

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

INTERNATIONAL ASSOCIATION OF	)	
FIREFIGHTERS, LOCAL 1607,	)	
	)	
Complainant	)	
	)	
vs	)	Case No. A1-045341
	)	
CITY OF NORTH LAS VEGAS,	)	
NEVADA,	)	
	)	
Defendant.	)	
	)	

D E C I S I O N

On Monday, December 15, 1980, the Local Government Employee-Management Relations Board held a hearing in the above-matter. The hearing was properly noticed and posted pursuant to Nevada's Open Meeting Law.

This written Decision is prepared in conformity with NRS 233B.125 which requires that the final Decision contain Findings of Fact and Conclusions of Law separately stated.

After weeks of negotiations, non-binding factfinding and the exhaustion of conditions precedent to binding arbitration under NRS 288.215, Local 1607 representing the City's firefighters and the City of North Las Vegas went to binding arbitration under the "firefighters final-best-offer" provisions of NRS Chapter 288. Four unresolved issues were submitted: "recognition" (really unit designation) not an item of the Complaint; "prevailing rights"; wages and contract duration.

On September 22, 1980, the arbitrator made his award in which he selected the union's "package". That proposal included retention of certain fringe benefits termed "prevailing rights", retention of wages at parity with the wages of firefighters of the City of Las Vegas, and a two-year contract term.

The City has declined to implement the award, and this Complaint followed, charging the City with the prohibited practices of refusal to bargain collectively in good faith, and the failure to abide by the binding award of the arbitrator issued pursuant to NRS 288.215. The City answered alleging that NRS 288.215 was an unconstitutional statute, that the award was beyond the scope of the arbitrator's authority, and that the award was arbitrary and capricious. At the hearing, the parties stipulated that only legal issues were presented and no evidentiary hearing was required.

Because the Board is vested by NRS 288.110 with the limited authority to determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization, the Board does not believe that it is within its authority to determine the constitutionality of any part of Chapter 288 of NRS.

At the outset of negotiations, the parties developed "ground rules" for the negotiations in conformity with NRS 288.190 (1). The ground rules are significant for they ratify and approve submission of all items upon which impasse is reached to arbitration as set out in NRS 288.215. Most importantly, the parties agreed that Last Best Offer ratification of the unresolved issues would (by both parties) be by default.

The arbitrator's award has been reviewed by the Board. The Board has also heard the arguments of counsel at the hearing. The award does not in any way appear to be arbitrary or capricious in the Board's opinion, nor has the arbitrator exceeded his jurisdiction in making the award. NRS 288.200, NRS 288.215. Indeed, the arbitrator's award was entered in compliance with NRS 288.200 (7) and 288.215 (9).

#### FINDINGS OF FACT

1. The Complainant, Local 1607 I.A.F.F., is an employee organization under Chapter 288 NRS, and the exclusive bargaining agent for the firefighter employees of the City of North Las Vegas, which is a local government employer under the Act.

2. The parties entered into negotiations and an agreement concerning ground rules for negotiations was executed November 20, 1979, by the bargaining representatives selected by the two sides.

3. The parties followed the procedures outlined in NRS 288.215, including factfinding and finally binding arbitration.

4. Four issues were submitted to the arbitrator: "recognition" (unit designation), "prevailing rights", wages and contract duration.

5. An evidentiary hearing was held before the arbitrator at which oral and documentary evidence was submitted.

6. On September 22, 1980, the arbitrator entered his award in which he selected the Complainant's package, applying the standards of NRS 288.215.

7. The award considers the issue of the City's ability to pay based upon evidence submitted by the City.

8. The arbitrator applied the normal criteria for interest disputes in evaluating and selecting the award.

9. The City of North Las Vegas, has failed, refused and neglected to implement the award of the arbitrator, although the Complainant has made demands that it do so.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction pursuant to NRS 288.110 to determine whether the arbitrator exceeded his authority under the Act or whether his award was arbitrary or capricious.

2. The Board does not have jurisdiction to determine whether NRS 288.215, or any other portions of Chapter 288 NRS are constitutional.

3. The Complainant, Local 1607, IAFF, is an employee organization under Chapter 288 NRS, and the exclusive bargaining agent for the firefighter employees of the City of North Las Vegas within the terms as defined in NRS 288.040, 288.027.

4. The Respondent, City of North Las Vegas, is a local government employer within the terms as defined in NRS 288.060.

5. The parties followed the procedures outlined in NRS 288.215, including factfinding and finally binding arbitration.

6. NRS 288.215 (9) provides that the arbitrator's award made pursuant thereto shall be final and binding upon the parties.

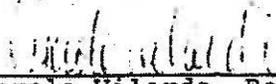
7. The arbitrator's award was entered in compliance with NRS Chapter 288.

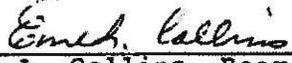
8. The arbitrator's award is not arbitrary or capricious.

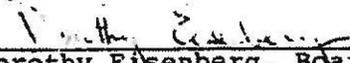
IT IS THEREFORE ORDERED, that Defendant, CITY OF NORTH LAS VEGAS, comply with and implement the arbitrator's award.

DATED this 13th day of January, 1981.

LOCAL GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

  
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Dorothy Eisenberg, Board Member

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