

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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9 CALHOUN, City Manager; FRED
10 HORVATH, Director Human Resources;
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 30th day of June, 2010.

20 LOCAL GOVERNMENT EMPLOYEE-
21 MANAGEMENT RELATIONS BOARD

22
23 BY 
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



ANDY ANDERSON, Commissioner