

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

5 LANCE GIBSON,

6 Complainant,

7 vs.

8 CITY OF HENDERSON; HENDERSON
9 POLICE DEPARTMENT,

10 Respondents.

ITEM NO. 656

CASE NO. A1-045903

ORDER

11 For Complainant: Leonard H. Stone, Esq.
Shook & Stone, Chtd.

12 For Respondents: William E Cooper, Esq.
13 Cooper Law Offices

14 This matter came on for discussion and deliberations by the Local Government
15 Employee-Management Relations Board ("Board") on the 30th day of May, 2007, notified
16 pursuant to NRS and NAC chapters 288, NRS chapter 233B, and Nevada's open meeting laws.
17 The Board finds, concludes, and orders as follows:

18 On February 14, 2007, Lance Gibson ("Gibson") filed a complaint with this Board
19 alleging prohibited labor practices by the City of Henderson and the Henderson Police
20 Department. On March 8, 2007, the City of Henderson and its Police Department filed a joint
21 Motion to Dismiss the complaint. An Opposition was filed by Gibson on March 21, 2007; and
22 the City of Henderson and its Police Department filed their reply points and authorities on April
23 2, 2007.

24 Based upon a review of the documents filed to date, and good cause appearing therefor,

25 IT IS HEREBY ORDERED that the Motion to Dismiss is denied. Typically, complaints
26 are liberally construed, and from the documents filed to date, it appears that the Police
27 Department and the City of Henderson are proper Respondents. Representatives from both the
28

1 Police Department and the City of Henderson are alleged to have taken action against, &
2 participated in the action against Gibson, thus, they are both proper parties to this matter.

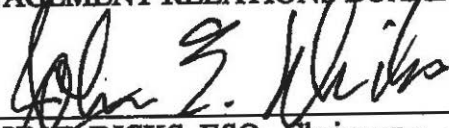
3 The Motion to Dismiss based on the statute of limitations is also denied, as the statute of
4 limitation is triggered on the date that action was actually taken against the complainant not
5 date the City of Henderson and its Police Department claims Gibson was verbally notified.

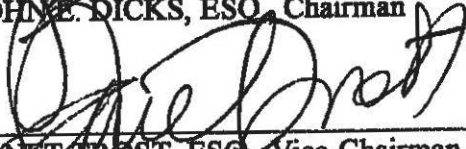
6 Additionally, the Motion to Dismiss is denied on the grounds that should the part
7 participate in arbitration, such arbitration does not resolve issues and/or violations pertaining to
8 NRS chapter 288, as such matters are within the jurisdiction of this Board.

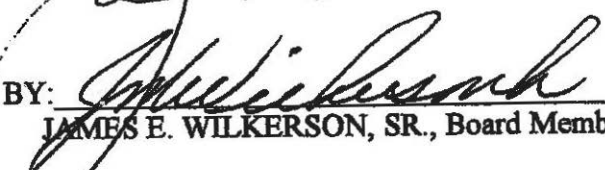
9 Lastly, pertaining to allegations pertaining to NRS chapter 289, such allegations, if any,
10 contained within the complaint are dismissed as this Board has no jurisdiction over NRS chapter
11 289.

12 DATED this 31th day of May, 2007.

13 LOCAL GOVERNMENT EMPLOYEE-
14 MANAGEMENT RELATIONS BOARD

15 BY: 
16 JOHN E. DICKS, ESO, Chairman

17 BY: 
18 JANET TROST, ESO, Vice-Chairman

19 BY: 
20 JAMES E. WILKERSON, SR., Board Member
21
22
23
24
25
26
27
28