

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

5 RONALD C. AVERETT,  
6 Complainant,

7 vs.

8 CITY OF HENDERSON; HENDERSON  
9 POLICE DEPARTMENT,  
10 Respondent.

ITEM NO. 561

CASE NO. A1-045771

**ORDER**

11 For Complainant: Richard I. Dreitzer, Esq.

12 For Respondent: William E. Cooper, Esq.

13 On October 3, 2003, Complainant RONALD C. AVERETT (hereinafter "Averett") filed  
14 a complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS  
15 BOARD (hereinafter "Board").

16 On October 27, 2003, Respondent CITY OF HENDERSON and the HENDERSON  
17 POLICE DEPARTMENT (hereinafter "City") filed a Motion to Dismiss Complaint. Averett  
18 filed his opposition on November 10, 2003 and the City filed their reply on November 24, 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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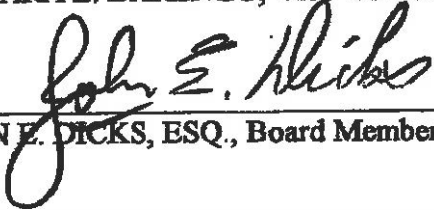
1 IT IS FURTHER ORDERED that the motion to dismiss is granted concerning claims  
2 involving the "Civil Rights Act of 1871 and Title VII of the Civil Rights Acts of 1964" and tort  
3 claims.

4 DATED this 9<sup>th</sup> day of December, 2003.

5 LOCAL GOVERNMENT EMPLOYEE-  
6 MANAGEMENT RELATIONS BOARD

7 BY:   
8 JANET TROST, ESQ., Chairman

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

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