

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

5 THOMAS G. GLAZIER, JR.,

6 Complainant,

7 vs.

8 CITY OF NORTH LAS VEGAS; NORTH
9 LAS VEGAS POLICE DEPARTMENT,

10 Respondents.

ITEM NO. 624

CASE NO. A1-045876

ORDER

11 For Complainant: Harold P. Gewerter, Esq.
12 Harold P. Gewerter, Esq., LTD

13 For Respondents: Malani L. Kotchka, Esq.
14 Smith & Kotchka

15 On January 9, 2006, Complainant THOMAS G. GLAZIER, JR. ("Glazier"), filed a
16 Complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS
17 BOARD ("Board").

18 On February 6, 2006, Respondents CITY OF NORTH LAS VEGAS; NORTH LA
19 VEGAS POLICE DEPARTMENT ("City") filed a Motion to Dismiss Most of Complaint and
20 Motion to Defer Promotion Issue to Arbitration. Glazier filed his opposition on February 22,
21 2006 wherein he agreed to the deferral. The City filed its reply on March 3, 2006.

22 The Board held deliberations on said motion on March 21, 2006, noticed in accordance
23 with Nevada's Open Meeting Law. Based upon the Board's deliberations,

24 IT IS HEREBY ORDERED that the Motion to Dismiss is denied.

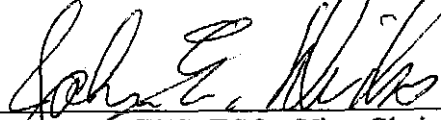
25 IT IS FURTHER ORDERED that because application of the limited deferral doctrine
26 adopted by this Board in I.A.F.F. #731 v. City of Reno, EMRB Item No. 257, Case No. A1-
27 045466 (February 15, 1991), is warranted here, this matter shall be and hereby is deferred for
28 exhaustion of the parties' contractual grievance arbitration remedies.

///

1 IT IS FURTHER ORDERED that the parties are to provide a written status report to the
2 Board within six (6) months from the date of this order. The parties shall also provide a written
3 report to the Board within thirty (30) days of the completion of the grievance arbitration process,
4 filing either an amended complaint or a stipulation to dismiss.

5 DATED this 4th day of April, 2006.

6 LOCAL GOVERNMENT EMPLOYEE-
7 MANAGEMENT RELATIONS BOARD

8 BY: 
9 JOHN E. DICKS, ESQ., Vice-Chairman

10 BY: 
11 JANET FROST, ESQ., Board Member

1 STATE OF NEVADA
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ITEM NO. 624A

CASE NO. A1-045876

11 For Complainant: Harold P. Gewerter, Esq.
Harold P. Gewerter, Esq., LTD

12 For Respondents: Malani L. Kotchka, Esq.
13 Smith & Kotchka

14 **FINDINGS OF FACT, CONCLUSIONS OF LAW,**

15 **AND ORDER**

16 This matter came on before the State of Nevada Local Government Employee-
17 Management Relations Board ("Board") for Hearing, deliberations, and decision, noticed
18 pursuant to NRS and NAC Chapters 288, NRS Chapter 233B, as well as Nevada's Open Meeting
19 Laws, finds, concludes, and orders as follows:

20 **I. Procedural History**

21 On January 9, 2006, Complainant Thomas G. Glazier, Jr. ("Glazier") filed a complaint
22 with the Board alleging prohibited labor practices by the City of North Las Vegas ("City") and
23 the North Las Vegas Police Department ("Police Department").

24 The City and the Police Department filed a Motion to Dismiss. An Opposition was filed
25 as well as Reply Points and Authorities. On April 4, 2006, the Board denied the Motion to
26 Dismiss, and deferred the matter for exhaustion of the parties' contractual grievance process.

27 A status report was filed with the Board on May 31, 2006, and this matter proceeded
28 through the Board's administrative process.

1 This matter was scheduled for hearing and heard on September 6, 2006, and September 7,
2 2006. After the hearing, both parties filed Post-Hearing Briefs and Supplemental Post-Hearing
3 Briefs.

