

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

AFSCME LOCAL 4041,

Complainants,

v.

STATE OF NEVADA, DEPARTMENT OF  
VETERANS SERVICES, NEVADA  
STATE VETERAN'S HOME,

Respondents.

CASE NO. 2023-019 and 2023-029

NOTICE OF ENTRY OF ORDER

EN BANC

ITEM NO. 909

TO: Each named Complainant and their attorney of record, STEVEN SORENSEN, ESQ.

TO: Each named Respondent and their attorneys of record, BRADLEY COMBS, ESQ. and  
NATHAN RING, ESQ.

PLEASE TAKE NOTICE that the attached **ORDER ON RESPONDENT'S MOTION FOR  
DEFERRAL TO ARBITRATION AWARD AND MOTION TO DISMISS** was entered in the  
above-entitled matter on July 28, 2025.

A copy of said order is attached hereto.

DATED this 28th day of July, 2025.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY



KELLY VALADEZ  
Executive Assistant

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GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

AFSCME LOCAL 4041,

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STATE OF NEVADA, DEPARTMENT OF  
VETERANS SERVICES, NEVADA  
STATE VETERAN'S HOME,

Respondents.

CASE NO. 2023-019 and 2023-029

ORDER ON RESPONDENT'S MOTION  
FOR DEFERRAL TO ARBITRATION  
AWARD AND MOTION TO DISMISS

EN BANC

ITEM NO. 909

On July 11, 2025, this matter came before the State of Nevada, Government Employee-Management Relations Board (the "Board") for consideration and decision on Respondent's Motion for Deferral to Arbitration Award and Motion to Dismiss ("Motion") pursuant to the provisions of the Employee-Management Relations Act (The Act), NRS Chapter 233B, and NAC Chapter 288. Complainants did not file an Opposition to the Motion and stated at the July 11 Board meeting that they did not oppose the Motion. At issue is whether or not Case Nos. 2023-019 and 2023-029 may be deferred to arbitration proceedings and be dismissed based on the arbitrator's decision.

**A. Motion to Defer to Arbitration Proceedings.**

The Nevada Supreme Court adopted the NLRB's five-part test relative to deferral to an arbitration in *City of Reno v. Reno Police Dept.* 118, Nev 889, 896 (2003). The five-part test states that the Board **shall defer** to an arbitration if:

1. The arbitration proceedings were fair and regular;
2. The parties agreed to be bound;
3. The decision was "not clearly repugnant to the purposes and policies of the Employee-Management Relations Act;
4. The contractual issue was factually parallel to the unfair labor practice issue; and
5. The arbitrator was presented generally with the facts relevant to resolving the unfair labor practice.

1 *Id.*, see also *Robert Ortiz v. Service Employees International Union Local, 1107*, Case No. 2020-021,  
2 Item 879 (2022). The party asking this Board to reject an arbitration award has the burden of  
3 demonstrating that the five-part test above was not met. *Id.* The Board will examine each part of the  
4 five-part test below.

5 1. Were the Arbitration Proceedings Fair and Regular?

6 Both parties had an opportunity to present their arguments to the Arbiter through their  
7 respective legal representatives which included the presentation of witnesses, oral argument and the  
8 filing of written briefs. There was no evidence that suggests that the proceedings were improper or  
9 arbitrary in any way. Thus, the Board finds that a regular review of the evidence was conducted.

10 2. Did the Parties Agree to be Bound?

11 There is no dispute by Complainant or Respondent that the parties agreed to be bound by the  
12 grievance and arbitration processes set out in the CBA.

13 3. Was the Decision of the Arbiter repugnant to the Purposes and Policies of the Employee-  
14 Management Relations Act?

15 The National Labor Relations Board has explained that a decision is not “clearly repugnant”  
16 unless the decision is “palpably wrong.” *Verizon New England Inc. v. NLRB*, 423 U.S. App. D.C. 316,  
17 322 (2016); see also *Utility Workers Union off America, Local 246, AFL-CIO v. N.L.R.B.*, U.S. App.  
18 D.C. 39 F.3d 1210, 1214 (1994). Moreover, arbitration is preferred for the simple reason that it is  
19 understood to be “a part of the continuous collective bargaining process” that lies at the heart of the  
20 NLRB. *Id.* (citing to *United Steelworkers v. Warrior & Gulf Navigation Co.*, 363 U.S. 574, 581, 80  
21 S.Ct. 1347, 1352, 4 L.Ed.2d 1409 (1960)).

22 In this matter, there is no dispute that the Arbiter’s findings and conclusions were consistent  
23 with Nevada law and that there is nothing legally deficient or inconsistent with the Arbiter’s holdings.  
24 Therefore, the Board further finds that the decision of the Arbiter was not “repugnant” to the Nevada  
25 Employee-Management Relations Act nor was the decision of the Arbiter “palpably wrong.”

26 4. Are the Contractual and Prohibited Practice Issues Factually Parallel?

27 As outlined in the Respondent’s Motion and as stipulated to by the Complainant during the July  
28 11, 2025, meeting, the Board finds that the contractual and prohibited practice issues are factually

1 parallel.

2 5. Was the Arbiter Presented Generally with the Facts Relevant to Resolving the Alleged  
3 Unfair Labor Practice?

4 As outlined in the Respondent's Motion and as stipulated to by the Complainant during the July  
5 11, 2025, meeting, the Board finds that the facts relevant to resolving the alleged unfair labor practice  
6 were presented to the Arbiter and the decision of the Arbiter clearly reflects this finding.

7 Based on the foregoing, **IT IS HEREBY ORDERED** Respondent's Motion to Defer to  
8 Arbitration Proceedings is hereby **GRANTED**.

9 **IT IS FURTHER ORDERED** that the Board shall defer to the Arbiter's decisions for Case No.  
10 2023-019 and 2023-029.

11 **IT IS FURTHER ORDERED** that Respondent's Motion to Dismiss Case Nos. 2023-019 and  
12 2023-029 is hereby **GRANTED** and that these cases are **DISMISSED WITH PREJUDICE**.

13 DATED this 28th day of July 2025.

14  
15 GOVERNMENT EMPLOYEE-  
16 MANAGEMENT RELATIONS BOARD

17 By:   
18 BRENT ECKERSLEY, ESQ., Chair

19 By:   
20 MICHAEL J. SMITH, Vice-Chair

21 By:   
22 SANDRA MASTERS, Board Member

23  
24 By:   
25 MICHAEL A. URBAN, ESQ., Board Member

26 By:   
27 BRUCE K. SNYDER, ESQ., Board Member  
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