

FILED

JUN 26 2020

STATE OF NEVADA  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

INTERNATIONAL ASSOCIATION OF FIRE  
FIGHTERS, LOCAL # 2955, and CASEY  
MICONE,

Complainants,

v.

RENO-TAHOE AIRPORT AUTHORITY,

Respondent.

Case No. 2020-013

**ORDER ON RESPONDENT'S MOTION  
TO STAY AND FULL OR PARTIAL  
DEFERRAL**

EN BANC

ITEM NO. 867

On June 24, 2020, 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's Motion for Stay and Full or Partial Deferral.

Respondent and the employee organization have a negotiated grievance and arbitration procedure, and Complainant Micone has filed a grievance in connection therewith. Respondent requests the Board stay this matter pending the decision or resolution of the contractual grievance. Complainants acknowledged that they must exhaust their administrative remedies, pursue the underlying grievance, and that this Board may defer its decision in this matter until after the underlying grievance is resolved.

The Board has repeatedly emphasized that the preferred method for resolving disputes is through the bargained-for processes, and the Board applies NAC 288.375 liberally to effectuate that purpose. *See also* NAC 288.040; *see also, e.g., Ed. Support Employees Ass'n v. Clark County Sch. Dist.*, Case No. A1-045509, Item No. 288 (1992); *Int'l Union of Operating Engineers, Stationary Local 39 v. City of Reno*, Case No. A1-045567, Item No. 395 (1996); *Nevada Serv. Employees Union v. Clark Cty.*, Case No. A1-045759, Item No. 540 (2003); *Las Vegas Police Protective Ass'n Metro, Inc. v. Las*

1 *Vegas Metropolitan Police Dep't*, Case No. A1-045783, Item No. 578 (2004); *Carpenter vs.*  
2 *Vassiliadis*, Case No. A1-045773, Item No. 562E (2005); *Saavedra v. City of Las Vegas*, Case No. A1-  
3 045911, Item No. 664 (2007); *Int'l Ass'n of Firefighters, Local 731 v. City of Reno*, Case No. A1-  
4 045918, Item No. 670 (2008); *Boykin v. City of North Las Vegas*, Case No. A1-045921, Item No. 674B  
5 (2008); *Las Vegas City Employees' Ass'n v. City of Las Vegas*, Case No. A1-045940, Item No. 691  
6 (2008); *Wilson v. North Las Vegas Police Dep't*, Case No. A1-045925, Item No. 677D (2009);  
7 *Rosenberg v. The City of North Las Vegas*, Case No. A1-045951 (2009); *Storey County Firefighters*  
8 *Ass'n, IAAF Local 4226 v. Storey County*, Case No. A1-045979 (2010); *Jessie Gray Jr. v. Clark County*  
9 *School Dist.*, Case No. A1-046015, Item No. 758 (2011); *Las Vegas Metropolitan Police Dep't v. Las*  
10 *Vegas Police Protective Ass'n, Inc.*, Case No. 2018-017 (2018); *County of Clark, Nev. v. Int'l Ass'n of*  
11 *Fire Fighters, Local 1908*, Case No. 2017-033 (2018).

12 Moreover, the Board generally may defer to arbitration proceedings in consideration with its  
13 exclusive jurisdiction and, in such cases, it is the practice of the Board to stay matters during the  
14 arbitration process. *City of Reno v. Reno Police Protective Ass'n*, 118 Nev. 889, 895, 59 P.3d 1212,  
15 1217 (2002); *Thomas v. City of N. Las Vegas*, EMRB Case No. A1-045618, Item No. 407 (1997); *Ed.*  
16 *Support Employees Ass'n v. Clark County Sch. Dist.*, Case No. A1-045657, Item No. 446 (1999);  
17 *Rosenberg v. The City of N. Las Vegas*, EMRB Case No. A1-045951, Item No. 707 (2009); *Clark*  
18 *County Education Ass'n v. Clark County Sch. Dist.*, EMRB Case No. A1-046025, Item No. 764 (2011);  
19 *City of Las Vegas v. LVPOA*, Case No. 2017-012 (2017); *Las Vegas Metropolitan Police Dep't v. Las*  
20 *Vegas Police Protective Ass'n*, Case No. 2018-017 (2018); *McCray v. Clark County*, Case No. 2019-  
21 013 (2020); *Operating Engineers Local Union No. 3 v. Incline Village Gen'l Improvement Dist.*, Case  
22 No. 2020-012 (2020).

23 IT IS, THEREFORE, ORDERED that the matter be STAYED pending exhaustion of  
24 contractual remedies consistent with the above.

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1 IT IS FURTHER ORDERED that the parties shall file a joint status report approximately every  
2 90 days on a schedule to be determined by the Commissioner.

3 Dated this 26th day of June 2020.

4 GOVERNMENT EMPLOYEE-  
5 MANAGEMENT RELATIONS BOARD

6 BY:   
7 BRENT C. ECKERSLEY, Chair

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3 **STATE OF NEVADA**  
4 **GOVERNMENT EMPLOYEE-MANAGEMENT**  
5 **RELATIONS BOARD**  
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7 INTERNATIONAL ASSOCIATION OF FIRE  
8 FIGHTERS, LOCAL # 2955, and CASEY  
9 MICONE,

Complainants,

v.

10 RENO-TAHOE AIRPORT AUTHORITY,

11 Respondent.

Case No. 2020-013

**NOTICE OF ENTRY OF ORDER**

**EN BANC**

**ITEM NO. 867**

12 TO: Petitioner, by and through its attorneys, Thomas Donaldson, Esq. and DYER LAWRENCE,  
13 LLP;

14 TO: Respondents, by and through its attorneys Mark J. Ricciardi, Esq.; Allison L. Kheel, Esq. and  
15 FISHER & PHILLIPS.


16 PLEASE TAKE NOTICE that the **ORDER ON RESPONDENT'S MOTION TO STAY**  
17 **AND FULL OR PARTIAL DEFERRAL** was entered in the above-entitled matter on June 26, 2020.

18 A copy of said order is attached hereto.

19 DATED this 26th day of June 2020.

20 GOVERNMENT EMPLOYEE-  
21 MANAGEMENT RELATIONS BOARD

22 BY

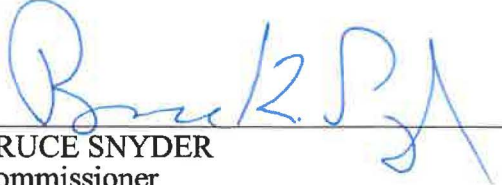
  
23 BRUCE SNYDER  
24 Commissioner  
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Government Employee-Management Relations  
3 Board, and that on the 26th day of June 2020, I served a copy of the foregoing **NOTICE OF ENTRY**  
4 **OF ORDER** by mailing a copy thereof, postage prepaid to:

5 Thomas Donaldson, Esq.  
6 DYER LAWRENCE, LLP  
7 2805 Mountain Street  
8 Carson City, NV 89701

9 Mark J. Ricciardi, Esq.  
10 Allison L. Kheel, Esq.  
11 FISHER & PHILLIPS  
12 300 S. Fourth Street, Suite 1500  
13 Las Vegas, NV 89101

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16 BRUCE SNYDER  
17 Commissioner  
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