

1 from four witnesses. The Board has also received and reviewed the hearing exhibits and the pre-
2 hearing statements from the Union and the City.

3 Pursuant to the Board's deliberations at its meetings of December 9, 1999, and January 11,
4 2000, noticed in accordance with Nevada's Open Meeting Law, on the Union's Complaint, the
5 Board decides and rules as follows:

6 FINDINGS OF FACT

7 1. In or about June 1997, the City hired Hoover as Chief of the Reno Police Department.

8 2. In or about January 1998, an audit commissioned by the City recommended that the
9 City place 37 more officers in the Patrol Division.

10 3. In or about January 1998, Dreher was a detective in the MCU, and Kuzemchak was
11 a detective in the CNU.

12 4. On February 25, 1998, Deputy Chief Jim Weston (Weston) issued a memorandum
13 adding thirty minutes to the lunch break for Detective Division employees working an expanded day
14 shift.

15 5. Westin did not bargain with the Union about his change to the lunch break.

16 6. On April 14, 1999, Arbitrator David Robinson ruled that Weston's February 25, 1998
17 memorandum violated the parties' collective bargaining agreement.

18 7. Dreher is currently the Union's Executive Director, and was the Union President at
19 the times the alleged prohibited practices occurred.

20 8. On March 3, 1998, Sergeant Kelly Dean (Dean), Lieutenant Linda Dits and Deputy
21 Police Chief Ron Glensor (Glensor) met with Norman to discuss a February 24, 1998 memorandum
22 authored by Norman.

23 9. Prior to the March 3, 1998 meeting, Dean told both Dreher and Norman that the
24 meeting would not be disciplinary in nature.

25 10. Nonetheless, Norman requested that Dreher be allowed to attend the March 3, 1998
26 meeting.

27 11. At the start of the March 3, 1998 meeting, Glensor informed Dreher and Norman that
28 the meeting would not be disciplinary in nature and could not lead to discipline.

1 12. Thereafter, at the March 3, 1998 meeting, Dreher admitted that the City had the right
2 to exclude him from that meeting.

3 13. Glensor then asked Dreher to leave the meeting, which Dreher did.

4 14. The City did not discipline either Dreher or Norman as a result of the March 3, 1998
5 meeting.

6 15. On April 15, 1999, Arbitrator John M. Caraway ruled in favor of the City with respect
7 to the treatment of Dreher during the City's March 3, 1998 meeting with Norman.

8 16. On February 9, 1998, Hoover issued an order prohibiting trainees from carrying their
9 department weapons off-duty.

10 17. Dreher responded in part to Hoover's February 9, 1998 order by filing a February 18,
11 1998 grievance, which takes a somewhat condescending tone toward Chief Hoover.

12 18. On or about April 1, 1998, Hoover rescinded his prohibition against trainees carrying
13 their department weapons off-duty.

14 19. In or about October 1997, Kuzemchak filed a complaint against Sergeant Jeff Kaye
15 (Kaye).

16 20. The City disciplined Kaye as a direct result of Kuzemchak's complaint.

17 21. In or about February 1998, Hoover asked for a volunteer from the CNU and a
18 volunteer from the MCU to transfer to the Patrol Division.

19 22. Hoover said if he did not get any volunteers, then the most senior detective in the
20 respective units would be transferred to the Patrol Division.

21 23. Kuzemchak informed Lieutenant Ross that if a position were going to be transferred
22 from the CNU to the Patrol Division, then he would be the officer to leave the CNU.

23 24. At the time of his transfer, Kuzemchak was the second most senior detective in the
24 CNU.

25 25. Kuzemchak never told anyone in management that he was not the most senior
26 detective in the CNU.

27 26. In early 1998, Officer David Jenkins (Jenkins) was a detective in the MCU.

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1 9. There is no credible evidence that Dreher was precluded from the March 3, 1998
2 meeting to discourage Union membership.

3 10. The Union has failed to prove that Dreher was precluded from the March 3, 1998
4 meeting to discourage Union membership.

5 11. With respect to Chief Hoover's April 1, 1998 memorandum, his "poor choice of
6 words" therein do not raise to the level of a prohibited practice.

7 12. Rather, Hoover's remarks were in response to some unfair comments made by Dreher
8 in his February 18, 1998 grievance.

9 13. The Union has failed to prove that the wording of Hoover's April 1, 1998
10 memorandum was meant to discourage Union membership, or actually discouraged such
11 membership.

12 14. The Union failed to prove that Hoover's order or memoranda regarding trainees
13 carrying their weapons off-duty constituted a prohibited practice.

14 15. Furthermore, any such prohibited practice claim is moot as Chief Hoover voluntarily
15 rescinded his February 9, 1998 order prohibiting trainees from carrying their department weapons
16 off-duty.

17 16. The City reasonably relied upon Kuzemchak's comment that if a position were going
18 to be transferred from the CNU to the Patrol Division, then he would be the officer to leave the
19 CNU.

20 17. Even if the City misinterpreted Kuzemchak's comment or incorrectly believed he was
21 the most senior CNU detective, the City's actions indicate mere mistake on its part, and not
22 retaliation against Kuzemchak.

23 18. The Union failed to prove that Kuzemchak's transfer was retaliatory in nature.

24 19. The City did not violate any provision of NRS Chapter 288 when it transferred
25 Kuzemchak from the CNU to the Patrol Division.

26 20. However, the Union proved by a preponderance of the evidence that the City
27 transferred Dreher to the Patrol Division due to his union activity and/or for personal or political
28 reasons.

