(1)(d)

The complaint also alleged a violation of NRS 288.270(1)(d), which prohibits an employer from retaliating against an employee that has filed a complaint, or otherwise participated in proceedings before this Board or participated in an employee organization. Given the severity of this type of violation the Board treats allegations of this sort with the utmost concern. However, we heard no evidence whatsoever indicating that the Department had retaliated against Ms. D'Ambrosio based upon her EMRB complaint. Quite the opposite, it appears as though the decision to non-confirm her employment was made before Ms. D'Ambrosio filed the instant complaint. Nor was there any evidence of discrimination based upon participation in an employee organization. The Department did not violate NRS 288.270(1)(d).

Based upon the foregoing, the Board finds and concludes as follows:

FINDINGS OF FACT

1. Complainant Shannon D'Ambrosio was a local government employee employed by the Las Vegas Metropolitan Police Department from July 15, 2013 to May 28, 2014.

2. Ms. D'Ambrosio was employed by the Department as a forensic scientist trainee in the toxicology detail. The position is covered by a collective bargaining agreement and is located within the bargaining unit represented by PPACE.

3. Core job duties of a forensic scientist include lab work to screen for the presence of drugs and alcohol in biological samples and to testify in court as an expert witness about the scientific processes and results of the lab work.

4. The Department's policies concerning personal appearance concern the core job

duties of a forensic scientist by ensuring that personal appearance will not detract from an employee's ability to present as a credible expert witness in court proceedings.

5. On December 16, 2013, Ms. D'Ambrosio came to work with pink hair. She met with Theresa Suffecool about her hair that same day. Ms. Suffecool explained Department policy, and Ms. D'Ambrosio promptly re-dyed her hair to bring it in compliance. No contact report was generated regarding the pink hair.

6. On February 10, 2014, Ms. D'Ambrosio came to work with blue hair that was covered with a wig.

7. On February 11, 2014, some of Ms. D'Ambrosio's blue hair was visible under the wig and was observed by multiple co-workers. Ms. D'Ambrosio was called into a meeting with Ms. Suffecool and Kimberly Murga that day regarding the blue hair incident. Ms. Murga was concerned to have another hair-related incident so soon after the pink hair incident. Ms. D'Ambrosio contended at that meeting that she was allowed by Department policy to wear the wig.

8. Following the February 11, 2014, meeting, Ms. Murga verified that wigs were permissible under Department policy.

9. On February 12, 2014 Ms. Murga met with Ms. D'Ambrosio again. During this meeting Ms. Murga confirmed with Ms. D'Ambrosio that wigs were within policy, but there were parameters for wearing a wig, and if the blue hair were to be revealed under the wig Ms. D'Ambrosio would not be compliant with Department policy.

10. Ms. Murga prepared a contact report for the blue hair incident, and met with Ms. D'Ambrosio on February 27, 2014, to deliver the contact report. Ms. Murga did not use this meeting to seek information that might enable the Department to impose discipline.

11. During the February 27, 2014, meeting Ms. D'Ambrosio requested union representation, which Ms. Murga denied.

12. Ms. Murga did not threaten Ms. D'Ambrosio during the February 27, 2014, meeting.

13. Ms. D'Ambrosio initially refused to sign the contact report at the February 27,

2014, meeting.

14. On March 5, 2014, Ms. D'Ambrosio signed the contact report after discussing the matter with Carla Scott, the President of PPACE.

15. On March 5, 2014, the Department extended Ms. D'Ambrosio's probationary period for an additional six months and issued a second contact report expressing concerns about Ms. D'Ambrosio's truthfulness.

16. On April 29, 2014, Ms. Murga observed Ms. D'Ambrosio with a hairstyle that Ms. Murga believed to be contrary to Department policy. That same day Ms. Murga met with Ms. D'Ambrosio and relieved her of duty pending a non-confirmation hearing.

17. Ms. Murga took this action as the culmination of events that raised concerns about Ms. D'Ambrosio's willingness to follow Department policy and the assessment that Ms. D'Ambrosio was not a good fit for the department.

18. Neither Ms. Murga, nor anyone else at the Department, intended to take punitive action against Ms. D'Ambrosio.

19. Ms. D'Ambrosio's employment was non-confirmed.

20. If any of the foregoing findings is more appropriately construed as a conclusion of law, it may be so construed.

CONCLUSIONS OF LAW

1. The Board is authorized to hear and determine complaints arising under the Local Government Employee-Management Relations Act.

2. The Board has exclusive jurisdiction over the parties and the subject matters of the Complaint pursuant to the provisions of NRS Chapter 288.

3. The rights to representation recognized in Weingarten apply to NRS Chapter 288; specifically that a local government employee who is represented by a recognized employee organization has the right on request to have a representative of said organization present at an investigatory interview that he reasonably believes may lead to discipline or at which the employer seeks information to enable it to impose discipline.

4. In view of all the relevant factual circumstances, Ms. D'Ambrosio did not have an objectively reasonable belief that the February 27, 2014 meeting might lead to discipline.

5. The Department did not violate Ms. D'Ambrosio's Weingarten rights.

6. The Act protects local government employees from discrimination based upon personal reasons.

7. Personal reasons, as used in NRS 288.270(1)(f) do not include reasons that are directly related to core functions of the employee's job.

8. Ms. D'Ambrosio has not met her burden to present evidence sufficient to draw an inference that protected personal reasons were a motivating factor in the Department's actions.

9. The Department did not discriminate against Ms. D'Ambrosio for personal reasons.

10. Discipline and discharge procedures are a mandatory subject of bargaining under the Act.

11. The evidence did not show that the Department disciplined Ms. D'Ambrosio in this case.

12. The Department did not unilaterally change the bargained-for discipline or discharge procedures.

13. The evidence did not show that the Department discriminated against or retaliated against Ms. D'Ambrosio for filing a complaint with this Board.

14. Ms. D'Ambrosio's complaint is not well taken.

15. An award of costs, including attorneys' fees under NRS 288.110(6) is not warranted.

16. If any of the foregoing conclusions is more appropriately construed a finding of fact, it may be so construed.

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ORDER

Based upon the foregoing, it is hereby ordered that the Board finds in favor of the Las Vegas Metropolitan Police Department.

DATED this 15th day of October, 2015.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: _____
PHILIP E. LARSON, Chairman

BY: _____
SANDRA MASTERS, Board Member

STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

SHANNNON D'AMBROSIO, Complainant, vs. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Respondent.	CASE NO. A1-046119 and CASE NO. A1-046121 (CONSOLIDATED) **NOTICE OF ENTRY OF ORDER**

To: Shannon D'Ambrosio and her attorneys Adam Levine, Esq. and the Law Offices of Daniel Marks;

To: Las Vegas Metropolitan Police Department and their attorneys Nicholas D. Crosby, Esq. and Marquis, Aurbach, Coffing.

PLEASE TAKE NOTICE that an AMENDED ORDER was entered in the above-entitled matter on October 15, 2015.

A copy of said order is attached hereto.

DATED this 15th day of October 2015.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY _____
MARISU ROMUALDEZ ABELLAR
Executive Assistant

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 15th day of October, 2015, I served a copy of the foregoing AMENDED ORDER by mailing a copy thereof, postage prepaid to:

Law Office of Daniel Marks
Adam Levine, Esq.
Daniel Marks, Esq.
610 South Ninth Street
Las Vegas, NV 89101

Marquis Aurbach Coffing
Nicholas Crosby, Esq.
10001 Park Run Drive
Las Vegas, NV 89145

MARISU ROMUALDEZ ABELLAR
Executive Assistant