

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

5
6 In the Matter of:

7 City of Las Vegas' Petition for Declaratory
8 Order

) ITEM NO. 735

) CASE NO. A1-045988

) **ORDER**
9

10 For Petitioner:

Morgan D. Davis, Esq.
Las Vegas City Attorney's Office

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12 This matter came on before the State of Nevada, Local Government Employee-
13 Management Relations Board ("Board"), on August 24, 2010 for consideration and decision
14 pursuant to the provisions of the NRS Chapter 288; NAC Chapter 288, NRS chapter 233B, and
15 was properly noticed pursuant to Nevada's open meeting laws.
16

17 Petitioner City of Las Vegas has petitioned for a declaratory order, and asks this Board to
18 interpret NRS 288.270(1)(f) in such a way that it would not apply as written, but instead only
19 would apply to give this Board jurisdiction if a Complainant alleges "other labor dispute factors"
20 in addition to any allegations of discrimination. Because these issues have previously been
21 decided by this Board, we deny and dismiss the petition pursuant to NAC 288.375(5) and NAC
22 288.410(2)(a).
23

24 On March 6, 1978, this Board decided the case the case of Las Vegas Police Protective
25 Association, Metro. Inc. v. Las Vegas Metropolitan Police Dept., Case No. A1-45309, Item No.
26 75 (March 6, 1978). In that case, the Las Vegas Metropolitan Police Department had revoked
27 the commissions of four women and denied these women the same benefits as other
28

1 commissioned officers solely because of their sex. The women, with the assistance of their
2 Association, filed a claim with this Board under NRS 288.270(1)(f). When the case came before
3 this Board, we had the option of hearing the gender discrimination claims along with a more
4 traditional labor dispute question regarding determination of a bargaining unit, but decided the
5 case without considering any labor dispute factors other than discrimination under NRS
6 288.270(1)(f). In that case, this Board specifically stated:

8 We have chosen, in our disposition of this case, not to address any
9 questions relative to a bargaining unit determination under NRS 288.170.
10 The heart of this matter is a claim of discrimination and it is upon that
11 issue that we have made our determination.

12 Discrimination can and does take a variety of subtle forms. However,
13 there is nothing subtle in denying equal benefits and equal treatment to
14 individuals because they are women.

15 Item No. 75, p. 3.

16 The Board notes that NRS 288.270 has not been amended by the legislature in the 32
17 years since our decision in Las Vegas Police Protective Association, Metro. Inc., which we
18 believe is significant. See Bing Const. Co. of Nevada v. Nevada Dept. of Taxation, 109 Nev.
19 275, 849 P.2d 302 (1993). Nor are we aware of any precedent from the Nevada Supreme Court
20 that would disturb the Board's prior interpretation of the statute.

21 The Board, having duly considered the pleadings filed herein, and having fully
22 considered the law and being fully advised in the premises makes its Findings of Fact,
23 Conclusions of Law and Order as follows:

24 **FINDINGS OF FACT**

- 25
- 26 1. On March 6, 1978, this Board decided the case of Las Vegas Police Protective
27 Association, Metro. Inc. v. Las Vegas Metropolitan Police Dept., Case No. A1-
28 45309, Item No. 75 (March 6, 1978).

- 1 2. If any of the foregoing findings is more appropriately construed a conclusion of law,
2 it may be so construed.

3 **CONCLUSIONS OF LAW**

- 4 1. NAC 288.375(5) states that the Board may dismiss a matter if a petitioner files a
5 complaint which presents only issues that have previously been decided by this
6 Board.
7
8 2. NAC 288.410(2)(a) permits the Board to deny a petition for declaratory order upon a
9 written statement which contains the reason for dismissal.
10
11 3. The Board denies the Petition for Declaratory order and dismisses the same because
12 the petition presents only issues which were decided by this Board in the case of Las
13 Vegas Police Protective Association, Metro. Inc. v. Las Vegas Metropolitan Police
14 Dept., Case No. A1-45309, Item No. 75 (March 6, 1978), and for the reasons stated
15 within this order.
16
17 4. If any of the foregoing conclusions is more appropriately construed a finding of fact,
18 it may be so construed.

17 **ORDER**

18 IT IS HEREBY ORDERED that this matter is dismissed.

19 DATED the 26th day of August, 2010.

20
21 LOCAL GOVERNMENT EMPLOYEE-
22 MANAGEMENT RELATIONS BOARD

23 BY: 

24 SEATON J. CURRAN, ESQ., Chairman
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STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

In the Matter of:

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Order

ITEM NO.

CASE NO. A1-045988

NOTICE OF ENTRY OF ORDER

To: Morgan D. Davis, Esq.
Las Vegas City Attorney's Office

To: Bruce K. Snyder, Esq.
Las Vegas City Employees Assoc.

To: John Dean Harper, Esq.
Las Vegas Police Protective Assoc.

To: Tracy Valenzeula
Las Vegas Peace Officers Assoc.

To: Dean Fletcher
International Assoc. of Firefighters 1285

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
September 1, 2010.

A copy of said order is attached hereto.

DATED this 1st day of September, 2010.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY


ANDY ANDERSON, Commissioner

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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 1st day of September, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

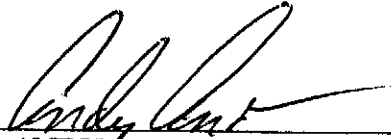
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ANDY ANDERSON, Commissioner