

1 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

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3 TAHOE DOUGLAS FIREFIGHTERS )  
 ASSOCIATION, )  
 4 Appellant,<sup>1</sup> ) Case No. A1-045291  
 5 vs. )  
 6 LAKE TAHOE FIRE PROTECTION )  
 DISTRICT, )  
 8 Respondent. )

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ORDER GRANTING SUMMARY JUDGMENT

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12 This appeal, filed July 14, 1975, requests that we direct  
 13 the respondent to recognize the Association pursuant to  
 14 NRS 288.160(1), that we find a prohibited practice to have  
 15 occurred and for other and further relief, including attorney's  
 16 fees and costs.

17 Subsequently, on August 14, 1975, the appellant moved for  
 18 summary judgment asserting that no facts were in controversy and  
 19 that only questions of law remained to be resolved.

20 The respondent answered the charges and the matter was  
 21 set for hearing on October 15, 1975, in Carson City, Nevada. At  
 22 that time, we heard arguments on the motion.

23 At the conclusion of these arguments, we granted the  
 24 motion for summary judgment and denied the request for attorney's  
 25 fees, costs and other relief. That portion of the prayer  
 26 requesting that we find a prohibited practice to have occurred  
 27 was withdrawn by appellant.

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29 1. We have corrected the case entitlement to reflect the  
 30 statutory language that an "appeal" may be taken to the Board from  
 the refusal to recognize an employee organization. NRS 288.160(4)

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1 FINDINGS OF FACT

2 1. That the appellant, Tahoe Douglas Firefighters  
3 Association, is a local government employee organization.

4 2. That the respondent, Lake Tahoe Fire Protection  
5 District, is a local government employer.

6 3. That on June 17, 1975, the appellant formally served  
7 on the respondent its constitution and by-laws, a list of officers  
8 and members and a pledge in writing not to strike.

9 4. That the respondent refused to recognize the appellant.

10 CONCLUSIONS OF LAW

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12 1. That under the provisions of Chapter 288 of the  
13 Nevada Revised Statutes the Local Government Employee-Management  
14 Relations Board possesses original jurisdiction over the parties  
15 and subject matter of this appeal.

16 2. That the appellant, Tahoe Douglas Firefighters  
17 Association, is a local government employee organization within  
18 the term as defined in NRS 288.040, as amended by Stats. of Nev.,  
19 1975, ch. 539, §11, p. 918.

20 3. That the respondent, Lake Tahoe Fire Protection  
21 District, is a local government employer within the term as  
22 defined in NRS 288.060.

23 4. That the documentation provided by the appellant to  
24 the respondent on June 17, 1975, fully complied with the  
25 provisions of NRS 288.160(1)(a), (b) and (c).

26 5. That the appellant is entitled to be recognized as a  
27 local government employee organization pursuant to the provisions  
28 of NRS 288.160(1).

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30 As stated in the record, we grant the motion for summary  
31 judgment:

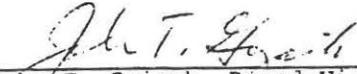
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"This Board unanimously finds that the complainant [appellant] has complied with NRS 288.160(1)(a), (b) and (c) and we therefore

ORDER that the respondent recognize the complainant [appellant]. That portion of the complaint [appeal] requesting costs and attorney's fees is denied."

Dated this 2nd day of December, 1975.

  
Christ N. Karamanos, Board Chairman

  
John T. Gojack, Board Vice Chairman

  
Dorothy Eisenberg, Board Member

cc: Counsel of Record