

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

5 ERIC SPANNBAUER,)
6 Complainant,) ITEM NO. 636E
7 vs.) CASE NO. A1-045885
8 CITY OF NORTH LAS VEGAS; NORTH)
9 LAS VEGAS POLICE DEPARTMENT, and) **ORDER**
10 NORTH LAS VEGAS POLICE OFFICERS)
11 ASSOCIATION,)
12 Respondents.)

12 For Complainant: John J. Tofano, Esq.
13 For Respondents: Carie A. Torrence, Esq.
14 North Las Vegas City Attorney's Office
15 Michael A. Urban, Esq.
16 Douglas V. Ritchie, Esq.
17 Laquer, Urban, Clifford & Hodge LLP

17 On June 1, 2006, Eric Spannbauer (hereinafter "Spannbauer") filed a Complaint with the
18 Local Government Employee-Management Relations Board (hereinafter "Board") alleging that
19 the City of North Las Vegas ("City"), its police department, and/or the North Las Vegas Police
20 Officers Association ("Association") had committed prohibited practices under NRS 288.270,
21 i.e., that the police department and/or Association interfered, restrained or coerced him in the
22 exercise of any rights guaranteed under NRS chapter 288; that they dominated, interfered or
23 assisted in the formation or administration of any employee organization; and that they
24 discriminated against him.

25 This matter was heard by the Board on October 22 and 23, 2007; January 16 and 17,
26 2008; and February 11 and 12, 2008; and a decision was rendered in favor of Spannbauer and
27 against the City, its police department, and the Association. The decision included an award of
28 fees and costs, and instructed Spannbauer to submit the documentation regarding the same for

1 this Board's ruling on the amounts. Spannbauer's application for fees and costs was filed on
2 July 8, 2008. The City and police department opposed the same as did the Association.

3 This matter was duly noticed for deliberation and decision on July 29-30-31, 2008; such
4 having been noticed pursuant to NRS and NAC chapters 288, NAC chapter 288, NRS chapter
5 233B, and Nevada's Open Meeting Laws; and based upon the documents filed,

6 IT IS HEREBY ORDERED that Spannbauer is awarded the sum of \$66,825.00 as fees
7 and the amount of \$8,769.12 as costs. The Board finds the rate of \$250.00 per hour as a
8 reasonable rate for an attorney practicing labor law in Clark County, Nevada. Furthermore, the
9 fees were reduced by 10% as the Board finds that the attorney time was billed in quarter hours
10 and therefore may reflect more time than accurately spent and that certain arguments made
11 during the administrative hearing may be construed as irrelevant or prolix.

12 The notices of prohibited labor practices for the City of North Las Vegas, the North Las
13 Vegas Police Department, and the North Las Vegas Police Officers Association are attached
14 hereto. Pursuant to that previous order of the Board, the Respondents shall post these notices for
15 a period of ninety (90) days from the date of the service of this Order on prominent bulletin
16 boards normally used for communication to all employees/Association members.

17 DATED this 30th day of July, 2008.

18 LOCAL GOVERNMENT EMPLOYEE-
19 MANAGEMENT RELATIONS BOARD

20 BY: 

21 JANET TROST, ESQ., Chairman

22 BY: 

23 JOHN E. DICKS, ESQ., Vice-Chairman

24 BY: 

25 JAMES E. WILKERSON, SR., Board Member
26
27
28

STATE OF NEVADA

JIM GIBBONS
Governor



Members of the Board
JANET TROST, ESQ., Chairman
JOHN E. DICKS, ESQ., Vice-Chairman
JAMES E. WILKERSON, SR., Board
Member

DIANNE CORNWALL
Director

JOYCE HOLTZ
Board Secretary

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

July 29, 2008

NOTICE TO EMPLOYEES AND EMPLOYEE ORGANIZATIONS MEMBERS

POSTED PURSUANT TO AN ADMINISTRATIVE DECISION RENDERED AFTER A CONTESTED HEARING BEFORE THE
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

NEVADA LAW PROHIBITS THE FOLLOWING ACTS BY EMPLOYEE ORGANIZATIONS:

- A) Interfere, restrain, or coerce any employee in the exercise of any right guaranteed under NRS chapter 288.
- B) Refuse to bargain collectively in good faith with the respective representative as required by NRS 288.150.
- C) Discriminate because of race, color, religion, sex, age, physical, or visual handicap, national origin or because of political or personal reasons or affiliations.
- D) Fail to provide the information required by NRS 288.180.

WE WILL NOT do anything that interferes with these rights. More particularly,

WE WILL NOT arbitrarily, discriminatorily or in bad faith refuse to process grievances sought to be process by ERIC SPANNBAUER or any other employee towards whom we owe a duty of fair representation as the recognized employee organization for the bargaining unit in question.

