

FILED

MAY 01 2019

STATE OF NEVADA  
E.M.R.B.

STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

TEAMSTERS LOCAL NO. 14,

Complainant,

v.

LAS VEGAS POLICE PROTECTIVE  
ASSOCIATION CIVILIAN EMPLOYEES,  
INC.,

Respondent.

Case No. 2018-031

**NOTICE OF ENTRY OF ORDER**

TO: Complainants and their attorneys, Adam Levine, Esq. and the Law Office of Daniel Marks;

TO: Respondent and their attorneys, John Dean Harper, Esq. and the Harper Law Office.

PLEASE TAKE NOTICE that an **ORDER** was entered in the above-entitled matter on April 29, 2019.

A copy of said order is attached hereto.

DATED this 1st day of May, 2019.

LOCAL GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY



MARISU ROMUALDEZ ABELLAR  
Executive Assistant

**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 May, 2019, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Adam Levine, Esq.  
Law Office of Daniel Marks  
530 South Las Vegas Blvd., Suite 300  
Las Vegas, NV 89101

John Dean Harper, Esq.  
Harper Law Office  
8440 W. Lake Mead Blvd., Suite 214  
Las Vegas, NV 89128

  
\_\_\_\_\_  
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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STATE OF NEVADA  
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STATE OF NEVADA

LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

TEAMSTERS LOCAL 14,

Petitioner,

v.

LAS VEGAS POLICE PROTECTIVE  
ASSOCIATION CIVILIAN EMPLOYEES,  
INC.,

Respondent.

Case No. 2018-031

**ORDER**

**EN BANC**

**ITEM NO. 839**

On April 22, 2019, this matter came before the State of Nevada, Local Government Employee-Management Relations Board ("Board") for consideration and decision pursuant to the provisions of the Local Government-Management Relations Act (the "Act"); NAC Chapter 288 and NRS Chapter 233B. At issue was Respondent, LAS VEGAS POLICE PROTECTIVE ASSOCIATION CIVILIAN EMPLOYEES, INC.'s ("PPACE") Motion to Dismiss the Complaint.

In its Complaint and Petition, Teamsters Local 14 ("Local 14") alleges that the PPACE bargaining unit encompasses both supervisory and nonsupervisory civilian employees under their direction in violation of NRS 288.170(1). Local 14 alleges that after removal of the supervisors from the bargaining unit, a majority of employees within a properly constituted civilian nonsupervisory employee bargaining unit would support Local 14. As such, Local 14 requested the Board properly separate the alleged illegal bargaining unit and hold a hearing to determine whether is a good faith doubt as to whether PPACE is supported by a majority of the non-supervisory civilian employees, and if so hold a representative election pursuant to NRS 288.160.

In its Motion, PPACE argues that the current bargaining unit is legal and in compliance with NRS 288.170(1) and do not meet the statutory definition of a supervisor. PPACE further argues that there is no good faith doubt that PPACE does not have support of the majority of the bargaining unit. In Opposition, Local 14 points out that the determination of whether the bargaining unit members are

1 properly supervisory employees is a question of fact not properly determined upon a motion to dismiss.

2 NRS 288.170(3) provides that "a supervisory employee must not be a member of the same  
3 bargaining unit as the employees under the direction of that ... supervisory employee. Any dispute  
4 between the parties as to whether an employee is a supervisor must be submitted to the Board." NRS  
5 288.170(5) provides that "[i]f any employee organization is aggrieved by the determination of a  
6 bargaining unit, it may appeal to the Board." NRS 288.160(4) provides that "[i]f the Board in good  
7 faith doubts whether any employee organization is supported by a majority of the local government  
8 employees in a particular bargaining unit, it may conduct an election by secret ballot upon the  
9 question." As PPACE notes, NAC 288.375 provides that the Board **may** dismiss a matter if the Board  
10 determines that no probable cause exists for the complaint. Based on the pleadings, an evidentiary  
11 hearing is required in order to determine the issues presented including the proper submission and  
12 presentation of evidence as well as credibility determinations in accordance with NRS and NAC 288.  
13 Moreover, a bifurcated hearing is necessary to lessen costs, expedite the matter, avoid prejudice, and in  
14 the furtherance of convenience.

15 IT IS, THEREFORE, ORDERED that the Motion to Dismiss the Complaint is DENIED.

16 IT IS FURTHER ORDERED that the matter be BIFURCATED with the hearing occurring first  
17 on whether the bargaining unit improperly includes statutory supervisory employees. Thereafter, the  
18 Board will determine if it will hold a hearing to determine whether any employee organization is  
19 supported by a majority of the local government employees in the subject bargaining unit(s), and if so  
20 hold a representative election. Either party may file an objection to the bifurcation within 10 days of the  
21 date of this order should it feel such bifurcation is not appropriate, including its reasons and support for  
22 such an objection.

23 IT IS FURTHER ORDERED that prehearing statements shall be 20 days from the date of this  
24 order.

25 Dated this 24<sup>th</sup> day of April, 2019.

26 LOCAL GOVERNMENT EMPLOYEE-  
27 MANAGEMENT RELATIONS BOARD

28 BY:   
BRENT C. ECKERSLEY, Chairman