4 II. Statement of Facts/Discussion of Testimony & Exhibits.

5 Glazier is employed with the Police Department; however, since July 31, 2006, he is on
6 administrative leave concerning an incident that happened in 2005. Transcript of 9-6-06 hearing
7 ("Tr."), p. 54 and p. 344. He graduated from high school in 1981. Tr. p. 55. He was in the
8 military from 1981 to 1984; and was a military police officer. Tr. p. 55. Thereafter, he was
9 hired by EG&G for special projects involving clearance, security, and law enforcement, which
10 included work at Area 51. Tr. p. 55. In 1988, he was hired as police officer with North Las
11 Vegas. Tr. p. 55. He has served as a SWAT officer, a field training officer, and as an academy
12 TAC officer which required him to train police recruits. Tr. p. 55. He was assigned as an honor
13 guard member. Tr. p. 56. Ultimately, he was promoted in 2001 to police sergeant, and he
14 retained his honor guard status. Tr. p. 56. He claims to have received extensive training in
15 supervisory-related issues. Tr. p. 56. He has also been an administrative sergeant and a patrol
16 sergeant. Tr. p. 56.

17 He feels his current administrative leave is retaliatory by the Police Chief. Tr. p. 56.
18 Over a year ago, there was a minor incident with an officer he was supervising and a
19 "truthfulness" issue arose, which matter was investigated. Tr. p. 56-7. This matter, however, is
20 on hold until the Board's proceedings are concluded. Tr. p. 57. He testified that his family has a
21 history of being career police officers. Tr. p. 57. Glazier tested for sergeant on six different
22 occasions before he was ultimately promoted to sergeant. Tr. p. 57. He has also tested for the
23 lieutenant position, but was not appointed. Id.

24 He married Laura Glazier ("Laura") in April 1997, divorced her in June 2001, and they
25 have a 7 ½ year old child. Tr. p. 58. He first met Capt. Tony Scott ("Scott") in 1988 when he
26 was patrol officer, and Scott has been in his chain of command. Tr. p. 58-9. Laura was
27 employed with the Police Department, as a dispatch supervisor as well as a dispatcher in field
28 training, at the same time Scott and Glazier were also employed there. Tr. p. 60. Marital

1 problems began in February 2000, and Laura moved out of their home in April 2000. Tr. p. 61-
2 2. Coworker, Joann Preston, told Glazier that Scott and Laura were "hanging out for months."
3 Tr. p. 62. Glazier told Laura he was aware of her relationship with Scott. Tr. p. 63. She did not
4 deny the relationship with Scott and said it had been ongoing for awhile. Tr. p. 64. During this
5 time frame, Scott was also married. Tr. p. 64. Laura and Glazier were divorced on June 7, 2001.
6 Tr. p. 66. He did not confront Scott about the affair because he did not want to "ruffle any
7 feathers." Tr. p. 67-8. He believes Scott was promoted to lieutenant in approximately 2002. Tr.
8 69.

9 Glazier achieved high scores on his yearly evaluation (June 2002 - June 2003). Tr. p. 70.
10 There is a notation on the form to "keep up the good work" which was apparently the comment
11 by then Capt. Joe Chronister. Tr. p. 71. He achieved high scores in the 2003-2004 evaluation,
12 but not as high as the previous year. Tr. p. 71-2. This latter form was signed by Scott, whereas
13 the first one was not signed by Scott. Tr. p. 71-2. Scott indicated on this 2003/04 form that he
14 would have reduced two of Glazier's evaluation ratings. Tr. at 74. Scott also sat on the
15 promotional panel which determined whether Glazier was to be promoted to lieutenant. Tr. at
16 76.

17 Glazier testified regarding an altercation he had with Laura in August, 2004. Tr. p. 78-9.
18 Thereafter, his position changed with the Police Department. Tr. 79. He was a patrol sergeant,
19 but was reassigned to administrative sergeant at a new area command station. Tr. p. 80.
20 Glazier's pay was affected by the change in his position because a patrol sergeant is granted a 1/2
21 hour overtime allowance to prepare for the briefing process and this ½ hour allowance equates to
22 roughly 16 days, and about \$500 a month or \$6,000 per year. Tr. p. 82. Glazier testified that his
23 days off also changed with the position change. The administrative sergeant's position had a
24 work week of Monday through Thursday. Thus, Glazier no longer had Thursday with his child,
25 Thursday being one of his child visitation days. Tr. p. 83. Glazier testified that he previously
26 enjoyed Thursday, Friday, and Saturday off. Tr. p. 83. Concerning the Northwest Area
27 Command, even though Scott would be in command, Glazier stated he wanted to go to that
28 command site as it was six minutes from his house, four minutes from his son's school, it was a

1 better/newer building than the one where he was currently assigned, and it would have an
2 exercise facility inside. Tr. p. 183-84. Glazier believes that Scott was disciplined or admonished
3 once for using an inappropriate word in the presence of a homosexual. Tr. p. 196-87.

