

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

5 STEVEN B. KILGORE,

6 Complainant,

7 vs.

8 CITY OF HENDERSON and HENDERSON
9 POLICE DEPARTMENT,

10 Respondent.

ITEM NO. 550

CASE NO. A1-045763

ORDER

11 For Complainant: Richard I. Dreitzer, Esq.
12 Law Offices of Richard I. Dreitzer, Chtd.

13 For Respondent: David A. Hintzman, Esq.
14 City of Henderson

15 On May 5, 2003, Complainant STEVEN B. KILGORE (hereinafter "Kilgore") filed a
16 complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS
17 BOARD (hereinafter "Board").

18 On May 29, 2003, Respondent CITY OF HENDERSON and HENDERSON POLICE
19 DEPARTMENT (hereinafter "City") filed a motion to dismiss the complaint and filed a
20 supplemental exhibit on June 5, 2003. On June 12, 2003, Kilgore filed an opposition.

21 The Board deliberated on said motion on July 16, 2003, noticed in accordance with
22 Nevada's Open Meeting Law. Based upon the deliberations,

23 In the absence of a showing of special circumstances or prejudice, IT IS HEREBY
24 ORDERED as follows:

25 Concerning the first cause pertaining to discipline, the motion to dismiss the Police
26 Department is denied.

27 Concerning the first cause pertaining to discipline, the motion for deferral based on the
28 failure to exhaust administrative remedies is granted and, therefore, the Board need not rule on

1 the statute of limitations issue at this time. The parties are to report the status of this matter to
2 the Board within thirty (30) days after the arbitrator's decision.

3 Concerning the second cause pertaining to the Code of Conduct, the motion for deferral
4 based on the failure to exhaust contractual remedies is granted and, therefore, the Board need not
5 rule on the statute of limitations issue. The parties are to report the status of this matter to the
6 Board within thirty (30) days after the arbitrator's decision

7 Concerning the second cause pertaining to the Code of Conduct, the motion to dismiss is
8 denied as the Board finds the "Code of Conduct" is significantly related to the mandatory
9 subjects of bargaining found in NRS 288.150.

10 DATED this 16th day of July, 2003.

11 LOCAL GOVERNMENT EMPLOYEE-
12 MANAGEMENT RELATIONS BOARD

13 BY: 
14 JOHN E. DICKS, ESQ., Chairman

15 BY: 
16 JANET TROST, ESQ., Vice-Chairman

17 BY: 
18 TAMARA E. BARENGO, Member
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