

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

JESSICA LARRAMAENDY,
Complainant,
vs.
CITY OF LAS VEGAS,
Respondents.

)
) Item # 741B
) CASE NO. A1-045998
)

ORDER

For Complainant: Jessica Larramaendy and her attorney Amy M. Rose, Esq,
For Respondents: City of Las Vegas and their attorney Jack Eslinger, Esq.

On the 14th day of September, 2011, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board"), for consideration and decision pursuant to the provisions of the Local Government Employee-Management Relations Act ("the Act"), NAC chapter 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

On August 29, 2011 Jessica Larramendy filed a petition for rehearing of the Board's prior order in this case, Item No. 741A. In Item No. 741A, the Board found that the City of Las Vegas had not violated NRS 288.270(1)(c) or (f) when it refused to process Ms. Larramendy's grievance over the proper calculation of Ms. Larramendy's seniority. The Board also found that Ms. Larramendy's claims that the City had discriminated against her when making the initial seniority calculation were barred by the six-month statute of limitation imposed by NRS 288.110(4).

The petition for re-hearing asks the Board to re-evaluate the treatment that Ms. Larramendy testified that she had received from Don King, who is the president of the Las Vegas City Employees Association. Ms. Larramendy asks that the Board charge the City with responsibility for Mr. King's conduct. This argument does not warrant a rehearing of the case.

1 The Board may rehear a case and amend prior orders when it appears that a prior decision
2 is "unjust, unwarranted, unlawful or in need of change." NAC 288.364(3). The thrust of Ms.
3 Larramendy's argument in favor of rehearing is that Don King received a paycheck from the
4 City, and therefore was an employee of the City. We do not believe that this, standing alone, is
5 sufficient to demonstrate an employment relationship. *e.g. Clark County v. State Indus. Ins.*
6 *System*, 102 Nev. 353, 724 P.2d 201 (1986) (payment of a salary was only one of four factors
7 considered to demonstrate an employment relationship).

8 Even if Mr. King may be considered a City employee, more would be required to hold
9 the City to account for the actions of the Association president. There is no reason to believe that
10 the actions that Ms. Larramendy complains about were made in Mr. King's capacity as a City
11 employee or on behalf of the City. This conclusion is reinforced by Mr. King's testimony at the
12 hearing to the effect that even though he receives a paycheck from the City, his full time duties
13 were to act as the president of the Association during his term as union president. (Transcript of
14 Hearing, p. 120).

15 Ms. Larramendy also argues that Mr. King discriminated against her to encourage union
16 membership because he refused to take her grievance to the next step in the process and was a
17 participant in grievance meetings with the County. This does not warrant a rehearing as Mr. King
18 was acting in his capacity as the LVCEA President at such times and LVCEA was not a party to
19 this proceeding.

20 For these reasons, the petition for rehearing is Denied. Our prior order, Item No. 741A
21 remains the final order in this case.

22 DATED this 14th day of September, 2011.

23 LOCAL GOVERNMENT EMPLOYEE-
24 MANAGEMENT RELATIONS BOARD

25 BY: 
26 SEATON J. CURRAN, ESQ., Chairman
27
28

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CASE NO. A1-045998

NOTICE OF ENTRY OF ORDER

TO: Jessica Larramaendy and her attorney Amy M. Rose, Esq.

TO: City of Las Vegas and their attorney Jack Eslinger, Esq.

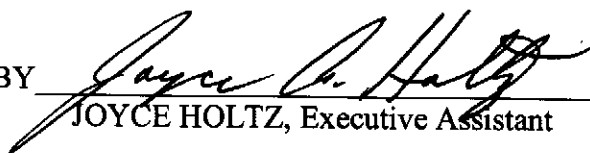
PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
September 14, 2011.

A copy of said order is attached hereto.

DATED this 15th day of September 2011.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY


JOYCE HOLTZ, Executive Assistant