4 In January, 2005, Glazier was given a 40-hour suspension but the arbitrator reduced it to
5 a 20-hour suspension after Glazier filed a grievance. Tr. p. 84. After he filed that grievance, he
6 stated he heard threats that his career was over. Tr. p. 84. He confronted Chief Paresi, who
7 stated that there would be a level playing field with promotions and that the "biggest factor as to
8 whether or not you get promoted is what Capt. Scott has to say about your performance in the
9 Northwest Area Command." Tr. p. 86-7. At that time, Scott was still having the affair with
10 Laura. Id.

11 In January 2005, Glazier testified that he picked up Laura's pager and saw that it
12 contained numerous messages from Scott; some containing "I love you" messages. Tr. p. 87-8.
13 From those messages, Glazier believes they started seeing each other in 1997. Tr. p. 89-90.
14 Scott called Glazier at home on February 10, 2005, to talk to him about the pager incident. Tr.
15 p. 91-2. The lieutenant's examination was shortly thereafter. Tr. p. 92. The form requesting
16 Glazier's promotion contained Scott's signature and handwritten note of "meets minimum
17 qualifications." Tr. p. 93-4. Neither Scott nor Chronister informed him that he did not meet the
18 minimum qualifications to test or advance to lieutenant's position. Tr. p. 95.

19 Because of a scheduling issue, and an ultimatum from Scott, Glazier resigned from the
20 Honor Guard in May 2005. Tr. p. 97-9. Glazier had received several complimentary letters from
21 individuals concerning his time in the Honor Guard as well as regarding his handling of various
22 situations.

23 In May 2004, there was a disciplinary board action against Glazier for a racial comment.
24 Tr. p. 109, also Tr. p. 137-38. Allegedly, Glazier made a comment about no African-Americans
25 being present at a certain outdoor event (Tr. p. 110-11); and an individual who overheard the
26 statement filed a complaint. Tr. p. 111. Scott sat on the panel determining Glazier's discipline
27 without disclosing that he (Scott) was still having an affair with Laura. Tr. p. 114. The
28

1 discipline was a 40-hour suspension without pay. Tr. p. 138. After a grievance on the matter,
2 Glazier received "back pay for two days out of the 40-hour suspension." Id.

3 Scott also investigated the truthfulness of Glazier's memo concerning a football game
4 played during the lunch break, during which one of the officers cut his head requiring stitches.
5 Tr. p. 116. The investigation stopped because allegedly enough officers concurred with Glazier's
6 rendition of the facts, i.e., that the game was being played during the lunch break and not while
7 the officers should have been at the range. Tr. p. 117. Two other officers were at the range at
8 the same time and their involvement was not investigated. Tr. p. 118.

9 At the time of this incident, Glazier was allegedly at the top of the list for promotion to
10 lieutenant. Tr. p. 119. He was not, however, promoted. Id. See also Exhibit 9.

11 In June 2005, Glazier filed a complaint against Scott. Tr. p. 120. Glazier testified that
12 Laura and Scott were doing everything possible to make Glazier's personal life uncomfortable,
13 i.e., Scott using Laura as an agent to interfere in his personal life and prevent his promotion (Tr.
14 p. 124); and in essence paying him back for making a complaint against Scott. Tr. p. 124.
15 Laura and Glazier's divorce had been amicable until July 2005: at which time, Laura hired an
16 attorney regarding child support and child custody. Tr. p. 122-23. Glazier stated that he waited
17 to file the complaint against Scott because he felt to do so would be career "suicide." Tr. p. 126.
18 Glazier also testified that he filed a grievance against the Police Department claiming they had
19 violated their collective bargaining agreement ("CBA") as it pertained to the process for
20 promotions. Tr. p. 127. Originally, the lieutenant's promotion position was posted as a 100%
21 assessment by an assessment center to determine the order of candidates for promotion. Tr. p.
22 127. After Glazier received the first position for promotion, the Police Department added an oral
23 board examination requirement in order to qualify for the promotion. Tr. p. 127. According to
24 Glazier, the Police Department is also required to record the testing procedures which they failed
25 to do in this instance and other instances with testing for promotions. Tr. p. 127. He also stated
26 that "a person of equal rank to the position that you are testing for is supposed to be sitting on"
27 the oral board, and this was likewise not done. Tr. p. 127-28. Glazier simply felt the CBA was
28

1 violated and the oral board was used as a "smoke screen" to bypass him for promotion. Tr. p.
2 128.

