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STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

CLARK COUNTY PARK RANGER EMPLOYEESe)
ASSOCIATION, IUPA, LOCAL 124,)
Petitioner,)
-vs-)
COUNTY OF CLARK,)
Respondent.)

ITEM NO. 338
CASE NO. A1-045564
DECLARATORY ORDER

For Petitioner: Jeffrey E. Fisher, Esq.

For Respondent: Mitchell M. Cohen, Esq.
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

STATEMENT OF THE CASE

On February 11, 1994, the Clark County Park Ranger Employees Association, IUPA, Local 124 (hereinafter referred to as "the Association") filed a Petition For A Declaratory Order, requesting that the Board find that individuals employed by the County of Clark (hereinafter referred to as "the County") as park rangers are "police officers" as defined by NRS 288.215(1)(b). Further, the Association seeks an Order declaring that it, as bargaining agent for park rangers, may avail itself of the impasse procedures set forth in NRS 288.205 and NRS 288.215 for "police officers".

After hearing oral argument by the parties and due deliberation at its meeting of May 18, 1994, noticed pursuant to Nevada's Open Meeting Law, the Board has determined that the impasse procedures for "police officers", as set forth in NRS 288.205 and NRS 288.215, apply to park rangers employed by the County. The basis for the Board's determination is set

1 forth in the DISCUSSION, FINDINGS OF FACT, CONCLUSIONS OF LA.
2 and ORDER which follow:

3 DISCUSSION

4 The relevant citations from NRS 288.205 and NRS 288.215
5 are quoted below:

6 288.205 Submission of dispute between certain
7 employees and local government employer to
8 factfinder: Time limited for certain matters. In
9 the case of an employee organization and a local
10 government employer to which NRS 288.215 applies,
11 the following departures from the provisions of
12 NRS 288.200 also apply:

13 1. If the parties have not reached agreement
14 by April 10, either party may submit the dispute
15 to an impartial factfinder at any time for his
16 findings.

17 2. In a regular legislative year, the
18 factfinding hearing must be stayed up to 20 days
19 after the adjournment of the legislature sine die.

20 3. Any time limit prescribed by this section
21 or NRS 288.200 may be extended by agreement of the
22 parties.

23 (Added to NRS by 1977, 916; A 1979, 1375)

24 288.215 Submission of dispute between firemen
25 or police officers and local government employer
26 to arbitrator; hearing; negotiations and final
27 offer; effect of decision of arbitrator; content
28 of decision.

1. As used in this section:

(a) "Firemen" means those persons who are
salaried employees of a fire prevention or
suppression unit organized by a political
subdivision of the state and whose principal
duties are controlling and extinguishing fires.

(b) "Police officers" means those persons
who are salaried employees of a police department
or other law enforcement agency organized by a
political subdivision of the state and whose
principal duties are to enforce the law.

2. The provisions of this section apply only
to firemen and police officers and their local
government employers.

3. If the parties have not agreed to make
the findings and recommendations of the factfinder
final and binding upon all issues, and do not
otherwise resolve their dispute, they shall,
within 10 days after the factfinder's report is
submitted, submit the issues remaining in dispute

1 to an arbitrator who must be selected in the
2 manner provided in NRS 288.200 and have the same
powers provided for factfinders in NRS 288.210.

3 4. The arbitrator shall, . . .

4 (Emphasis added.)

5 It is apparent that, in adopting the language contained
6 in NRS 288.215(1)(b), the legislature established two criteria
7 which must be met in order for the employees to be considered
8 as "police officers" and be eligible for the impasse
9 procedures prescribed in NRS 288.205 and NRS 288.215; i.e.,
10 the employees must be (1) "persons who are salaried employees
11 of a police department or other law enforcement agency
12 organized by a political subdivision of the state" and (2)
13 they must be persons "whose principal duties are to enforce
14 the law". There is no dispute concerning the second criteria;
15 i.e., park rangers employed by the County are clearly persons
16 whose principal duties are to enforce the law. However, the
17 Respondent contends that park rangers employed by the County
18 as "park security officers" (in the Parks and Recreation
19 Department) are not "salaried employees of a police department
20 or other law enforcement agency organized by a political
subdivision of the state".

21 As indicated previously, park rangers are employees of
22 the County. They are hired, like other County employees,
23 through the authority of the County Manager. Clark County
24 Code Section 19.04.004. Within the County, park rangers are
25 employees of the Department of Parks and Recreation. Clark
26 County Code Section 19.04.002(1). Park rangers serve under
27 the supervision of the Director of Parks and Recreation.
28

1 Clark County Code Section 19.04.001(2); 19.04.002(1). The
2 Director of Parks and Recreation is also responsible for the
3 training of park rangers. Clark County Code Section
4 19.04.005. Under the Department of Parks and Recreation, park
5 rangers are organized into a division entitled the Park Ranger
6 Unit. The Unit is an administrative designation; it has no
7 existence independent of the County or the Department of Parks
8 and Recreation. The County's authority for the Unit is
9 contained in NRS 244.167, which provides:

10 A board of county commissioners may employ
11 security officers who have the powers of peace
12 officers when they are carrying out duties
13 prescribed by ordinance.

14 Based on the foregoing, Respondent contends that the County
15 Park Ranger Unit is merely an administrative designation for a
16 specialized group of security officers working with the Clark
17 County Department of Parks and Recreation, which does not meet
18 the definition of a "law enforcement agency" under NRS
19 288.215(1)(b).

20 The Association contends that park rangers are employees
21 of a law enforcement agency by virtue of the enactment of NRS
22 280.125 in 1993, which states in part:

23 **280.125 Establishment and administration of
24 units of specialized law enforcement by
25 participating political subdivisions; jurisdiction
26 and authority.**

27 1. The provisions of this chapter do not
28 prohibit a participating political subdivision
from establishing and administering the following
units of specialized law enforcement:

- (a) A unit consisting of animal control officers.
- (b) A unit consisting of marshals.
- (c) A unit consisting of park rangers.
- (d) A unit for the investigation of arson.

