

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD  
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5 RENO POLICE PROTECTIVE  
6 ASSOCIATION,

7 Complainant,

8 vs.

9 RENO POLICE DEPARTMENT and CITY  
10 OF RENO,

11 Respondents.

ITEM NO. 576

CASE NO. A1-045787

**ORDER**

12 For Complainant: Michael Cleveland, President

13 For Respondent: Donald P. Christensen, Esq.

14 On February 26, 2004, Complainant RENO POLICE PROTECTIVE ASSOCIATION  
15 (hereafter "Association") filed a complaint with the LOCAL GOVERNMENT EMPLOYEE-  
16 MANAGEMENT RELATIONS BOARD (hereafter "Board").

17 On March 3, 2004, Respondents RENO POLICE DEPARTMENT and CITY OF RENO  
18 (hereafter "City") filed an Answer to the Complaint. The Association thereafter filed their Pre-  
19 Hearing Statement on March 10, 2004 and the City filed its Pre-Hearing Statement on March 24,  
20 2004.

21 On March 31, 2004, the City filed a Motion for Deferral, which the Association opposed  
22 on April 1, 2004. A reply was filed by the City on April 23, 2004.

23 The Board deliberated on said motion on June 1, 2004, noticed in accordance with  
24 Nevada's Open Meeting Law. Based upon the Board's deliberations,

25 IT IS HEREBY ORDERED by a majority of the Board that the Motion for Deferral is  
26 granted with the parties to give a written status report 6 months from the date of this order and  
27 every 6 months thereafter.

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1 IT IS FURTHER ORDERED that the parties are to report back to the Board within thirty  
2 (30) days of the completion of the process, giving either an amended complaint or a stipulation  
3 to dismiss.

4 DATED this 2<sup>nd</sup> day of June, 2004.

5 LOCAL GOVERNMENT EMPLOYEE-  
6 MANAGEMENT RELATIONS BOARD

7 BY:   
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JANET TROST, ESQ., Chairman

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

1 **DISSENTING OPINION**

2 I dissent from the majority's reflexive deferral of this complaint.

3 Without recounting the history of the deferral doctrine as employed by the NLRB and  
4 this Board, I do not believe this case is appropriate for its application.

5 This complaint alleges the employer committed unfair labor practices related to  
6 interference, restraint or coercion [NRS 288.270 (1)(a) and (1)(b)] of the labor association  
7 There is no employee misconduct involved. Whether the collective bargaining agreement  
8 provides an avenue for resolution of the allegations is unknown. Therefore, in the absence of  
9 additional information, the complaint should be processed by this Board, not an arbitrator.

10 DATED this 2<sup>nd</sup> day of June, 2004.

11 LOCAL GOVERNMENT EMPLOYEE-  
12 MANAGEMENT RELATIONS BOARD

13  
14 BY: 

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16 JOHN E. DICKS, ESQ., Board Member  
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