3 On cross-examination, Glazier acknowledged receiving a written reprimand in March
4 2002. Tr. p. 131-32. As a result, he met with Lt. Noahr regarding "officer's perceptions [of
5 Glazier] and helped to fine-tune [Glazier's] personal skills to have a more positive effect in this
6 area." Tr. p. 132. He also stated that he received a memo from Chief Paresi regarding the
7 officers' standards of conduct, and that discrimination and sexual harassment would not be
8 tolerated. Tr. p. 133. He also acknowledged receipt of emails from Lt. Noahr regarding
9 offensive comments during briefing. Id. Glazier did attend training on harassment and hostile
10 work environment on December 4, 2002. Tr. p. 134. He also admitted to discipline for offensive
11 comments made to Kim Ford, i.e., a two-day suspension. Tr. p. 136. Glazier was required to
12 take additional classes on harassment, managing diversity, and interpersonal communication. Tr.
13 p. 137.

14 Scott allegedly told Glazier in January 2005 that he had done a good job in his
15 administrative position; and that he would welcome him back in the administrative position but
16 he still needed to work in areas other than patrol. Tr. p. 140-41. Glazier testified that he told
17 Scott that he needed to work in patrol because he was a single parent and other positions require
18 a person being on a stand-by status. Tr. p.141-42 and p. 145.

19 Glazier further admitted that if "two promotions are to be made they can be made from
20 among the top seven names." Tr. p. 144-45. He also recalled an individual that had placed No. 1
21 but had not received the promotion. Tr. p. 145. As a matter of fact, for a sergeant position, they
22 picked the 5th place individual to become a sergeant and thereafter promoted the individuals who
23 placed No. 1 and 2. Id. at 148.

24 Glazier did tell Officers Flynn, Reed, and Aker if he was passed over for the lieutenant
25 position, he was going to expose the relationship between Scott and Laura. Tr. p. 158. Scott was
26 eventually reassigned, and Glazier was no longer under his command. Tr. p. 162-63. He stated
27 that his meeting with the Human Resources Dept. in January 2006 became "hostile" concerning a
28 complaint he wished to file. Tr. p. 163.

1 Glazier denied making various racial and/or sexual comments, but did admit to uttering a
2 joke about a 1965 Chevy and a dispatcher. Tr. p. 169. Glazier also admitted that Sgt. Jackson,
3 Sgt. DiMauro, and Sgt. Hanks were all promoted to Lieutenant and that all had "served in special
4 assignments other than just as patrol sergeants." Tr. p. 171. He also admitted that as an
5 administrative sergeant, he could have occasionally worked as a relief sergeant or during special
6 events and earned extra money. Tr. p. 172-73.

7 Scott was also a witness at the hearing. He testified that he has been with the Police
8 Department since August 1985; and he is currently a Captain. Tr. p. 198. More specifically, he
9 was promoted to a field training officer in approximately 1990, promoted to a sergeant in
10 approximately 1992, promoted to lieutenant in summer 1997, and promoted to captain in 2002.
11 Tr. p. 198. He admits to being in the chain of command for Glazier. Tr. p. 199. He claims he
12 was not on "unfriendly" terms with Glazier, but they were "not social or anything." Id. He
13 claims to have met Laura when she was a secretary in the late 1990s. He claims to have started
14 the affair with her in late spring 2000. Tr. p. 200. He knew that she was married, and he himself
15 was still married. Id. He stated the affair was an "on again - off again" relationship. Tr. p. 201.
16 He did not tell anyone of this affair, and he did not believe it violated the Police Department or
17 the City's policy. Tr. p. 202. He admits to be involved in a disciplinary proceeding with Glazier
18 in spring 2004. Tr. p. 203.

19 The affair was ultimately discovered by the Police Department while he was on vacation.
20 Individuals left messages for him at that time concerning the complaint filed by Glazier
21 regarding the affair between Scott and Laura. Tr. p. 208. He cannot recall who left the
22 messages. Scott was questioned about the "Interdepartment Relationship" policy (Exhibit 1). He
23 states it was in effect during part of his relationship with Laura. Tr. p. 210. He stated that he had
24 two counts sustained against him as a result of the internal investigation, i.e., unprofessional
25 conduct and personal use of the Police Department's computer and paging system. Tr. p. 216.
26 Exhibit "Y" contained the specific findings on this investigation. Tr. p. 218. He was also
27 ordered to end the affair with Laura, and was suspended for 36 hours without pay. Tr. p. 222-23.

1 The 36 hours, however, was removed from his accumulated vacation time. Id. The discipline
2 against him was not grieved. Tr. p. 222.