1 (e) A unit for the enforcement of laws
relating to the licensure of businesses.

2 (f) A unit for the enforcement of nonmoving
traffic laws.

3 (Emphasis added.)

4 A determination of whether the Park Ranger Unit of Clark
5 County is a "law enforcement agency organized by a political
6 subdivision of the State (NRS 288.215(1)(b)) requires a close
7 look at legislative intent. NRS 280.125(1)(c), cited above,
8 provides that insight.

9 This statute refers to the ".e. following units of
10 specialized law enforcement ..." which are established by a
11 "political subdivision", and identifies one such unit as "A
12 unit consisting of park rangers." NRS 280.425(1)(c). We are
13 constrained to find an expression of legislative intent more
14 clear than this. If park rangers are considered a "unit of
15 specialized law enforcement" established by a "political
16 subdivision" under NRS 280.425(1), then clearly they meet the
17 first criteria of NRS 288.215(1)(b) which defines a "police
18 officer" as "... those persons who are salaried employees of a
19 ... law enforcement agency organized by a political
20 subdivision of the state..."

21 The Board is not unmindful of the fact that its decision
22 in this case will have the effect of granting park rangers the
23 opportunity to avail themselves of impasse procedures which
24 were previously considered as unavailable to individuals
25 employed by "units of specialized law enforcement". However,
26 the Board is reluctant to deny such benefits to said employees
27 based on the narrow interpretation of NRS 288.215(1)(b) urged
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1 upon it by the Respondent. A narrow construction of NRS
2 288.215(1)(b) clearly would be inappropriate and contrary to
3 legislative intent. To effectuate the intent of the
4 legislature, it should be interpreted broadly, to encompass
5 rather than to exclude. Las Vegas City Employees' Protective
6 Association vs. Nevada Business Services, Case No. A1-045536,
7 EMRB Item Nos. 315 and 315-A (June 15, 1993 and September 10,
8 1993, respectively)e

9 FINDINGS OF FACT

10 1. That the Petitioner, Clark County Park Ranger
11 Employees Association, IUPA, Local 124, is a recognized
12 employee organization as defined by NRS 288.040, and is the
13 exclusive bargaining agent for a bargaining unit consisting of
14 park rangers employed by Clark County in its Department of
15 Parks and Recreation.

16 2. That the Respondent, County of Clark, is a
17 recognized local government employer as defined by NRS
18 288.060, and "a political subdivision of the state" as
19 referred to in NRS 288.215(1)(b)e

20 3. That "park rangers" are employees of a unit of
21 specialized law enforcement as defined by NRS 280.125.

22 4. That, pursuant to NRS 288.215(1)(b), there are two
23 criteria which must be met before employees may be considered
24 as "police officers" eligible for the impasse procedures set
25 forth in NRS 288.205 and NRS 288.215; i.e., (1) they must be
26 "persons of a police department or other law enforcement
27 agency organized by a political subdivision of the state", and
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1 (2) they must be employees "whose principal duties are to
2 enforce the law".

3 5. That the principal duty of park rangers is "to
4 enforce the law", and as employees of a unit of specialized
5 law enforcement of the Clark County Department of Parks and
6 Recreation they are salaried employees of a "police department
7 or other law enforcement agency" as defined by NRS
8 288.215(1)(b).

9 6. That, since park rangers meet both of the criteria
10 set forth in NRS 288.215(1)(b), they are eligible for the
11 impasse procedures provided therein for "police officers".

12 CONCLUSIONS OF LAW

13 1. That the Local Government Employee-Management
14 Relations Board has jurisdiction over the parties and the
15 subject matter of this Petition, pursuant to the provisions of
16 NRS Chapter 288.

17 2. That the Petitioner, Clark County Park Ranger
18 Employees Association, IUPA, Local 124, is a recognized
19 employee organization as defined by NRS 288.040.

20 3. That the Respondent, County of Clark, is a
21 recognized local government employer as defined by NRS
22 288.060, and "a political subdivision of the state" as
23 referred to in NRS 288.215(1)(b).

24 4. That "park rangers" are employees of a unit of
25 specialized law enforcement in the Clark County Department of
26 Parks and Recreation, as defined by NRS 280.125.

27 5. That there are two criteria which must be met before
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employees may be considered as "police officers" eligible for the impasse procedures set forth in NRS 288.205 and NRS 288.215; i.e., (1) they must be employees of a "police department or other law enforcement agency organized by a political subdivision of the state", and (2) they must be employees "whose principal duties are to enforce the law".

6. That the principal duty of park rangers is "to enforce the law", and as employees of a unit of specialized law enforcement they are salaried employees of a "police department or other law enforcement agency" as defined by NRS 288.215(1)(b).

7. That, since park rangers meet both of the criteria established by NRS 288.215(1)(b), in order to be considered as "police officers", they are eligible for the impasse procedures set forth in NRS 288.205 and NRS 288.215.

ORDER

For the reasons set forth herein, the Board hereby ORDERS AND DECLARES that "park rangers" employed in Clark County Department of Parks and Recreation are "police officers" as defined by NRS 288.215(1)(b) and are eligible for the impasse procedures set forth in NRS 288.205 and NRS 288.215.

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IT IS FURTHER ORDERED that each party bear its own costs and fees in the above-captioned matter.

DATED this 9th day of August, 1994.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By 
SUSAN L. JOHNSON, Chairman

By 
SALVATORE C. GYGINO, Vice Chairman

By 
TAMARA BARENGO, Board Member