



**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
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**Meeting Minutes of the Employee-Management Committee**  
**February 19, 2015**

Held at the Bryan Building, 901 S. Stewart St., Tahoe Conference Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

**Committee Members:**

<b>Management Representatives</b>	<b>Present</b>
Mr. Mark Evans–Chair	X
Ms. Mandy Payette–Co-Vice-Chair	
Ms. Bonnie Long	
Ms. Claudia Stieber	
Ms. Allison Wall	
Ms. Michelle Weyland	X

  

<b>Employee Representatives</b>	
Ms. Stephanie Canter–Co-Vice-Chair	
Ms. Donya Deleon	
Mr. Tracy DuPree	X
Mr. David Flickinger	X
Ms. Turessa Russell	
Ms. Sherri Thompson	

**Staff Present:**

Mr. Greg Ott, EMC Counsel, Deputy Attorney General  
Ms. Carrie Lee, EMC Coordinator  
Ms. Jocelyn Zepeda, Hearing Clerk

- 1. Chair Mark Evans:** Called the meeting to order at approximately 9:00 a.m.

**2. Public Comment**

There were no comments from the audience or from the Committee Members.

**3. Adoption of the Agenda – Action Item**

Chair Evans requested a motion to adopt the agenda.

**MOTION:** Moved to approve the adoption of the agenda.  
**BY:** Committee Member Tracy DuPree  
**SECOND:** Committee Member Michelle Weyland  
**VOTE:** The vote was unanimous in favor of the motion.

**4. Approval of Minutes for October 23, 2014 – Action Item**

Chair Evans requested a motion to approve the minutes.

**MOTION:** Moved to approve the minutes.  
**BY:** Committee Member Michelle Weyland  
**SECOND:** Committee Member Tracy DuPree  
**VOTE:** The vote was unanimous in favor of the motion.

**5. Approval of Minutes for November 12, 2014 – Action Item**

Chair Evans requested a motion to approve the minutes.

**MOTION:** Moved to approve the minutes.  
**BY:** Committee Member David Flickinger  
**SECOND:** Committee Member Tracy DuPree  
**VOTE:** The vote was unanimous in favor of the motion.

**6. Approval of Minutes for November 13, 2014 – Action Item**

Chair Evans noted that on the fifth line of the sixth page there was a typographical error of the name “Como” and that the correct spelling of the name was “Comeaux.”

**MOTION:** Moved to change the spelling of the name “Como” to “Comeaux” and approve the minutes.  
**BY:** Committee Member Tracy DuPree  
**SECOND:** Committee Member Michelle Weyland  
**VOTE:** The vote was unanimous in favor of the motion.

**7. Adjustment of Grievance of Shari Kassebaum #3336, Department of Corrections – Action Item**

The agency employer Department of Corrections (NDOC) was represented by Supervising Senior Deputy Attorney General Janet Traut. Shari Kassebaum (“Ms. Kassebaum” or “Grievant”) was present in proper person.

NDOC objected to the grievance as untimely but the objection was denied.

NDOC argued that the Committee lacked jurisdiction to hear the grievance on the basis that: the grievance regarding a performance evaluation which occurred in June was filed in August and was not timely; the issues contained in the grievance were covered in grievance #3296 and the grievance was dismissed; the remedy Grievant requested was not available; and the grievance was moot because Ms. Kassebaum had been given a new evaluation.

Grievant argued that the grievance should not be dismissed on the basis that her direct supervisor had not written her evaluation and she had not been told who did write her evaluation. She further argued that it was her right as an employee to have been counseled in an area in which her performance was evaluated as not meeting standards and she had not received counseling.

The Committee considered the evidence and arguments of counsel and the parties and deliberated on the record. Committee Member Michelle Weyland noted that she understood Grievant's concerns with the process. Chair Evans noted that the appointing authority was responsible for the evaluation, regardless of who had written the evaluation. Chair Evans stated that the evaluation had been poorly written, that whomever wrote it needed instruction on how to write an evaluation, and that he hoped NDOC was providing that training but that he understood it was not easy to determine who needed training. Chair Evans additionally stated that he recalled the Committee had decided they could not hear the previous grievance because the issues were whistleblower retaliation and that he believed that was the appropriate venue for the issues. Committee Member David Flickinger stated that everything they had heard fell under whistleblower retaliation. Committee Member Weyland stated that she was in agreement that the issue was whistleblower retaliation and stated that the Committee did not need to hear the matter again. Committee Member Tracy DuPree stated that he thought the Committee lacked jurisdiction in the matter. Chair Evans stated that at some point, something in the relationship between NDOC and Grievant had gone wrong and that it was his wish that both sides would sit down with an a neutral mediator and an open mind, and try to work it out. Chair Evans further stated that if the parties did not resolve the issues, inevitably, Grievant would leave the job and NDOC would be sued; and that could be a great effort.

Chair Evans requested a motion.

**MOTION:** Moved to grant the motion to dismiss on the basis of res judicata.

**BY:** Committee Member Tracy DuPree

**SECOND:** Committee Member David Flickinger

**VOTE:** The vote was unanimous in favor of the motion.

NDOC stated that the motion to dismiss was the right thing to do in the matter but that an employee does not always have the full picture. NDOC further stated that issues were being addressed through the proper channels and that the agency was not just doing nothing.

Chair Evans stated that he hoped future evaluations would not be written in the same way.

NDOC stated that it was difficult with a large number of people.

Chair Evans noted that some of the issues contained in the evaluation had been addressed in NDOC's review of the evaluation that Grievant requested but that those issues should have been resolved prior to the evaluation being given. Chair Evans further stated that he understood those difficulties inherent to a large agency and that similarly, he worked in a large agency, Nevada Department of Transportation, and that he was aware that the person with responsibility for preventing such an occurrence on evaluations encountered issues on a daily basis.

NDOC stated that finding the happy medium of what went into the performance evaluation and what was handled as misconduct or discipline was tied to the matter.

Grievant stated that Ms. Traut was trying to make it appear one way and paint a pretty picture however, the picture was not pretty on the other side. Grievant stated that she could tell stories that would make their jaws drop but that she would leave it at that.

Chair Evans stated that he hoped Grievant understood why the Committee had decided they would not hear the grievance.

Grievant stated that she understood what she had to do for herself and on behalf of NDOC employees and thanked the Committee for their time and their comments.

Chair Evans thanked Grievant and NDOC and noted that both sides had treated each other with respect, which was important.

## **8. Public Comment**

There were no comments from the audience or Committee members.

## **9. Adjournment**

**MOTION:** Moved to adjourn.  
**BY:** Committee Member Tracy DuPree  
**SECOND:** Committee Member Michelle Weyland  
**VOTE:** The vote was unanimous in favor of the motion.