3 He admits that Glazier ranked No. 1 on the sergeant list for promotion while he was
4 having an affair with Laura and in Glazier's chain of command. Tr. p. 225-26. He admitted that
5 he issued an evaluation on Glazier during the time that he was still having the affair with Laura,
6 that may not have been as favorable to Glazier as the others' evaluations. Tr. p. 227-28, p. 238.
7 He further stated that he "still socialize[s] with Laura Glazier" but does not "have a sexual
8 relationship with her." Tr. p. 231. He also stated that he did call Glazier at Laura's request after
9 an altercation between Glazier and Laura, and this call occurred while he was in Glazier's chain
10 of command. Tr. p. 236. Scott also stated that he is aware that Laura was disciplined in 2003,
11 but was still promoted. Tr. p. 248.

12 The hearing was reconvened on September 7, 2006. Scott continued testifying stating
13 that he made Glazier an administrative sergeant because of his organizational skills. Tr. p. 257-
14 58. He stated that Glazier did not want to become an administrative sergeant because of
15 financial reasons. Tr. p. 263. He also stated that he assisted with Glazier's child custody issue
16 by changing the work schedule so that Glazier would only miss one day with his child, i.e.,
17 Thursdays. Tr. p. 264. He also stated that Glazier's replacement would now start receiving
18 "holiday pay" whereas Glazier was not entitled to it when he held that position. Tr. p. 265. Scott
19 took Laura to San Diego in approximately April or May, 2005, which was the same time that
20 Glazier was studying for his lieutenant examination. Tr. p. 267. Scott did sit on Glazier's
21 "interview panel" for the lieutenant promotion. Tr. 270-71.

22 On cross-examination, Scott stated that Glazier and Laura had separated by the time the
23 affair commenced. Tr. p. 275. He also testified that he did call Glazier when Laura was
24 promoted to supervisor, indicating that he [Scott] had nothing to do with the promotion. Tr. p.
25 278.

26 Police Chief Mark S. Paresi ("Paresi") was the next witness. He has been Chief of Police
27 since June 2002. Tr. p. 347. Prior to the current position, he stated he was Assistant Chief for
28 the Portland, Oregon Police Department. Tr. p. 347. He was appointed to the current position by

1 the North Las Vegas City Manager. Id. He admits to being the ultimate arbitrator for t e
2 discipline of subordinates. Tr. p. 348. Minor disciplinary matters are handled by his subordinate
3 Tr. p. 348-49.

4 Paresi stated that the Police Department's policy manual has been updated recently, b t
5 the policy concerning interdepartment relationships has remained "consistent." Tr. p. 349-5
6 He stated he first became aware of the Scott and Laura relationship when he interviewed Glazi r
7 in June 2005. Tr. p. 351-52. He also claims to have heard a rumor regarding the relationship t
8 an earlier time but he did not investigate it. Tr. p. 352. He admitted that the Police Departme t
9 is not only bound by its policy but also by the North Las Vegas' code of ethics. Tr. p. 35

10 Paresi described discipline as follows:

11 . . . corrective is to assist the employee in learning from the experience. That is
12 why in all discipline we provide training to address the specific issue addressed in
the discipline, and punitive is just like the word. It's mean to hurt someone.

13 Tr. p. 357. He then stated that "taking away someone's pay" would not be punitive if done usin g
14 "the progressive standard" explained above. Id. At the meeting with Glazier regarding the Scot -
15 Laura relationship, Paresi stated that Glazier asked him why he had not been promoted, but e
16 did not provide an answer because he "did not feel that [he needed] to explain it to him at th t
17 point." Tr. p. 367. Paresi was then questioned about Exhibits 19-1 and 19-2, i.e., emails to M
18 Desordi concerning Glazier seeking an appointment with Paresi. Tr. p. 371. Paresi admitted th t
19 no meeting was ever scheduled as a result of the emails. Tr. p. 372. In addition to the 36-hour
20 suspension and mandated attendance at an ethics class, Paresi stated he gave Scott a "last chance
21 agreement," i.e., if he violated any aspect of the directive, he would be fired. Tr. p. 375-7
22 Significantly, Paresi stated that he did not modify this directive either "in writing" or "verball
23 after September 22, 2005. Tr. p. 376. However, upon further questioning, he stated that he d d
24 modify it "verbally." Tr. p. 377. The modification was that Scott could interact with Laura in a
25 daily business relationship capacity. Tr. p. 378-79. When asked if he was aware of Scot s
26 current off-duty relationship with Laura, he stated that he was not aware of the same, and that t
27 "would certainly be grounds to take a look" at the matter. Tr. p. 379-80.

