

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

LAS VEGAS POLICE PROTECTIVE	)	
ASSOCIATION METRO, INC., as	)	
Collective Bargaining Agent	)	
for the Commissioned Police	)	Case No. Al-045309
Personnel of the LAS VEGAS	)	
METROPOLITAN POLICE DEPARTMENT,	)	
THELMA J. BRAY, CAROL A. MARSHALL,	)	
SHERRY L. RICHARDSON and MARY	)	
A. PIPKINS,	)	
	)	
Complainants,	)	
	)	
vs.	)	
	)	
LAS VEGAS METROPOLITAN POLICE	)	
DEPARTMENT,	)	
	)	
Respondent.	)	

DECISION

Pursuant to Nevada's Open Meeting Law, we deliberated on this case at open meetings held January 12, 1978, and February 23, 1978. This written decision is prepared in conformity with NRS 233B.125, a section of the Administrative Procedures Act which requires that our final decision shall include findings of fact and conclusions of law separately stated.

Subsequent to the merger of the City of Las Vegas Police Department and the Clark County Sheriff's Department, the newly formed Las Vegas Metropolitan Police Department established two bargaining units for its employees pursuant to NRS 288.170. The Las Vegas Police Protective Association Metro, Inc., a complainant in this case, represents certain commissioned police personnel. The Las Vegas Police Protective Civilian Employees Association represents certain civilian employees of the Department.

The individual complainants, who are Communications Specialists III with the Department, allege that they are improperly being denied the benefits of other commissioned police personnel because they are women. NRS 288.270(1)(f) makes it a

prohibited practice for a local government employer or its designated representative willfully to discriminate because of sex.

The testimony and evidence received in this matter disclose that each of the individual complainants was formerly employed by the Clark County Sheriff's Department as a dispatcher. Subsequent to their entering into the employ of the Clark County Sheriff's Department, each was sent to the Police Academy and each successfully completed the course of study at that academy. Upon completion of the academy, each received a commission and a sheriff's identification card. During the course of their employment with the Sheriff's Department, prior to merger, they were called upon on various occasions to appear in uniform and armed to perform certain duties in addition to their dispatching functions. These duties included working at various sporting events, extraditions and transportation of female prisoners.

Subsequent to the merger of the two law enforcement agencies, each of the individual complainants was issued a new identification card which contained the following statement on the back:

This is to certify that the person described hereon is a duly appointed and regularly compensated police officer, empowered to conduct investigations and make arrests under provisions of statutes of the State of Nevada and ordinances of the County of Clark.

On July 1, 1977, the respondent, Las Vegas Metropolitan Police Department, revoked the commissions of the individual complainants and directed that their identification cards be returned to the Department.

The record indicates that the individual complainants have been receiving the benefits negotiated by the Civilian Employees Association, while, at the same time, being treated as police officers for the purposes of early retirement benefits under the

provisions of Nevada law. The early retirement status of these individuals is currently in litigation and is not a subject over which we have jurisdiction.

We have chosen, in our disposition of this case, not to address any questions relative to a bargaining unit determination under NRS 286.170. The heart of this matter is a claim of discrimination and it is upon that issue that we have made our determination.

Discrimination can and does take a variety of subtle forms. However, there is nothing subtle in denying equal benefits and equal treatment to individuals because they are women. Having completed the same police academy as other police officers and holding the same commission and identification cards, these individuals are now being denied the benefits and rights enjoyed by other commissioned personnel.

We find no rational basis for this differentiation in treatment and therefore conclude that the individual complainants are being treated differently because they are women. This is an invalid basis for differentiation and in violation of NRS 288.270(1)(f).

There is obviously no way to recompense persons who have been the subject of discrimination. However, we can direct that certain administratively feasible actions be taken in an attempt to equalize the circumstances of the individual complainants and other individuals who have not been denied benefits because of their sex.

We therefore order that the Las Vegas Metropolitan Police Department:

- (1) return to each of the individual complainants their police identification cards; and
- (2) reinstate the commission of each of the individual complainants.

FINDINGS OF FACT

1. That the Las Vegas Police Protective Association Metro, Inc. is a local government employee organization.
2. The the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, are local government employees.
3. That the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, are employed by the Las Vegas Metropolitan Police Department as Communications Specialists III.
4. That the Las Vegas Metropolitan Police Department is a local government employer.
5. That the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, were employed by the Clark County Sheriff's Department prior to the merger of the Clark County Sheriff's Department and the City of Las Vegas Police Department.
6. That while employed by the Clark County Sheriff's Department, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins attended and successfully completed the course of study at the police academy in Clark County.
7. That upon successful completion of the police academy, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins each received a commission from the Clark County Sheriff's Department.
8. That each of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, received a Sheriff's cards from the Clark County Sheriff's Department.

9. That each of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, was a dispatcher with the Clark County Sheriff's Department.

10. That on July 1, 1973, as the result of Legislative action, the Clark County Sheriff's Department and the City of Las Vegas Police Department were merged to form the respondent, Las Vegas Metropolitan Police Department.

11. That subsequent to the merger of the Clark County Sheriff's Department and the City of Las Vegas Police Department, the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, were given the job title of communications specialist.

12. That at the present time, all of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, hold the job title Communications Specialist III.

13. That subsequent to the merger of the Clark County Sheriff's Department and the City of Las Vegas Police Department, each of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, was issued a police card which contained the following language on the back:

This is to certify that the person described hereon is a duly appointed and regularly compensated police officer, empowered to conduct investigations and make arrests under provisions of statutes of the State of Nevada and ordinances of the County of Clark.

14. That on or about July 1, 1977, the commissions of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, were revoked.

15. That on or about July 1, 1977, the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, were asked to return their police cards to the Department.

16. That the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, have been denied benefits which have accrued to other commissioned police personnel.

17. That the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, have been denied these benefits because they are women.

#### CONCLUSIONS OF LAW

1. That pursuant to the provisions of Nevada Revised Statutes Chapter 288, the Local Government Employee-Management Relations Board possesses original jurisdiction over the parties and subject matter of this complaint.

2. That the Las Vegas Police Protective Association Metro, Inc. is a local government-employee organization within the term as defined in NRS 288.040.

3. That the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, are local government employees within the term as defined in NRS 288.050.

4. That the Las Vegas Metropolitan Police Department is a local government employer within the term as defined in NRS 288.060.


5. That the action of the Las Vegas Metropolitan Police Department is revoking the commissions of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, was discriminatory and in violation of NRS 288.270(1)(f).

6. That the action of the Las Vegas Metropolitan Police Department in requesting the return of the police identification cards of the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, was discriminatory and in violation of NRS 288.270(1)(f).

7. That the action of the Las Vegas Metropolitan Police Department in failing to treat the individual complainants, Thelma J. Bray, Carol A. Marshall, Sherry L. Richardson and Mary A. Pipkins, as it treated other commissioned police personnel is discriminatory and in violation of NRS 288.270(1)(f).

The Las Vegas Metropolitan Police Department is directed to proceed in accordance with this decision in an attempt to rectify its discriminatory actions against the individual complainants.

Dated this 6th day of March, 1978.

  
Dorothy Eisenberg, Board Chairman

  
John T. Gojack, Board Vice Chairman

