

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
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5 JEFFREY M. BOTT,

6 Complainant,

7 vs.

8 CITY OF HENDERSON; HENDERSON
9 POLICE DEPARTMENT,

10 Respondent.

ITEM NO. 560

CASE NO. A1-045770

ORDER

11 For Complainant: Richard I. Dreitzer, Esq.

12 For Respondent: William E. Cooper, Esq.

13 On September 30, 2003, Complainant JEFFREY M. BOTT (hereinafter "Bott") filed a
14 complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS
15 BOARD (hereinafter "Board").

16 On October 21, 2003, Respondent CITY OF HENDERSON and the HENDERSON
17 POLICE DEPARTMENT (hereinafter "City") filed a Motion to Dismiss Complaint. Bott filed
18 his opposition on November 3, 2003 and the City filed their reply on November 17, 2003.

19 The Board deliberated on said motion on December 9, 2003, noticed in accordance with
20 Nevada's Open Meeting Law. Based upon said deliberations,

21 IT IS HEREBY ORDERED that unless there is subsequent justification to require
22 evidence beyond the 6-month limit to establish a continuing pattern of conduct constituting
23 prohibited labor practices, the motion is denied in part and granted in part. The evidence is
24 limited to events occurring 6-months prior to the filing of the complaint.

25 IT IS FURTHER ORDERED that the motion on the issue of failure to exhaust remedies
26 is denied in light of Henderson Police Officers' Association not pursuing the grievance inasmuch
27 as special circumstances and/or prejudice has been shown (NAC 288.210(2)).

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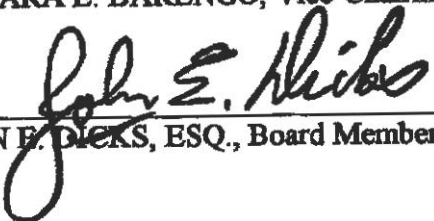
1 IT IS FURTHER ORDERED that the motion to dismiss concerning the issue of statute of
2 limitations for filing a complaint is denied as the complaint was timely filed.

3 DATED this 9th day of December, 2003.

4 LOCAL GOVERNMENT EMPLOYEE-
5 MANAGEMENT RELATIONS BOARD

6 BY: 
7 JANET TROST, ESQ., Chairman

8
9 BY: 
10 TAMARA E. BARENGO, Vice-Chairman

11 BY: 
12 JOHN E. DICKS, ESQ., Board Member
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