1 Substantial questioning followed concerning the refusal to produce the "last chance
2 agreement" and the fact that it was not mentioned previously in testimony or in documents. Tr. p.
3 387-97. It was also noted that Glazier received a 40-hour suspension, which was the second
4 discipline in Paresi's "tenure" and it involved verbal remarks to a female and about "brothers"
5 riding "quads" but yet Scott received only a 36-hour suspension for having had a long-term affair
6 with a fellow officer's spouse/co-worker, having participated in discipline and promotion events
7 concerning Glazier during the affair which gave the appearance of impropriety, and using the
8 Department's equipment for personal use. Tr. p. 406-7.

9 Paresi testified that Glazier was given the 40-hour suspension for the offensive remark
10 concerning a female traveling to Disneyland as a "progressive" form of discipline because of
11 other unprofessional conduct incidents occurring previously. Tr. p. 445. Paresi testified that
12 Glazier was originally taking 20 hours off and taking 20 hours off his accumulated annual leave.
13 Tr. p. 446. Glazier, as indicated above, grieved the matter and was reimbursed two-days of pay.
14 Id. Paresi stated that he felt he "had a significant issue on [his] hands with a supervisor in
15 relation to females and minorities" and that Glazier "had missed the significance of the corrective
16 measures we had taken and the interaction that we had had consequently to his behavior." Tr. p.
17 447. He then stated that Glazier did not receive the promotion to lieutenant because he "did not
18 feel that Tom was fit to be a lieutenant . . . e based on his behavior toward women . . . I feel he is a
19 racist. He is condescending, and he is sexist, and he poses a liability to my organization." Tr. p.
20 449-50. Paresi stated he has promoted certain officers who were not on the top of the promotion
21 list, and when considering who to promote, "I look for the character of the individual, his or her
22 ability to lead the organization, their integrity, their administrative skills." Tr. p. 452.

23 Paresi also stated that he informed Glazier not to go to the media or start a federal
24 investigation, but to allow the Police Department to do their job and investigate the allegations.
25 Tr. p. 455. When questioned about Laura's promotion, he stated that she had been working
26 "from a ground-floor worker in the heart of the organization to a supervisor's position, and that
27 she had gone to college" and that she was the "only one that applied for the position." Tr. p. 457.
28

1 He also testified that Laura was not in Scott's chain of command at the time of their affair. Tr. p.
2 464.

3 Assistant Chief Joseph Chronister ("Chronister") was the next witness at the hearing. He
4 has been with the Police Department for 17 years. Tr. p. 495. He was on the panel for the
5 lieutenant promotion in 2005. Tr. p. 496. Seven individuals applied for the promotion; and they
6 were all interviewed as well as their superiors. Id. He believed that the panel felt Glazier should
7 either be "last or next to last" on the promotion list. Tr. p. 497. Glazier's deficiencies included
8 deficiencies in personal skills, leadership skills, and his interactions with subordinates and peers.
9 Tr. p. 497-98. He testified that individuals who "placed first on the assessment testing [had] been
10 passed over" previously. Tr. p. 500. He was aware of Glazier receiving discipline in 2002,
11 2003, and 2004. Tr. p. 503.

12 He stated that it was his intention to begin an internal affairs investigation regarding Scott
13 as soon as the meeting with the Chief and Glazier had concluded. Tr. p. 506. He confirmed that
14 Laura was disciplined in February 2003, but was promoted in 2005 based upon her supervisor's
15 recommendation and the fact that no one else applied. Tr. p. 509. Glazier's reassignment to the
16 Northwest Area Command was not meant to "punish" Glazier. Tr. p. 511. He stated that Glazier's
17 replacement as an administrative sergeant did indeed receive different pay but that it was because
18 he could work holidays, which Glazier did not; and that he was the president of the Association,
19 which Glazier was not. Tr. p. 512.

20 Concerning the officer injured while playing football during a lunch hour, he stated that
21 had the injury occurred during work, both Glazier and Morrison would have been disciplined.
22 Tr. p. 515. Chronister testified that when the Chief told Scott to end his sexual relationship with
23 Laura, that it did not mean he had to terminate a platonic relationship. Tr. p. 523. Chronister
24 stated that he never told Glazier that he would not qualify for a promotion because of his
25 disciplines. Tr. p. 527. Board Member Wilkerson even questioned Chronister as to why
26 Glazier's immediate supervisors "rated him about average" yet his rating of Glazier, as well as
27 the rating by Scott and Chief Paresi, was far lower. Tr. p. 546. Reasons cited included that the
28 rating process is subjective and that some supervisors simply do not want to offend their officers.

