

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

5 INTERNATIONAL ASSOCIATION OF)
6 FIRE FIGHTERS, LOCAL 731)

Petitioner,)

7 vs.)

8 CITY OF RENO,)

Respondent.)
9

ITEM NO. 471A

CASE NO. A1-045681

ORDER

10 For Petitioner: Laurence P. Digesti, Esq.

11 For Respondent: Donald L. Christensen, Esq.
Reno City Attorney's Office
12

13 On or about April 3, 2000, the International Association of Fire Fighters, Local 731 (hereafter
14 "Union"), filed a complaint alleging a prohibited practice by the City of Reno in the unilateral
15 implementation of drug testing commencing with a certain fireman on or about June, 1998, and
16 petitioned for a declaratory order that drug testing is a mandatory subject for bargaining between the
17 parties and, if so, that the City of Reno's refusal to negotiate such drug testing was a prohibited
18 practice.

19 A response was filed by the City of Reno on May 1, 2000, requesting a hearing on this
20 subject because of the potential impact and further alleged that drug testing does not appear to be
21 significantly related to the mandatory subjects of bargaining found in NRS 288.150.

22 An order was entered by the Board on June 28, 2000 (Item No. 471), that the prohibited
23 practice complaint was untimely filed, as the drug testing of Firefighter Foster Hallman occurred in
24 June 1998 and pursuant to NRS 288.110(4), such a complaint should have been filed within six (6)
25 months from the date of the occurrence.

26 A petition for rehearing was submitted by Petitioner on July 10, 2000.

27 This matter was scheduled for deliberations pursuant to Nevada's Open Meeting Law and
28 the Board conducted such deliberations on the 12th and 28th day of July, 2000.

1 BASED upon the arguments raised in the petition for rehearing, and good cause appearing
2 therefrom, IT IS HEREBY ORDERED that the portion of the petition for rehearing based on
3 Firefighter Hallman's complaint is denied for two reasons, namely, (a) it is the customary practice
4 before this Board that petitioners file a prohibited practice complaint within the six month statutory
5 period mandated by NRS 288, thus preserving and staying their claim while the contractual
6 obligations are fulfilled through the arbitration process, and (b) that if a party wishes to appeal an
7 arbitrator's decision, this Board is not the proper forum. Relief from an arbitrator's decision should
8 be sought under NRS Chapter 38. See, International Association of Firefighters, Local 1285 vs. City
9 of Las Vegas, 107 Nev.906, 823 P.2d 877 (1991).

10 IT IS FURTHER ORDERED that the portion(s) of the petition for rehearing concerning the
11 issue of whether the City of Reno's refusal to bargain over drug testing is a prohibited practice is
12 granted.

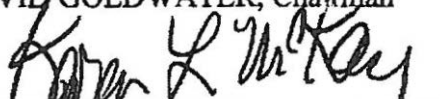
13 IT IS, THEREFORE, ORDERED that a hearing will be scheduled on the petition for
14 declaratory order concerning the issue of whether drug testing is a mandatory subject for bargaining
15 between the parties pursuant to NRS 288.150(2).

16 Should this Board find that the issue of drug testing is a subject of mandatory bargaining, the
17 Board will at the same hearing consider the issue of whether the City's refusal to negotiate on the
18 subject was a prohibited practice.

19 DATED this 31st day of July, 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  FOR JOHN DICKS
27 JOHN E. DICKS, ESQ., Board Member
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