

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD

4 JOHN MARLAN WALKER, )

5 Complainant )

6 vs. )

7 )  
8 CITY OF HENDERSON; MARK T. )  
9 CALHOUN, City Manager; FRED HORVATH, )  
10 Director Human Resources; DAWN JETT, )  
11 Manger of Employee Relations, )

12 Respondents )

ITEM NO.:730

CASE NO.: A1-045978

**ORDER**

13 On the 22nd day of June, 2010, this matter came on before the State of Nevada, Local  
14 Government Employee-Management Relations Board ("Board"), for consideration and decision  
15 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly  
16 noticed pursuant to Nevada's open meeting laws.

17 Respondent City of Henderson filed a motion to dismiss arguing that Complainant had  
18 not exhausted his contractual remedies. See NAC 288.375(2). The motion to dismiss asserts that  
19 Complainant is currently moving through the final steps of the grievance procedure and includes  
20 as Exhibit B a confirmation that an arbitrator has been selected to hear Mr. Walker's case.  
21

22 Generally, this Board is required to defer to an arbitrator when the contractual claims  
23 overlap with prohibited labor practice claims. City of Reno v. Reno Police Protective Ass'n, 118  
24 Nev. 889, 59 P.3d 1212 (2002). Previously, this Board has stayed proceedings before the Board  
25 to allow the parties to proceed through the grievance process. *e.g.*, International Association of  
26 Firefighters, Local 731 v. City of Reno, EMRB Case No. A1-045918, Item No. 670 (July 16,  
27 2008).  
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DAWN JETT, Manger of Employee Relations,

11 Respondents

CASE NO. A1-045978

**NOTICE OF ENTRY OF ORDER**

12  
13 To: David S. Gibson, Esq.

14 To: Nick D. Crosby, Esq.  
15 Marquis & Aurbach

16 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
17 June 30, 2010.

18 A copy of said order is attached hereto.

19 DATED this 30<sup>th</sup> day of June, 2010.

20 LOCAL GOVERNMENT EMPLOYEE-  
21 MANAGEMENT RELATIONS BOARD

22  
23 BY

  
24 ANDY ANDERSON, Commissioner  
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**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 30th day of June, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

David S. Gibson, Jr., Esq.  
35 E. Horizon Ridge Pkwy, #110-197  
Henderson, NV 89002

Nick D. Crosby, Esq..  
Marquis & Aurbach  
10001 Park Run Drive  
Las Vegas, NV 89145

  
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ANDY ANDERSON, Commissioner