1 Tr. p.546. Chronister then provided two recent incidents in which Glazier "performed exactly as
2 the department would want him to perform in that situation." Tr. p. 549. He stated that Glazier's
3 complaint filed with the Board will not be detrimental to Glazier, or used against him, should he
4 return to the Police Department. Tr. p. 551. Board Member Wilkerson also noted that Exhibit
5 O-2 was Glazier's 2005/2006 evaluation, and that Lt. Jerry Hamilton had "even rated him better
6 this time than he did the last time." Tr. p. 562.

7 Capt. Victor Dunn ("Dunn") was the next witness. He has been with the Police
8 Department for over 18 years. Tr. p. 566. He stated that Glazier would repeat jokes heard from
9 black entertainers such as Richard Pryor, Eddie Murphy, and the Wayan Brothers; and would use
10 inappropriate words imitating them. Tr. p. 566-67. He also testified to Glazier's remarks to a
11 nurse about Hispanics and African-Americans; and the nurse is married to an African-American.
12 Tr. p. 569. He also recalled a trip to Canada, during which Glazier used "certain racial epithets."
13 Tr. p. 571. He also recalled Glazier mimic the mannerisms of two alleged homosexuals on the
14 Wayan Brothers television show. Tr. p. 572. Concerning the 2004 Martin incident, Dunn stated
15 he told Glazier that he has to "know [his] audience" before saying certain things or acting a
16 certain way. Tr. p. 575. He also offered that he does not think Glazier "realizes a lot of times
17 that this is offensive to certain people." Tr. p. 575-76.

18 He states he was on the panel that interviewed the top 10 sergeants and the top seven
19 lieutenant candidates. Tr. p. 577. As part of the interview process, the sergeant candidates
20 provided their opinions of the lieutenant candidates; and "[e]veryone ranked [Glazier] last,
21 except a couple of them which ranked him next to last." Id. He said this was important because
22 "unless you have [the] support of your peers and the folks that work with you, you can't
23 succeed." Id. He is aware, however, that Glazier tested No. 1 with the assessment center for the
24 lieutenant promotion. Tr. p. 578. He stated that Glazier was not promoted because of his
25 "disciplinary issues that he had had and performance issues that he had had and the ranking" by
26 his peers. Tr. p. 579.

27 On cross-examination, Dunn stated that even as a black man himself, he and Glazier
28 "have actually done skits and parodies of Richard Pryor-type jokes." Tr. p. 581. Those skits

1 included jokes from the Wayan Brothers shows. Tr. p. 582. He does not, however, use the "
2 word. Tr. p. 581. He has used the phrase "home boy." Tr. p. 584. He repeated, though, th
3 Glazier "never understood that certain things that he said wasn't acceptable to everyone, a d
4 oftentimes when they were said, it wasn't the right time or it was in poor taste." Tr. p. 586. e
5 himself has never been counseled for making inappropriate sexual comments or "racial epithe
6 Tr. p. 587. He did state that he believes Glazier does have "biases." Tr. p. 595-96. However, e
7 did encourage Glazier to test for lieutenant. Tr. p. 597.

8 The depositions of Lt. Michael Rose, Lt. Jerry Hamilton ("Hamilton"), and Dave Sm h
9 were taken by the parties in lieu of live testimony at the administrative hearing. The parties' p t
10 hearing briefs contained significant recitations from the depositions.

11 **FINDINGS OF FACT**

12 1. That Glazier was employed by the Police Department since approximately 1988.

13 2. That NRS 288.270 provides, in part, that it is a prohibited labor practice for a local
14 governmental employer to discriminate because of personal reasons.

15 3. The City and the Police Department are local governmental employers.

16 4. Glazier married Laura while both were employed with the City and the Pol e
17 Department. They subsequently had a child and later divorced.

18 5. During the Glaziers' marriage, Laura engaged in an affair with Captain Tony Sco
19 Scott, at the time, was also married.

20 6. During relevant times in Grazier's career, Scott held a position above Glazier and v s
21 in his chain of command.

22 7. Scott also actively participated in Glazier's promotion process while engaged in 1 e
23 affair with Laura Glazier. Such process was amended, and Glazier was required to participate n
24 an oral board examination.

25 8. Glazier placed high in his attempts to be promoted to Lieutenant; he was ne r
26 promoted and he is currently a Sergeant with the Police Department.

