

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

5 AIRPORT AUTHORITY EMPLOYEES
6 ASSOCIATION,

7 Complainant,

8 vs.

9 AIRPORT AUTHORITY OF WASHOE
10 COUNTY,

11 Respondent.

ITEM NO. 598

CASE NO. A1-045814

ORDER

12 For Complainant: Salvatore C. Gugino, Esq.
Gugino Law Firm, Chtd.

13 For Respondent: Charles P. Cockerill, Esq.
14 Bischof & Cockerill

15 On August 26, 2004, Complainant AIRPORT AUTHORITY EMPLOYEES
16 ASSOCIATION (hereafter "Association") filed a complaint with the LOCAL GOVERNMENT
17 EMPLOYEE-MANAGEMENT RELATIONS BOARD (hereafter "Board").

18 On September 15, 2004, Respondent AIRPORT AUTHORITY OF WASHOE COUNTY
19 (hereafter "Airport Authority") filed a Motion to Dismiss Verified Complaint. The Association
20 filed their response to the motion on November 12, 2004 and also filed a Cross-Motion to
21 Compel Arbitration. The Airport Authority filed their response on December 6th and the
22 Association replied on December 21st.

23 The Board held deliberations on said motions on January 5, 2005, noticed in accordance
24 with Nevada's Open Meeting Law. Based upon the Board's deliberations,

25 IT IS HEREBY ORDERED that the Airport Authority's Motion to Dismiss is DENIED
26 IN PART, AND GRANTED, IN PART, and that the Association's Cross-Motion to Compel
27 Arbitration is DENIED.

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1 Specifically, the Board DENIES the Motion to Dismiss as to the Association's claims
2 under NRS 288.270 that the Airport Authority has discriminated, and continues to discriminate,
3 against Michael Johnston because of political or personal reasons or his affiliation with the
4 Association and has interfered with, restrained, or coerced Mr. Johnston in the exercise of his
5 rights under NRS Chapter 288. It appears to the Board that the Association has sufficiently
6 alleged claims that are within the jurisdiction of the Board under NRS Chapter 288.

7 The Motion to Dismiss is GRANTED, however, as to the Association's claims relating to
8 the Airport Authority's refusal to arbitrate Mr. Johnston's grievance. As to these claims, the
9 Board determines that, under the circumstances shown here, any refusal to arbitrate presents a
10 contractual dispute between the parties and does not come within the Board's jurisdiction to
11 address violations of NRS Chapter 288. Accordingly, and for the same reason,

12 IT IS FURTHER ORDERED that the Association's Cross-Motion to Compel Arbitration
13 is DENIED.

14 DATED this 23rd day of February, 2005.

15 LOCAL GOVERNMENT EMPLOYEE-
16 MANAGEMENT RELATIONS BOARD

17 BY: 

18 JANET TROST, ESQ., Chairman

19 BY: 

20 JOHN E. DICKS, ESQ., Board Member
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