

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

5 JOSEPH E. AUSTIN,
6 Complainant,

7 vs.

8 NORTH LAS VEGAS
9 POLICE OFFICERS ASSOCIATION,
10 Respondent

ITEM NO. 437

CASE NO. A1-045648

ORDER OF DISMISSAL

11 For Complainant: Joseph E. Austin

12 For Respondent: John Dean Harper, Esq.
13 NORTH LAS VEGAS POLICE
OFFICER ASSOCIATION

14 Pursuant to the Board's deliberations at its meeting of November 4, 1998, noticed in
15 accordance with Nevada's Open Meeting Law, on the Motion to Dismiss filed by Respondent The
16 North Las Vegas Police Officer's Association, Local 41 ("Association"), the Board decides and rules
17 as follows:

18 On July 22, 1998, complainant Joseph E. Austin ("Austin") filed his Complaint with the
19 Board. In his Complaint, Austin challenges, among other things, the Association's denial of rights
20 accorded to active members of the Association. The Association is entitled to a dismissal in this
21 action.

22 The Association notified Austin that, as he elected to receive pay and was being accorded
23 medical benefits of a retired member, he was being classified as a retired member. As a retired
24 member, Austin is not a "local government employee" as defined in NRS 288.050. Under NAC
25 288.030, only a local government employee may be deemed a Complainant. Therefore, as an
26 individual who is not a local government employee, Austin has no standing to bring a complaint and
27 the Board is entitled to dismiss this complaint pursuant to NAC 288.210(1).

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1 IT IS HEREBY ORDERED, for the reason set forth above, that the Association's Motion
2 to Dismiss is granted, and Austin's Complaint is dismissed with prejudice.

3 Each side to bear its own attorney's fees and costs in the subject matter disposed of by this
4 Order.

5 DATED this 10 day of December, 1998.

6 LOCAL GOVERNMENT EMPLOYEE-
7 MANAGEMENT RELATIONS BOARD

8 By David Goldwater
9 DAVID GOLDWATER, Chairman

10 By Karen L. McKay
11 KAREN L. MCKAY, Vice-Chairman

12 By James E. Wilkerson
13 JAMES E. WILKERSON, Member

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