



**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
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**Meeting Minutes of the Employee-Management Committee**  
**April 23, 2015**

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, Nevada, via videoconference.

**Committee Members:**

| <b>Management Representatives</b>  | <b>Present</b> |
|------------------------------------|----------------|
| Mr. Mark Evans–Chair               |                |
| Ms. Mandy Payette–Co-Vice-Chair    |                |
| Ms. Bonnie Long                    |                |
| Ms. Claudia Stieber                | X              |
| Ms. Allison Wall                   |                |
| Ms. Michelle Weyland               | X              |
| <b>Employee Representatives</b>    |                |
| Ms. Stephanie Canter–Co-Vice-Chair | X              |
| Ms. Donya Deleon                   |                |
| Mr. Tracy DuPree                   |                |
| Mr. David Flickinger               |                |
| Ms. Turessa Russell                |                |
| Ms. Sherri Thompson                | X              |

**Staff Present:**

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

- 1. Co-Vice-Chair Stephanie Canter:** Called the meeting to order at approximately 9:20 a.m.

**2. Public Comment**

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

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

Co-Vice-Chair Canter requested a motion to adopt the agenda.

**MOTION:** Moved to approve the adoption of the agenda.

**BY:** Committee Member Sherri Thompson

**SECOND:** Committee Member Claudia Stieber

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

**4. Discussion and possible action related to the audit of payment requested pursuant to Grievance #2752 of Tania Arguello, submitted by Central Payroll – Action Item**

Co-Vice-Chair Canter stated that at the direction of the September 18, 2014, EMC hearing on the grievance of Tania Arguello (“Ms. Arguello”), an audit was performed by Central Payroll to ensure that the holiday pay for the July 4, 2013, shift was calculated correctly. Co-Vice-Chair Canter acknowledged receipt of the audit, therefore no action was taken and the case was concluded.

Ms. Arguello understood the EMC’s acceptance of the audit and wanted to move the grievance to the next level. Co-Vice-Chair Canter explained that the grievance had already been denied at the hearing and EMC decisions were final. It was Ms. Arguello’s belief that the grievance was put on hold until the audit was completed. Co-Vice-Chair Canter clarified that when the grievance was denied the EMC was satisfied that the pay was correct.

**5. Adjustment of Grievances of William Reubart #3155 & 3301, Department of Corrections – Action Item**

William Reubart (“Mr. Reubart” or “Grievant”) was present and represented by Adam Levine, Esq. (Mr. Levine). The agency employer Nevada Department of Corrections (“NDOC”) was represented by Deputy Attorney General Charles Mackey (“Deputy Attorney General Mackey”). There were no objections to the submitted exhibits. The parties stipulated to the testimony of Victor Daniel (“Mr. Daniel”) and Arthur Emling (“Mr. Emling”). It was stipulated that if called to testify Mr. Daniel and Mr. Emling would have testified that they applied for and received the Criminal Investigator I positions that Mr. Reubart had applied for, that at the time they applied for the positions they were Category III peace officers for purposes of Nevada Peace Officer Standards and Training (“POST”), that the position of Criminal Investigator I requires a Category II POST certification and that the two witnesses had to be sent to upgrade their skills in order to obtain the POST certification necessary for the position. Mr. Reubart, NDOC Personnel Officer II Brian Boughter (“Mr. Boughter”) and NDOC Inspector General Pamela Del Porto (“Ms. Del Porto”) were sworn in and testified at the hearing.

On August 23, 2013, and on January 30, 2014, Mr. Reubart applied for two separate Criminal Investigator I positions within NDOC. Both times Mr. Reubart applied, the lists involved with the positions were unranked lists pursuant to NAC 284.361(5). Mr. Reubart asserted that when the list of applicants is unranked or waived the appointing authority, as provided in NAC 284.373, shall attempt to communicate with at least five eligible people who the appointing authority deemed most qualified based upon a review of their respective qualifications as they related to the position. Mr. Reubart stated that the word “shall” was mandatory, and not permissive. Mr. Reubart further asserted that, having already served as a Criminal Investigator III, he had all of the qualifications related to the position or class of a Criminal Investigator I position yet he was consistently passed over without an explanation as to why he was not contacted as he asserted was required by regulation.

Furthermore, Mr. Reubart asserted that Ms. Del Porto tried to have him terminated approximately four to five years ago, and that he forced NDOC to take him back. However, Mr. Reubart came back to NDOC as a Case Worker. Mr. Reubart believed that he was being deliberately passed over in violation of regulation and not being considered for the Criminal Investigator I position because of personal bias related either to Ms. Del Porto’s previous attempts to terminate him or because he had previously given testimony before a Legislative government affairs committee which was not favorable to NDOC. Finally, Mr. Reubart indicated that he would request an appropriate remedy from the Committee.

