

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD  
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5 RENO POLICE PROTECTIVE  
6 ASSOCIATION,  
Complainant,

7 vs.

8 RENO POLICE DEPARTMENT,  
9 CITY OF RENO,  
Respondent.

ITEM NO. 415

CASE NO. A1-045626

ORDER REMANDING  
COMPLAINT

10  
11 For Complainant: Michael E. Langton, Esq.  
LANGTON & YENKO

12 For Respondent: Donald L. Christensen, Esq.  
13 CITY OF RENO

14 For EMRB: David Goldwater, Chairman  
15 Karen L. McKay, Vice Chairman  
James E. Wilkerson, Sr., Member

16 Pursuant to its deliberations on October 23, 1997, noticed in accordance with Nevada's Open  
17 Meeting Law, the Board has determined that the Association has processed a grievance which is  
18 substantially the same as the instant Complaint, in terms of the cause of action and the relief sought,  
19 albeit alleging contractual violations rather than unfair labor practices. Said grievance is ripe for  
20 arbitration.

21 The Board has adopted a "limited deferral doctrine" with regard to disputes arising under  
22 labor agreements. L.A.E.F. #731 vs. City of Reno, EMRB Item No. 257, Case No. A1-045466  
23 (February 15, 1991). Under said limited deferral doctrine in order for the Board to consider a  
24 complaint involving an alleged contractual violation, the Complaint must establish, at least prima  
25 facie, that the alleged contractual violation constituted a prohibited practice under NRS 288. While  
26 the Association has presented a prima facie case as required, it is the Board's policy to encourage  
27 parties, whenever possible, to exhaust their remedies under the contractual dispute resolution systems  
28 contained in their collective bargaining agreement before seeking relief from the EMRB. Thus, where

1 parties have not exhausted their contractual grievance arbitration remedies, the Board will not  
2 exercise its discretion to hear a complaint unless there is a clear showing of special circumstances or  
3 extreme prejudice. No such showing exists in the instant complaint.

4 The Board will not take jurisdiction in a matter which is clearly a contract grievance ripe for  
5 arbitration. Without ruling on the merits of the issues,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, for the reason set forth above,  
7 that the disputes in the instant Complaint be, and hereby are, remanded for resolution in accordance  
8 with the grievance and/or arbitration procedures prescribed in the parties labor agreement. The  
9 Board's decision as to whether or not to hear the Complaint shall be deferred until the parties exhaust  
10 their administrative remedies.

11 It is further ordered that the parties shall report to the Board within 30 days from the  
12 exhaustion of said remedies to notify the Board whether the Board should consider hearing any  
13 remaining issue(s) from the instant complaint, or whether the parties will stipulate to a dismissal, or  
14 whether any other action must be taken.

15 DATED this 12 day of November 1997.

16 LOCAL GOVERNMENT EMPLOYEE-  
17 MANAGEMENT RELATIONS BOARD

18 By David Goldwater  
19 DAVID GOLDWATER, Chairman

20 By Karen L. McKay  
21 KAREN L. MCKAY, Vice-Chairman

22 By James E. Wilkerson, Sr.  
23 JAMES E. WILKERSON, SR., Member  
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