

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

5 MARK ANTHONY BOYKIN,)
6 Complainant,) ITEM NO. 674F
7 vs.) CASE NO. A1-045921
8 CITY OF NORTH LAS VEGAS POLICE) **ORDER**
9 DEPARTMENT,)
10 Respondent.)

11 For Complainant: Adam Levine, Esq., Law Offices of Daniel Marks
12 For Respondents: Chris Davis, Esq.
13 City of North Las Vegas

14 This matter came on before the State of Nevada, Local Government Employee
15 Management Relations Board ("Board"), on December 8, 2010 for consideration and decision
16 pursuant to the provisions of the Local Government Employee-Management Relations Act ("the
17 Act"); NAC Chapter 288, NRS Chapter 233B, and was properly noticed pursuant to Nevada's
18 open meeting laws.

19 On November 22, 2010, Complainant Mark Anthony Boykin filed a Petition for
20 Rehearing following the Board's entry of an order dated November 12, 2010. The issues
21 identified in Complainant's petition are: (1) Whether the Board applied an incorrect legal
22 standard regarding the establishment of past practice on the issue of Mark Boykin's probationary
23 status; (2) Whether the Respondent bears the burden of proof to establish a past practice on the
24 issue of Mark Boykin's probationary status; (3) Whether the Board misapplied the substantive
25 law relating to the Apeceche v. White Pine County method for proving racial discrimination.

26 Having considered the substance of the petition, the Board hereby orders that
27 Complainant's Petition for Rehearing and/or Motion to Alter and Amend is Granted.

28 ///

1 Pursuant to NAC 288.364(2), the issues upon which rehearing has been granted are
2 limited to those issues which are set forth in Boykin's petition, as stated above.

3 Pursuant to NAC 288.362, Respondent City of North Las Vegas may file a response to
4 Boykin's petition within 15 days after the issuance of this order.

5 The Board also agrees that the rehearing in this matter, limited to the issues specified
6 above, be set for oral arguments pursuant to NAC 288.306. Oral arguments will be held on
7 January 18, 2011 at 9:00 a.m., at the EMRB Hearing Room, 2501 E. Sahara Ave., Ste. 203, Las
8 Vegas, Nevada. The Board will allow 20 minutes to each party for oral arguments.

9 DATED this 10th day of December, 2010.

10 LOCAL GOVERNMENT EMPLOYEE-
11 MANAGEMENT RELATIONS BOARD

12
13 BY: 
14 SEATON J. CURRAN, ESQ., Chairman

15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

5 MARK ANTHONY BOYKIN,)

6 Complainant,)

7 vs.)

CASE NO. A1-045921

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

10 Respondent.)

NOTICE OF ENTRY OF ORDER

11 To: Adam Levine, Esq., Law Offices of Daniel Marks

12 To: Chris Davis, Esq.
13 City of North Las Vegas

14 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
15 December 10, 2010.

16 A copy of said order is attached hereto.

17 DATED this 10th day of December, 2010.

18 LOCAL GOVERNMENT EMPLOYEE-
19 MANAGEMENT RELATIONS BOARD

20 BY 
21 JOYCE HOLTZ, Board Secretary
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 10th day of December, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

Adam Levine, Esq.
Law Offices of Daniel Marks
530 S. Las Vegas Blvd., #300
Las Vegas, NV 89101

Chris Davis, Esq.
City of North Las Vegas
2225 Civic Center Drive, #228
North Las Vegas, NV 89030


JOYCE HOLTZ, Board Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28