

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

5
6 IN THE MATTER OF COUNTY OF CLARK)
7 PETITION FOR DECLARATORY ORDER)

ITEM 742

8 CASE NO. A1-045994

9 **ORDER**
10

11 For Petitioner: County of Clark, and their attorney Yolanda T. Givens, Esq.

12 This matter came on before the State of Nevada, Local Government Employee-
13 Management Relations Board ("Board"), on February 15, 2011 for deliberation and decision
14 pursuant to the provisions of the Local Government Employee-Management Relations Act ("the
15 Act"); NAC Chapter 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's
16 open meeting laws.

17 Petitioner Clark County has filed this petition seeking a ruling declaring whether or not
18 Juvenile Probation Officers (JPOs) with the Clark County Department of Juvenile Justice are
19 considered "law enforcement" under NRS 288.140(3).

20 The County's request follows this Board's decision in Juvenile Justice Supervisors &
21 Assistant Managers Association v. Clark County, Case No. A1-045953, Item No. 704A (2010)
22 ("decision"). That decision recognized that the Juvenile Justice Supervisors with the Clark
23 County Department of Juvenile Justice were considered "law enforcement" under NRS
24 288.140(3). The reach of that decision did not formally extend to the non-supervisory JPOs,
25 addressed in this petition, as supervisory employees must be in a separate bargaining unit from
26 non-supervisory employees pursuant to NRS 288.170(3). In sum, the County is asking for a
27 declaration of whether the decision also extends to the non-supervisory employees. We conclude
28 that it does.

1 In the Points and Authorities that the County has submitted in support of the petition, the
2 County argues that the same rationale that the Board applied to the supervisors also applies to the
3 JPOs themselves. Specifically, the County asserts that JPOs participate in the police/fire
4 retirement, have arrest authority, and are peace officers certified by the Nevada Peace Officers
5 Standards and Training Commission. NRS 289.470(19). These are the same criteria that this
6 Board considered in the prior decision to find that the Juvenile Justice Supervisors were law
7 enforcement. The County's assertions are all supported by arguments and the exhibits attached
8 to the County's Points and Authorities. The Board also notes that no other parties have filed a
9 response to the County's petition.

10 We conclude that the petition raises the same issues we have previously addressed in our
11 prior decision and the Board therefore adopts its decision in Juvenile Justice Supervisors &
12 Assistant Managers Association v. Clark County, Case No. A1-045953, Item No. 704A (2010) as
13 precedent. See NRS 288.110(5)(a). The Juvenile Justice Probation Officers of the Clark County
14 Department of Juvenile Justice are therefore "law enforcement officers" under NRS 288.140(3).
15 As law enforcement officers the JPOs may only be represented by an organization composed
16 exclusively of law enforcement officers. Id.

17 Having considered the above, the Board unanimously finds as follows:

18 1. The Board has jurisdiction over Clark County's Petition for Declaratory Order
19 pursuant to NRS 288.110(2).

20 2. The Board adopts its prior decision in Juvenile Justice Supervisors & Assistant
21 Managers Association v. Clark County, Case No. A1-045953, Item No. 704A (2010) as
22 precedent.

23 3. The Juvenile Probation Officers of the Clark County Department of Juvenile
24 Justice participate in the same police/fire retirement as the Juvenile Justice Supervisors.

25 4. The Juvenile Probation Officers of the Clark County Department of Juvenile
26 Justice fulfill the same law enforcement duties as the Juvenile Justice Supervisors which were
27 recognized in Juvenile Justice Supervisors & Assistant Managers Association v. Clark County,
28 Case No. A1-045953, Item No. 704A (2010).


1 rationale for its decision and order in Juvenile Justice Supervisors & Assistant Managers
2 Association v. Clark County, Case No. A1-045953, Item No. 704A (2010) also extends to the
3 non-supervisory Juvenile Probation Officers.

4 DATED this 3rd day of March, 2011.

5 LOCAL GOVERNMENT EMPLOYEE-
6 MANAGEMENT RELATIONS BOARD

7
8 BY: 
9 SEATON J. CURRAN, ESQ., Chairman

10 BY: 
11 SANDRA MASTERS, Vice-Chairman

12 BY: 
13 PHILIP E. LARSON, Board Member
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6 IN THE MATTER OF COUNTY OF CLARK)
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CASE NO. A1-045994

NOTICE OF ENTRY OF ORDER

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11 TO: County of Clark, and their attorney Yolanda T. Givens, Esq.

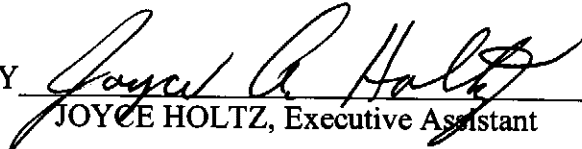
12 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
13 March 3, 2011;

14 A copy of said order is attached hereto.

15 DATED this 3rd day of March, 2011.

16 LOCAL GOVERNMENT EMPLOYEE-
17 MANAGEMENT RELATIONS BOARD

18 BY


19 JOYCE HOLTZ, Executive Assistant
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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 3rd day of March, 2011, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Yolanda T. Givens, Esq.
6 PO Box 552215
7 Las Vegas, NV 89155-2215

8 Kendall Kendrick, President
9 Juvenile Justice Probation Officers' Assoc.
10 848 North Rainbow Blvd. #43
11 Las Vegas, NV 89107

12 Al Martinez, President
13 SEIU Local 1107
14 3785 E. Sunset Drive
15 Las Vegas, NV 89120

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JOYCE HOLTZ, Executive Assistant