

1 **STATE OF NEVADA**
2 **LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT**
3 **RELATIONS BOARD**
4

5 **INTERNATIONAL BROTHERHOOD**
6 **OF TEAMSTERS, LOCAL 533,**
7 **Complainant;**

8 **vs.**

9 **CITY OF FALLON,**
10 **Respondent.**

ITEM NO. 424C

CASE NO. A1-045631

ORDER

11 **For Complainant: Michael E. Langton, Esq.**

12 **For Respondent: Donald A. Lattin, Esq.**
13 **WALTHER, KEY, MAUPIN, OATS, COX,**
14 **KLAICH & LeGOY**

15 On or about August 8, 1997, the International Brotherhood of Teamsters, Local 533
16 (hereafter "Union"), filed a complaint with the Local Government Employee-Management Relations
17 Board (hereafter "Board") alleging bad faith negotiations by the City of Fallon (hereafter "Fallon")
18 in giving its chief negotiator the authority to negotiate a collective bargaining agreement for Fallon
19 which included the parties agreeing to final and binding arbitration on all grievance matters,
20 including discipline, and subsequently withdrawing that authority and that agreement.

21 Fallon responded to the complaint on September 9, 1997, and ultimately a hearing was held
22 on February 25, 1998, during which witnesses were heard, oral arguments were presented by
23 counsel, as well as the presentation of exhibits.

24 A decision was entered (Item #424) which contained erroneous findings of fact and
25 conclusions of law concerning a perceived agreement by the parties to seek resolution of the issue
26 of binding arbitration on disciplinary matters through another forum thus making the prohibited
27 practices complaint moot. When it was discovered that the parties had not agreed to resolve the
28 issue "through another forum," a modified decision was entered finding the City had engaged in a
prohibited practice of bad faith bargaining (Item 424A).

1 A petition for judicial review was filed thereafter, and the matter briefed. The Honorable
2 Judge David A. Huff of the Third Judicial District Court vacated the prior orders and remanded the
3 matter with instructions to reconsider the issue of alleged bad faith practices by Fallon.

4 This matter was scheduled for deliberations pursuant to Nevada's Open Meeting Law and
5 the Third Judicial District Court order, and the Board conducted such deliberations on the 31st day
6 of May, 2000.

7 **BASED** upon the arguments contained in the parties' briefs and rebuttal briefs, and good
8 cause appearing therefrom, **IT IS HEREBY ORDERED** that, although Fallon's negotiator may not
9 have made a full and adequate disclosure concerning the necessity of final approval by the City
10 Council and although Fallon's negotiator may not have made a full and adequate disclosure
11 concerning the City Council's stand on final and binding arbitration on disciplinary matters as it
12 relates to Article 23 of the collective bargaining agreement and the authority vested under Fallon's
13 City Code 2.36.310, such knowledge of the City Code and of the parties' procedures for final
14 approval was within the possession of the negotiators for the Union; therefore, based upon the
15 Board's re-review of the circumstances surrounding the negotiation process, as thoroughly briefed
16 by the parties, the acts and/or omissions complained of do not rise to the level of bad faith bargaining
17 by the City of Fallon.

18 **IT IS, THEREFORE, FURTHER ORDERED** that the complaint on file herein is dismissed
19 with prejudice.

20 DATED this 30th day of June, 2000.

21 LOCAL GOVERNMENT EMPLOYEE-
22 GOVERNMENT RELATIONS BOARD

23 By David Goldwater

24 DAVID GOLDWATER, Chairman

25 By Karen L. McKay

26 KAREN L. MCKAY, Vice-Chairperson

27 By James E. Wilkerson, Sr.

28 JAMES E. WILKERSON, SR., Board Member