WE WILL promptly initiate and pursue in good faith and with due diligence any grievances filed on behalf of ERIC SPANNBAUER concerning his forced resignation and will provide all rights guaranteed to SPANNBAUER as a confirmed police officer regarding any other terms or conditions of his employment with the CITY OF NORTH LAS VEGAS and the NORTH LAS VEGAS POLICE DEPARTMENT and will take whatever means are appropriate and necessary pursuant to our duty of fair representation and pursuant to the rights guaranteed in the Collective Bargaining Agreement.

CHARGED PARTY: North Las Vegas Police Officers Association.

Dated: _____ By _____
Association Representative

The Local Government Employee-Management Relations Board is a Nevada State Agency created to enforce the provisions of NRS chapter 288. To find out more about your rights under the Local Government Employee-Management Relations Act and how to file a complaint alleging prohibited labor practices, you may obtain information from the Board's website: www.emrb.state.nv.us.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE. THIS NOTICE MUST REMAIN POSTED FOR 90 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE BOARD'S OFFICES AT 702-486-4505.

STATE OF NEVADA

JIM GIBBONS
Governor



Members of the Board
JANET TROST, ESQ., Chairman
JOHN E. DICKS, ESQ., Vice-Chairman
JAMES E. WILKERSON, SR., Board
Member

DIANNE CORNWALL
Director

JOYCE HOLTZ
Board Secretary

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

July 29, 2008

NOTICE TO EMPLOYEES AND EMPLOYEE ORGANIZATIONS MEMBERS

POSTED PURSUANT TO AN ADMINISTRATIVE DECISION RENDERED AFTER A CONTESTED HEARING BEFORE THE
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

NEVADA LAW PROHIBITS THE FOLLOWING ACTS BY EMPLOYERS:

- A) Interfere, restrain, or coerce any employee in the exercise of any right guaranteed under NRS chapter 288.
- B) Dominate or interfere in the formation or administration of any employee organization.
- C) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.
- D) Discharge or otherwise discriminate against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under NRS chapter 288, or because he has formed, joined or chosen to be represented by any employee organization.
- E) Refuse to bargain collectively in good faith with the respective representative as required by NRS 288.150.
- F) Discriminate because of race, color, religion, sex, age, physical, or visual handicap, national origin or because of political or personal reasons or affiliations.
- G) Fail to provide the information required by NRS 288.180.

WE WILL NOT do anything that interferes with these rights. More particularly,

WE WILL NOT in any way frustrate your exercise of any of the rights stated above **AS THE LOCAL GOVERNMENTAL EMPLOYER;** and

WE WILL promptly provide to ERIC SPANNBAUER the rights guaranteed as a confirmed police officer.

CHARGED PARTIES: City of North Las Vegas and the North Las Vegas Police Department.

Dated: _____ By _____
City Representative

Dated: _____ By _____
Police Department Representative

The Local Government Employee-Management Relations Board is a Nevada State Agency created to enforce the provisions of NRS chapter 288. To find out more about your rights under the Local Government Employee-Management Relations Act and how to file a complaint alleging prohibited labor practices, you may obtain information from the Board's website: www.emrb.state.nv.us.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE. THIS NOTICE MUST REMAIN POSTED FOR 90 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE BOARD'S OFFICES AT 702-486-4505.

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

5 ERIC SPANNBAUER,
6 Complainant,

7 vs.

8 CITY OF NORTH LAS VEGAS; NORTH
9 LAS VEGAS POLICE DEPARTMENT, and
10 NORTH LAS VEGAS POLICE OFFICERS
11 ASSOCIATION,
12 Respondents.

CASE NO. A1-045885

NOTICE OF ENTRY OF ORDER

12 To: John J. Tofano, Esq.
13 To: Carie A. Torrence, Esq.
14 North Las Vegas City Attorney's Office
15 To: Michael A. Urban, Esq.
16 Douglas V. Ritchie, Esq.
17 Laquer, Urban, Clifford & Hodge LLP

18 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
19 July 30, 2008.

20 A copy of said order is attached hereto.

21 DATED this 31st day of July, 2008.

22 LOCAL GOVERNMENT EMPLOYEE-
23 MANAGEMENT RELATIONS BOARD

24 BY 
25 JOYCE HOLTZ, Board Secretary
26
27
28

1 CERTIFICATE OF MAILING

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 31st day of July, 2008, I served a copy of the foregoing ORDER
4 by mailing a copy thereof, postage prepaid to:

5
6 John J. Tofano, Esq.
710 S Ninth Street
Las Vegas, NV 89101

7
8 Carie A. Torrence, Esq.
North Las Vegas City Attorney's Office
2225 Civic Center Drive, #228
9 North Las Vegas, NV 89030

10 Michael A. Urban, Esq.
11 Douglas V. Ritchie, Esq.
Laquer, Urban, Clifford & Hodge LLP
4270 South Decatur Blvd, Suite A-9
12 Las Vegas, NV 89103

13
14
15
16
17 
18
19
20
21
22
23
24
25
26
27
28
JOYCE HOLTZ, Board Secretary