

FILED

FEB 26 2019

STATE OF NEVADA
E.M.R.B.

STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

THOMAS J. KNICKMEYER,

Complainant,

vs.

CLARK COUNTY DEPUTY MARSHALS
ASSOCIATION, Does I through X, Inclusive,

Respondent.

Case No. A1-046097

NOTICE OF ENTRY OF ORDER

To: Complainant Thomas J. Knickmeyer, pro se;

To: Clark County Deputy Marshals Association and their attorney Adam Levine, Esq. and the Law
Office of Daniel Marks.

PLEASE TAKE NOTICE that the **ORDER** was entered in the above-entitled matter on
February 26, 2019.

A copy of said order is attached hereto.

DATED this 26 day of February, 2019.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY



MARISU ROMUALDEZ ABELLAR
Executive Assistant

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3 **CERTIFICATE OF MAILING**

4 I hereby certify that I am an employee of the Local Government Employee-Management
5 Relations Board, and that on the 26 day of February, 2019, I served a copy of the foregoing **NOTICE**
6 **OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

7 Thomas Knickmeyer
8 2047 Bluebell Court
9 Henderson, NV 89012

10 Adam Levine, Esq.
11 Law Office of Daniel Marks
12 610 South Ninth Street
13 Las Vegas, NV 89101

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MARISU ROMUALDEZ ABELLAR
Executive Assistant

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Case No. A1-046097

ORDER

ITEM No. 836

On the 20th day of February, 2019, this matter came on before Panel A of the State of Nevada, Local Government Employee-Management Relations Board ("Board"), for consideration and decision over whether to lift the stay and if so, then what should then be done to move the matter forward. In this regard, the Respondent has requested that the case be dismissed.

On May 12, 2014, the Board entered a stay on the case, noting that a petition for judicial review had been filed concerning its decision in Item No. 793. In imposing the stay, the Board concluded that the matter should not be dismissed, but instead should be stayed pending the outcome of the petition for judicial review filed in Item No. 793. The Board further notes that prior to imposing the stay on this case the Board ordered each party to file a document stating its position on Item No. 793, which both parties did so by early March 2014.

On September 7, 2018, the Nevada Supreme Court dismissed the appeal in that case (NSC Case No. 68660) and that on October 18, 2018, Panel A issued an order lifting the stay and further ordering that each party submit a supplement to its prior response in light of the subsequent decision of the Nevada Supreme Court in case number #68660, which was the appeal of the Board's decision in Item No. 793, and that said supplement was to have been submitted within 20 days of the October 18, 2018, Board Order.

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1 Subsequently, and upon the request of the Complainant and with the agreement of the
2 Respondent, the Commissioner issued a Commissioner's Order on November 2, 2018, extending the
3 due date for the filing of a supplemental response to February 7, 2019. On January 30, 2019 the
4 Respondent filed its supplemental response. The EMRB did not receive a supplemental response from
5 the Complainant.

6 The Board has reviewed the documents pertinent to this case, as well as its prior ruling in case
7 A1-046058, Clark County Deputy Marshals Association v. Clark County (Item No. 793 issued January
8 27, 2014). In that case the Board held that the Deputy Marshals were not employees of Clark County
9 but were instead employees of the Eighth Judicial District Court and thus were court employees.
10 Accordingly, the Board held that deputy marshals were not local government employees as they did not
11 work for a local government employer. Thus the deputy marshals had no standing to bring a claim
12 pursuant to NRS 288.

13 Nothing in this case has swayed the Board from its prior decisions concerning court employees.
14 The Complainant, who was a Deputy Marshal, was not a local government employee but was rather an
15 employee of the court system and thus does not have standing under NRS 288 to pursue a claim against
16 the Respondent for the breach of the duty of fair representation. As stated in Respondent's supplemental
17 response the "Duty of Fair Representation arises out of the designation of an employee organization as
18 an exclusive representative for purposes of collective bargaining" and "until Marshals get collective-
19 bargaining rights, they cannot be subject to the Duty of Fair Representation."

20 IT IS ACCORDINGLY ORDERED that the Complaint of Thomas Knickmeyer be dismissed.

21 Dated this 26 day of February, 2019.

22 LOCAL GOVERNMENT EMPLOYEE-
23 MANAGEMENT RELATIONS BOARD

24 By: 
BRENT ECKERSLEY, ESQ., Chair

25 By: 
26 SANDRA MASTERS, Vice-Chair

27 By: 
28 PHILIP LARSON, Board Member