

1 **STATE OF NEVADA**  
2 **LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT**  
3 **RELATIONS BOARD**  
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5 **LAS VEGAS CONSTABLE'S OFFICE,**  
6                 **Petitioner,**  
7 **vs.**  
8 **LAS VEGAS CONSTABLES ASSOCIATION,**  
9                 **Respondent.**

**ITEM NO. 420-A**  
**CASE NO. A1-045632**  
**DECISION**

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10 For Petitioner:         **John T. Moran, Jr., Esq.**  
11                               **James C. Gallo, Jr., Esq.**  
                                     **MORAN & ASSOCIATES**  
12 For Respondent:         **Leslie Mark Stovall, Esq.**  
13 For EMRB:               **David Goldwater, Chairman**  
14                               **Karen L. McKay, Vice-Chairperson**  
                                     **James E. Wilkerson, Sr., Member**

15 Pursuant to the Board's deliberations following the Hearing in the above-captioned matter  
16 held on February 12, 1998, noticed in accordance with Nevada's Open Meeting Law, and upon  
17 review of the Petitioner's Motion for Continuance, the Motion to Withdraw Recognition, the  
18 pleadings on file, and the oral argument presented at the hearing, the Board finds as follows.

19 On July 21, 1997, the Board granted the Association's Application for Recognition. Less than  
20 two months later, on September 12, 1997, the Constable's Office filed its Motion to Withdraw  
21 Recognition. The Constable's Office also petitioned the District Court for review of the Board's July  
22 21, 1997 Decision. In that case, the Court has temporarily stayed the Board's Decision and its order  
23 that the parties bargain.

24 The Board holds that a local government employer may not withdraw recognition from an  
25 employee association due to a lack of majority support until after a reasonable time period for  
26 bargaining has passed. This holding, which applies when there has not been an election, is consistent  
27 with the Local Government Employee-Management Relations Act, NRS Chapter 288. See Keller  
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1 Plastics Eastern, Inc., 157 N.L.R.B. No 55 (1966) (applying that standard in a case under the  
2 National Labor Relations Act).

3 Here, a reasonable period of time to bargain did not occur before the filing of the Constable's  
4 Office's Motion to Withdraw Recognition, or even before the District Court's December 16, 1997  
5 stay order. Furthermore, the Board has held that the Constable's Office engaged in prohibited  
6 practices against the Association and its members. Such misconduct dictates in favor of extending  
7 the period of time to bargain. See Caterair International, 322 N.L.R.B. No. 11 (1996).

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner's Motion for  
9 Continuance is denied.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner's Motion to  
11 Withdraw Recognition is denied for the reasons set forth above..

12 DATED this 25 day of February 1998.

13 LOCAL GOVERNMENT EMPLOYEE-  
14 MANAGEMENT RELATIONS BOARD

15 By David Goldman  
16 DAVID GOLDWATER, Chairman

17 By Karen L. McKay  
18 KAREN L. MCKAY, Vice-Chairperson

19 By James E. Wilkerson, Sr.  
20 JAMES E. WILKERSON, SR., Member

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