NDOC indicated that NAC 284.361(5) governed an unranked list of applicants, but stated that the language from that regulation only required or gave discretion to the appointing authority to communicate with at least five eligible people who the appointing authority deemed most qualified based upon a review of the applicants’ qualifications, so that the regulation gave discretion to the appointing authority to determine out of the people on the unranked list who they would interview. NDOC stated that the facts would show that the two unranked lists produced in excess of 100 applicants for the two positions, and that NDOC complied with NAC 284.361 in reviewing those lists and interviewing the individuals it deemed most qualified. Furthermore, NDOC stated in substance that because Mr. Reubart had previously held a Criminal Investigator position that fact did not mean that he automatically could return as one, and that he would have to go through the entire hiring process for the position like any other applicant.

Additionally, NDOC stated that the facts would not show that Ms. Del Porto is holding a grudge against Mr. Reubart because NDOC had fired him and was then forced to take him back. Rather, NDOC asserted the facts would show that Mr. Reubart had been a Criminal Investigator III, that a disciplinary action was brought against him to terminate his employment, and that as a resolution of that disciplinary action Mr. Reubart agreed to leave his Criminal Investigator III position and to move into his current position of Case Worker III.

NDOC also asserted in substance that if Mr. Reubart felt he was not interviewed because he was being retaliated against for testifying before the Legislature in 2009, that was a whistleblower allegation governed by NRS Chapter 281 with totally separate procedures which did not come before the EMC, and that in any event the time frame for pursuing such a matter had long passed. With respect to possible remedies, NDOC argued that the Committee had no authority to provide the remedies Mr. Reubart was pursuing.

Mr. Reubart testified that has been employed by NDOC since 2004; he began his employment with NDOC as a Criminal Investigator III. Prior to working at NDOC, Mr. Reubart had been employed with the State of Nevada, Department of Public Safety, Division of Parole and Probation for seven years. As a Criminal Investigator III, Mr. Reubart stated he worked within the Office of the NDOC Inspector General and handled a variety of investigations. Additionally, Mr. Reubart was acting warden with NDOC for six months at High Desert State Prison in 2007.

Mr. Reubart testified that he was terminated by Ms. Del Porto and appealed his termination pursuant to NRS Chapter 284. As part of a settlement agreement of that appeal, Mr. Reubart stated that he agreed to take the Case Worker III position, since there was no Criminal Investigator III position open (he was informed that his former position had been filled) at the time the agreement was reached. He further testified that he never agreed not to be eligible for or not to reapply for a Criminal Investigator position. Mr. Reubart also testified that NDOC specifically agreed to allow him to keep his POST certification while he was in a non-peace officer position, and that he would not need POST certification if he did not intend to return to a peace officer position.

Mr. Reubart stated that NDOC never attempted to contact him after he filed either of his applications for the Criminal Investigator I positions, and that the list involved in the recruitment process for those two positions was an unranked list. Mr. Reubart further stated that he never received an explanation during the grievance process as to why in the two times he applied for the Criminal Investigator I positions he was never contacted by NDOC. Additionally, Mr. Reubart testified in substance that he felt he was not interviewed in retaliation for testimony which he had given which was unfavorable to NDOC.

Mr. Reubart testified that he had been convicted of a misdemeanor, disorderly conduct, in 2010. Mr. Reubart indicated that NDOC had terminated him when he was charged, but prior to his arrest. Mr. Reubart testified that he appealed his termination, but that prior to his appeal going to hearing, a settlement agreement was reached.

In response to questioning, Mr. Reubart stated that there was nothing in the written settlement agreement indicating that he was being placed in the Case Worker III position because there were no Criminal Investigator positions open. Mr. Reubart also said he assumed that if he had gone forward with his appeal and not entered into a settlement agreement and the hearing officer had overturned his dismissal he would have returned to a Criminal Investigator III

position. However, he also stated that he did not want to displace another person from the position.

In response to further questioning, Mr. Reubart testified that he held the Associate Warden's position prior to the disorderly conduct conviction and that the performance standards submitted as exhibits were from prior to the conviction. Mr. Reubart testified that he was familiar with the regulations for peace officers, and that a misdemeanor conviction for a crime not of moral turpitude did not disqualify him from being a peace officer.

