



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** March 16, 2023

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding authorization for the District Attorney's Office to pursue all legal avenues and to take all necessary legal action to challenge an arbitration award issued in favor of the Carson City Deputy Sheriff's Association ("Association") concerning a dispute under the terms of the collective bargaining agreement ("CBA") between the Association on behalf of the deputy sheriffs and the City on behalf of the Carson City Sheriff's Office ("CCSO"). (Nancy Paulson, npaulson@carson.org)

Staff Summary: The Association filed a grievance pursuant to the CBA asserting various claims generally relating to the promotional opportunity of a deputy sheriff. The parties arbitrated the matter, and the arbitrator issued an award in favor of the Association. This item is for the purpose of obtaining authorization from the Board of Supervisors for the District Attorney's Office to challenge the award on behalf of the City and CCSO, including, without limitation, the filing of an appeal to vacate the award.

Agenda Action: Formal Action / Motion **Time Requested:** 5 minutes

Proposed Motion

I move to authorize the District Attorney's Office to pursue all legal avenues and to take all necessary legal action to challenge the arbitration award.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

The rights, duties and obligations of the Association and CCSO are set forth in the parties' current CBA, executed on June 21, 2021, and effective through June 30, 2026. Under the grievance process contained in the CBA, the Association filed a grievance which ostensibly stemmed from the decision of CCSO not to promote a deputy sheriff (the "grievant") to the position of sergeant. The grievance did not identify the non-promotion itself as an issue; rather, the grievance claimed contract violations concerning CCSO's promotional testing process, the confidentiality of specific candidate rankings and the non-release of scoring data on testing criteria.

Attempts at resolution before binding arbitration were unsuccessful and the parties proceeded to two days of arbitration hearings which were conducted on October 25 and 26, 2022. The Arbitrator issued an award on February 7, 2023, denying certain grievance issues raised by the Association but ultimately finding that CCSO violated the contract by not promoting the grievant to the position of sergeant. In accordance with that finding, the award also requires retroactive promotion, to be effective on March 25, 2022, along with backpay, seniority

and benefits. In post-award discussions for the implementation of the award, the Association now asserts that the 12-month probationary period normally required for a newly promoted sergeant - as established under a separate collective bargaining agreement defining the terms of employment between CCSO and the sergeants - is inapplicable to the grievant.

In consultation with CCSO and after careful consideration of the award as issued, the District Attorney's Office believes that there are valid grounds to challenge the award. The Sheriff urges the Board of Supervisors to authorize the District Attorney's Office to pursue all legal avenues to challenge the arbitration award, including, without limitation, the filing of any necessary papers to vacate some or all of the award under the Uniform Arbitration Act, codified as chapter 38 of Nevada Revised Statutes.

Applicable Statute, Code, Policy, Rule or Regulation

NRS chapter 38

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact: There will be minimal court costs to appeal the arbitration award. If the City loses the appeal, the City may be ordered to pay attorney's fees and costs for the Association in addition to implementing the award.

Alternatives

Do not authorize the District Attorney's Office to challenge the arbitration award.

Attachments:

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)