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1 9. Glazier was reassigned to a new area command station, under the command of Scott.
2 This change in assignment impacted Glazier's days off and rate of pay. The officer replacing
3 Glazier received a higher rate of pay than Glazier received.

4 10. Scott also participated in Glazier's discipline in May 2004, without advising of his
5 relationship with Laura Glazier.

6 11. Scott was still in Glazier's line of command, and participated in Glazier's promotion
7 process, while Laura Glazier was attempting to modify child support and child custody.

8 12. Scott admitted that he gave Glazier an evaluation that was more negative than others
9 received by Glazier; and this evaluation was conducted while Scott was still having the affair
10 with Laura Glazier.

11 13. Chief Paresi testified he learned of the affair from Glazier, but that he had previously
12 heard rumors of the affair.

13 14. Chief Paresi testified that Scott entered into a "last chance agreement" with the
14 Police Department concerning the Laura Glazier affair while being in Glazier's chain of
15 command, and his failure to disclose the same. Chief Paresi first testified that such an agreement
16 was not modified and that Scott would be fired if he violated the agreement. Such testimony was
17 later modified by Chief Paresi that Scott was allowed to interact with Laura Glazier for business
18 purposes.

19 15. The Board finds that Glazier was denied promotion to Lieutenant based on the
20 discrimination of Scott and others in Glazier's chain of command because of personal reasons.

21 16. Should any finding of fact be more properly construed as a conclusion of law, may it
22 be so deemed.

23 **CONCLUSIONS OF LAW**

24 1. The Local Government Employee-Management Relations Board ("Board") has
25 jurisdiction over the parties and the subject matters of the complaint on file herein pursuant to the
26 provisions of NRS Chapter 288.

27 2. The City of North Las Vegas and the North Las Vegas Police Department are local
28 government employers as defined in NRS 288.060.

1 3. That Glazier is an employee covered by the provisions of NRS and NAC Chapt s
2 288.

3 4. That at relevant times in Glazier's career with the Police Department, Scott was in l s
4 chain of command while having an affair with Glazier's wife and even participated in t e
5 discipline of Glazier.

6 5. That at relevant times while Glazier was attempting to be promoted to lieutenant ,
7 Scott was on the panel considering Glazier's promotion while having an affair with Glazie s
8 wife.

9 6. That Glazier was denied the promotion to lieutenant although he obtained a high
10 ranking in the selection process; and during this promotion process, Scott never disclosed l s
11 affair with Laura Glazier to anyone and that his participation in the process may be influenced y
12 the affair with Laura Glazier.

13 7. That Glazier was transferred to a new area command, which impacted his days off a d
14 his rate of pay; and that Scott was in Glazier's chain of command during this transfer.

15 8. That the Chief of the Police Department stated he had heard rumors of the Scott-Lau a
16 Glazier affair but did nothing until Glazier personally contacted him.

17 9. That such acts and/or conduct are discrimination based on personal reasons, e.g., t e
18 Scott-Laura Glazier affair with the Police Department not acting on the same and furth r
19 allowing Scott to participate not only in the discipline of Glazier but also participate in the den al
20 of his promotion. Such discrimination is a violation of NRS 288.270 and is a prohibited lab r
21 practice.

22 10. Should any conclusion be more properly construed as a finding of fact, may it be o
23 deemed.

24 **DECISION AND ORDER**

25 Based upon the above, the Board hereby orders as follows:

26 IT IS HEREBY ORDERED that (a) Glazier shall be promoted to lieutenant at the next
27 first opportunity unless there is a good cause for Glazier not to receive the promotion; (b) Glaz r
28 shall be compensated with back pay at a rate commensurate with a lieutenant's rate of p

1 together with all other associated benefits, from the date of July 9, 2005, i.e., the date Glazier
2 should have been promoted had it not been for the discriminatory acts and/or conduct of Scott,
3 the Police Department, and the City; and (c) the Police Department and the City shall cease and
4 desist from prohibited and unfair labor practices.

5 IT IS FURTHER ORDERED that Glazier is hereby awarded attorneys' fees and costs. A
6 detailed and comprehensive motion for such fees and costs shall be filed by Glazier within
7 twenty (20) days from the date of service of this order and the Respondents shall have ten days
8 thereafter to oppose the same. The Board shall make a ruling on the final award.

9 DATED this 13th day of March, 2007.

10 LOCAL GOVERNMENT EMPLOYEE-
11 MANAGEMENT RELATIONS BOARD

12 BY: 
13

14 JOHN E. DICKS, ESQ., Chairman

15 BY: 
16

17 JAMES E. WILKERSON, SR., Board Member
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