

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

5 JIMMY DALE BROWN, JR.,

6 Complainant,

7 vs.

8 CITY OF LAS VEGAS,

9 Respondents,

10  
11 LAS VEGAS CITY EMPLOYEES'  
12 ASSOCIATION

13 Intervenor  
14

) ITEM NO. 757A

) CASE NO. A1-046012

) **ORDER**

15 For Complainant: Jimmy Dale Brown, Jr., In Proper Person

16 For Respondent: Morgan Davis, Esq. for City of Las Vegas

17 For Intervenor: Bruce K. Snyder, Esq., for Las Vegas City Employees' Association

18 On the 14<sup>th</sup> day of April, 2011, this matter came on before the State of Nevada, Local  
19 Government Employee-Management Relations Board ("Board"), for consideration and decision  
20 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly  
21 noticed pursuant to Nevada's open meeting laws.

22 On March 15, 2011, Respondent City of Las Vegas filed a motion to dismiss the  
23 complaint. Complainant has not filed an opposition to the motion.

24 The motion asserts that the complaint raises only an appeal of an employer's bargaining  
25 unit determination, and that Complainant lacks standing to proceed with this type of complaint.  
26 The Board agrees.

27 The complaint asserts that a group of employees at the Las Vegas Water Pollution  
28 Control Facility ("WPCF") asked to be removed from a larger bargaining unit which is currently

1 represented by Intervenor Las Vegas City Employees Association. The complaint asserts that the  
2 City denied the request and, in requesting relief from the Board, asks that the employees at the  
3 Water Pollution Control Facility be recognized as a separate bargaining unit. Because this  
4 complaint asks us to review the City's decision to include the WPCF employees in a larger  
5 bargaining unit, the Board agrees with the City that the complaint presents an appeal of the  
6 City's bargaining unit determination and is controlled by NRS 288.170.

7 NRS 288.170(5) states: [i]f any *employee organization* is aggrieved by the determination  
8 of a bargaining unit, it may appeal to the Board" (emphasis added). An "employee organization"  
9 is "an organization of any kind having as one of its purposes improvement of the terms and  
10 conditions of employment of local government employees." NRS 288.040. In contrast, a local  
11 government employee is "any person employed by a local government employer." NRS 288.050.  
12 While Complainant Jimmy Dale Brown is a local government employee, he is not an employee  
13 organization. As such, he lacks the standing to appeal the City's bargaining unit determination  
14 under NRS 288.170(5). Any such appeal must be brought by an employee organization.

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

#### 18 FINDINGS OF FACT

- 19 1. Complainant Jimmy Dale Brown is a local government employee, and not an employee  
20 organization, as specified in paragraph No. 1 of the complaint.
- 21 2. If any of the foregoing findings is more appropriately construed a conclusion of law, it  
22 may be so construed.

#### 23 CONCLUSIONS OF LAW

- 24 1. The complaint filed by Jimmy Dale Brown in this matter presents an appeal of the City's  
25 denial of a request to create a separate bargaining unit for employees at the Las Vegas  
26 Water Pollution Control Facility.
- 27 2. Pursuant to NRS 288.170(5), only an employee organization has standing to appeal an  
28 employer's bargaining unit determination.

1 3. Because Complainant Jimmy Dale Brown is not an employee organization, he lacks  
2 standing to appeal the City's bargaining unit determination.

3 4. If any of the foregoing conclusions is more appropriately construed a finding of fact, it  
4 may be so construed.

5 **ORDER**

6 IT IS HEREBY ORDERED that this action is dismissed, each party to bear its  
7 own fees and costs.

8 DATED this 27th day of April, 2011.

9 LOCAL GOVERNMENT EMPLOYEE-  
10 MANAGEMENT RELATIONS BOARD

11 BY: 

12 SEATON J. CURRAN, ESQ., Chairman

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

5 JIMMY DALE BROWN, JR.,

6 Complainant,

7 vs.

CASE NO. A1-046012

8 CITY OF LAS VEGAS,

9 Respondents,

**NOTICE OF ENTRY OF ORDER**

10  
11 LAS VEGAS CITY EMPLOYEES'  
12 ASSOCIATION

13 Intervenor  
14

15 To: Jimmy Dale Brown, Jr., In Proper Person

16 To: Morgan Davis, Esq. for City of Las Vegas

17 To: Bruce K. Snyder, Esq., for Las Vegas City Employees' Association

18  
19 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
20 April 27, 2011.

21 A copy of said order is attached hereto.

22 DATED this 27<sup>th</sup> day of April, 2011.

23 LOCAL GOVERNMENT EMPLOYEE-  
24 MANAGEMENT RELATIONS BOARD

25 BY   
26 JOYCE A. HOLTZ, Executive Assistant  
27  
28

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 27<sup>th</sup> day of April, 2011, I served a copy of the foregoing  
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Jimmy Dale Brown, Jr.  
6 9128 Jewel Crystal Court  
7 Las Vegas, NV 89129

8 Morgan Davis, Esq., City Attorney  
9 City of Las Vegas  
10 400 East Stewart Avenue, 9<sup>th</sup> Floor  
11 Las Vegas, NV 89101

12 Bruce K. Snyder, Esq.  
13 Las Vegas City Employees' Association  
14 857 N. Eastern Avenue  
15 Las Vegas, NV 89101

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JOYCE HOLTZ, Executive Assistant