

FILED

AUG 19 2019

STATE OF NEVADA
E.M.R.B.

STATE OF NEVADA

GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

FRANCIS DAVIS,

Petitioner,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT and the LAS VEGAS POLICE
PROTECTIVE ASSOCIATION CIVILIAN
EMPLOYEES, INC.,

Respondents.

Case No. 2019-003

NOTICE OF ENTRY OF ORDER

ITEM NO. 845

- TO: Complainant and her attorneys, Adam Levine, Esq. and the Law Office of Daniel Marks;
- TO: Respondent LVMPD and their attorneys, Nick Crosby, Esq. and Marquis Aurbach Coffing;
- TO: Respondent LVPPACE and their attorneys, John Dean Harper, Esq. and Harper Law Office.

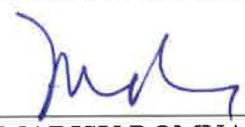
PLEASE TAKE NOTICE that an **ORDER ON RESPONDENT'S MOTION TO DISMISS**
was entered in the above-entitled matter on August 19, 2019.

A copy of said order is attached hereto.

DATED this 19th day of August 2019.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY


MARISU ROMUALDEZ ABELLAR
Executive Assistant

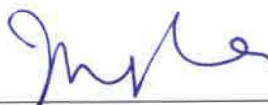
CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 19th day of August 2019, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

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

Nick D. Crosby, Esq.
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145

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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Case No. 2019-003

**ORDER ON RESPONDENT'S MOTION TO
DISMISS**

PANEL E

ITEM NO. 845

On August 13, 2019, this matter came before the State of Nevada, Government Employee-Management Relations Board ("Board") for consideration and decision pursuant to the provisions of the Employee-Management Relations 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.

PPACE argues that pursuant to NRS 288.110 and NAC 228.375 dismissal is warranted in this matter as Petitioner's arguments lack probable cause and are spurious and/or frivolous. In Opposition, Petitioner details that PPACE breached its duty of fair representation by their refusal to force LVMPD to negotiate over compensation and safety in connection with the fingerprinting duties being taken from peace officers who are part of the bargaining unit and given to the civilian DST. Further, Petitioner alleges that PPACE's knowing and conscious decision to pursue a remedial course which would be ineffective, and which did not include the obligation to bargain before the changes were implemented, meets the definition of "arbitrary".

As this Board has repeatedly held, cases involving factual disputes, and credibility determinations, require a hearing and cannot be disposed of by a motion to dismiss. NAC 288.375

1 provides that the Board **may** dismiss a matter if the Board determines that no probable cause exists for
2 the complaint. An evidentiary hearing is required in order to determine the issues presented including
3 the proper submission and presentation of evidence as well as credibility determinations in accordance
4 with NRS and NAC 288.

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

6 IT IS FURTHER ORDERED that pre-hearing statements not already filed shall be due within 20
7 days of the date of this Order.

8 Dated this 19th day of August 2019.

9 GOVERNMENT EMPLOYEE-
10 MANAGEMENT RELATIONS BOARD

11 BY: 
12 BRENT C. ECKERSLEY, Chair

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