

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

5 LAS VEGAS CITY EMPLOYEES
6 PROTECTIVE & BENEFIT ASSOCIATION,
Complainant,

ITEM NO. 464

7 vs.

CASE NO. A1-045673

8 CITY OF LAS VEGAS,
Respondent.

ORDER

9
10 For Complainant: Peter Alpert, Esq.

11 For Respondent: Morgan Davis, Esq.
Las Vegas City Attorney's Office
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13 On December 21, 1999, a complaint was filed by the Las Vegas City Employees Protective
14 & Benefit Association (hereafter "CEA"), through its counsel, alleging unfair practices, violations of
15 the applicable Civil Service laws, and "violations of collective bargaining laws" by the City of Las
16 Vegas (hereafter "City").

17 On January 10, 2000, the City filed a motion to dismiss the complaint, arguing that this Board
18 has no jurisdiction to hear the complaint at this time, the appropriate test to be used in privatization
19 cases, and that the CEA failed to exhaust its remedies under their collective bargaining agreement and
20 the Civil Service Rules.

21 CEA filed an opposition to the motion on January 13, 2000, arguing its right to pursue
22 complaint, "nature of services" is the appropriate test once jurisdiction in this Board has been
23 determined, the necessity of adjudication by this Board, and further elaborated on the alleged
24 violations by the City.

25 The City filed reply points and authorities on January 18, 2000, presenting further arguments
26 in support of its motion for dismissal along with an affidavit of Brent Profaiser, and request certain
27 relief from this Board.

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1 Pursuant to the Board's deliberations at its meeting of February 8, 2000, noticed in
2 accordance with Nevada's Open Meeting law, the Board decides and rules as follows:

3 This Board has, in the past, refused to hear certain cases in which the parties have not
4 exhausted their contractual grievance/arbitration remedies, especially where there are no showings
5 of extreme prejudice or special circumstances requiring the Board to hear the matter. In the present
6 case, the parties have failed to exhaust their contractual remedies, and no showings of extreme
7 prejudice or special circumstances have been made.

8 The Board will not take jurisdiction in a matter that is a contract grievance. Without ruling
9 the on the merits of the issues,

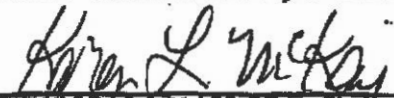
10 IT IS, THEREFORE, ORDERED for the reasons set forth above that the motion to dismiss
11 is HEREBY DENIED.

12 IT IS FURTHER ORDERED that the parties shall exhaust their remedies under the
13 contractual dispute resolution system contained within their collective bargaining agreement. Within
14 thirty (30) days after the completion of their contractual dispute resolution remedies, the parties are
15 to report the outcome of the same to this Board and, should there be any change of circumstances,
16 either party hereto may re-petition this Board. Within 20 days after providing notification to the
17 Board of the outcome of the contractual dispute resolution remedies, if the matter is not resolved,
18 the parties pre-hearing statements will be due.

19 DATED this 9th day of February 2000.

20 LOCAL GOVERNMENT EMPLOYEE-
21 MANAGEMENT RELATIONS BOARD

22 By 
23 DAVID GOLDWATER, Chairman

24 By 
25 KAREN L. MCKAY, Vice-Chairperson

26 By 
27 JAMES E. WILKERSON, SR., Member
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