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**STATE OF NEVADA**  
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT**  
**RELATIONS BOARD**

5 In the Matter of the Request of Las Vegas  
6 Metropolitan Police Department to Withdraw  
7 Recognition of Police Protective Association  
8 as Representative for Certain Members, namely  
9 Police Officers I and II, and Corrections Officers  
I and II,

**ITEM NO. 486B**  
**CASE NO. A1-045700**  
**ORDER**

10 On March 12, 2001, the Las Vegas Metropolitan Police Department (hereafter "LVMPD")  
11 filed a Motion to Suspend Negotiations. On March 26, 2001, the Las Vegas Police Protective  
12 Association Metro, Inc., (hereafter "LVPPA") filed its opposition and counter-motion to strike.

13 The Board deliberated and heard oral arguments on said motion on April 12, 2001, noticed  
14 in accordance with Nevada's Open Meeting Law.

15 BASED UPON the documents filed to date, the LVPPA is the current established exclusive  
16 bargaining agent for the unit at issue and the statutes require the parties to bargain in good faith  
17 throughout "the entire bargaining process" (NRS 288.270(1)(e)). This rule is plain and  
18 unambiguous. THEREFORE, the motion is denied.

19 DATED this 13<sup>th</sup> day of April, 2001.

20 LOCAL GOVERNMENT EMPLOYEE-  
21 MANAGEMENT RELATIONS BOARD

22 By   
KAREN L. MCKAY, Chairman

23  
24 By   
25 JAMES E. WILKERSON, SR., Member  
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1 **DISSENTING ORDER**

2 The Board has found in its order entered today a "good faith" doubt exists as to which, if any,  
3 employee organization represents the bargaining unit at issue. To permit negotiations to go forward  
4 between the employer and the incumbent could:

- 5 1) be a useless act;  
6 2) give unfair advantage to the incumbent; and  
7 3) anticipate the outcome of the ordered election.

8 Contrary to the majority's view, I do not view any portion of NRS Chapter 288 compelling  
9 negotiations where a good faith doubt exists as to which organization represents the employees.

10 In fact, for the employer to recognize an employee organization which may not represent a  
11 majority of the employees is an unfair labor practice under our statutes.

12 To give NRS 288.180(1) the effect which the majority does today may well result in unfairly  
13 predisposing the outcome of the election in favor of the incumbent by suggesting to the employees  
14 the incumbent has the advantage through its status of negotiating with the employer.

15 Further, reading this statute as the majority does today would also permit the challenging  
16 employee organization to make a similar request to commence negotiations, leaving the employer  
17 in the dilemma of trying to decide the appropriate employee representative. The denial of the motion  
18 creates a mine-field of potential unfair labor practices for the parties.

19 The objective of this tribunal should be to insure a full and fair election allowing employees  
20 to select their representative, if any, in the absence of unfair, prejudicial influences. The only way  
21 to accomplish that result in these circumstances is to stay the negotiations. Nothing in NRS Chapter  
22 288 prohibits granting the motion; THEREFORE, I would grant the motion to stay or suspend  
23 negotiations until the outcome of the election.

24 DATED this 13<sup>th</sup> day of April, 2001:

25 LOCAL GOVERNMENT EMPLOYEE-  
26 MANAGEMENT RELATIONS BOARD

27 By

  
28 JOHN E. DICKS, ESQ., Vice-Chairman