

STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

LAS VEGAS CITY EMPLOYEES'  
PROTECTIVE & BENEFIT ASSOCIATION,

Petitioner,

-vs-

NEVADA BUSINESS SERVICES,

Respondent.

ITEM NO. 315-B

CASE NO. A1-045536

ORDER REVERSING  
DECLARATORY ORDER  
OF SEPTEMBER 10, 1993,  
ITEM NO. 315-A

For Petitioner: Christopher G. Gellner, Esq.

For Respondent: Robert S. Sylvain, Esq.  
LAS VEGAS CITY ATTORNEY'S OFFICE

For the EMRB: Tamara Barengo, Chairman  
Susan L. Johnson, Vice Chairman  
Salvatore C. Gugino, Board Member

Pursuant to NAC 288.360, the LAS VEGAS CITY EMPLOYEES' PROTECTIVE & BENEFIT ASSOCIATION ("Association") petitioned the Local Government Employee-Management Relations Board ("Board") for a Rehearing and/or to Alter or Amend the Board's Declaratory Order of September 10, 1993, in Case No. A1-045536, designated as Item No. 315-A. The premise for the Association's Petition was that said Declaratory Order allegedly was in error in finding that "There are not 'fewer than 30 persons' in the bargaining unit." The Board granted the Petition to the extent of allowing the parties to present additional oral argument in support of their respective positions as to the number of employees in the bargaining agreement. The Board heard said oral argument at its meeting of November 10, 1993, posted in accordance with Nevada's Open

1 Meeting Law.

2 Based on the additional information provided during the  
3 aforementioned oral argument, the Board determined that as of  
4 July 1, 1992, hourly rated employees were specifically  
5 excluded from the bargaining unit by the terms of the  
6 collective bargaining agreement. Consequently, as of July 1,  
7 1992, there were fewer than 30 persons in the bargaining unit,  
8 in view of which the Association was entitled to invoke  
9 factfinding pursuant to NRS 288.200(1)(b). Accordingly,

10 THE BOARD HEREBY DECLARES AND ORDERS that:

11 1. The Board's Declaratory Order of September 10, 1993,  
12 designated as Item No. 315-A, is reversed;

13 2. The parties' failure to participate in mediation  
14 does not preclude factfinding pursuant to NRS 288.200(1); and

15 3. That each party shall bear its own fees and costs in  
16 the above-captioned matter.

17 DATED this 24<sup>th</sup> day of November, 1993.

18 LOCAL GOVERNMENT EMPLOYEE-  
19 MANAGEMENT RELATIONS BOARD

20 By Tamara Barengo  
21 TAMARA BARENGO, Chairman

22  
23 By Susan L. Johnson  
24 SUSAN L. JOHNSON, Vice Chairman

25 By Salvatore C. Gugno  
26 SALVATORE C. GUGINO, Member  
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