Mr. Boughter testified as part of his duties as a Personnel Officer II he was responsible for overseeing recruiting and promotional packets, and that he was familiar with the two recruitments for the positions involved in Mr. Reubart's grievances. Mr. Boughter testified in substance that the applications submitted for the Criminal Investigator I positions would be reviewed by the Division of Human Resource Management ("DHRM"), and an unranked, certified list of the people who met the minimum qualifications for the position would be provided by DHRM to NDOC. NDOC Human Resources would forward the certified list to the appointing authority for action.

Mr. Boughter testified in substance that the two recruitments received a large response, and that there were probably between 180-200 eligible candidates on the certified lists for both positions out of about 300 people who applied to one of the Criminal Investigator I positions, and about 200 people who had applied to the other position. Once the list was forwarded to the appointing authority, Mr. Boughter indicated in substance that the appointing authority, in this case the Inspector General, would select who they would interview based on certain criteria being met by the applicant. Mr. Boughter also testified that when he received the certified list of eligible people the list was unranked.

Ms. Del Porto testified that she has been the Inspector General at NDOC since January 2010, and that she has been employed by NDOC since 2002. As Inspector General, Ms. Del Porto testified that she has oversight management of investigations assigned to subordinate staff at the Inspector General's Office, which consisted of administrative and criminal investigators. Ms. Del Porto testified that Criminal Investigators handle all types of criminal matters, including escapes, drug interdictions, theft and fraud, and would also assist outside law enforcement agencies.

Ms. Del Porto testified in substance that once the Inspector General received the unranked list from NDOC's Human Resources her office would try to determine if any current or former employees were among the applicants. Additionally, Ms. Del Porto testified that the Nevada Offender Tracking Information System ("NOTIS") would be reviewed to see if any unusual events were related to the applicant; Ms. Del Porto also indicated that a personal history questionnaire sent to some applicants would be reviewed and verification of identity would be requested. Ms. Del Porto testified in substance that screened applicants would then be invited to participate in POST-required physical agility administered by the NDOC recruiter. Applicants who passed the required physical agility standard were invited to participate in interviews.

Ms. Del Porto indicated that she was involved in the selection of applicants to interview for the two Criminal Investigator I positions. She testified that she reviewed the unranked, certified list of applicants, checked NOTIS, reviewed the applications and then discussed the matter with Supervisor Molnar to see if any personal history questionnaires should be sent to any applicants or not. Ms. Del Porto then testified in substance that she then turns over responsibility for the interviews and the physical testing to the recruiter for NDOC Human Resources. According to Ms. Del Porto, it was up to the supervisors to convene an interview panel, draft the interview questions, rank the candidates and the interview, and then provide Ms. Del Porto with who they believed was the best candidate. Ms. Del Porto also stated in substance that if someone leaves the Inspector General's Office and wants to return, that person would be required to go through the same hiring process as any other applicant.

Ms. Del Porto testified that she made the decision not to interview Mr. Reubart for the Criminal Investigator I positions. She stated that the reason she did not interview Mr. Reubart was the recent (in comparison to the recruitments of 2013 and 2014) conviction from 2010. She further testified that she tried to bring as little discredit upon the Inspector General's Office as possible, and that credibility was part of an investigation. Ms. Del Porto testified to the reasons why she considered the conviction a credibility issue, even though the negotiated deal was for disorderly conduct.

Additionally, Ms. Del Porto testified that Mr. Reubart and many other applicants were removed after the first step of the initial reviews. Ms. Del Porto testified in substance that in her estimation certain convictions or arrests could bring discredit upon the Inspector General's Office and that while she had been the Inspector General she had not knowingly hired anyone that had that recent of a conviction. She also stated that she would not have sent any applicant with the type of arrest or conviction that Mr. Reubart had through to the interview process, and that she harbored no ill will or grudge towards Mr. Reubart. Additionally, Ms. Del Porto testified that Mr. Reubart's testimony before the legislative committee had no bearing on not sending him forward to an interview for the Criminal Investigator I positions, and that she had not been Inspector General at the time of the testimony.

Ms. Del Porto testified that she could not remember if there was an opening for a Criminal Investigator position at the time of Mr. Reubart's settlement with NDOC; however, she indicated that she was under the belief that Mr. Reubart did not want to return to the Inspector General's Office. Ms. Del Porto also stated that she would not have agreed to place Mr. Reubart in a Criminal Investigator position as part of the settlement.

Ms. Del Porto testified that she was familiar with the POST regulations regarding the eligibility and qualifications to be a peace officer, and that conviction of a felony would disqualify anyone from being a peace officer, as would a conviction of a crime of moral turpitude. However, she also testified that a conviction for a simple misdemeanor does not disqualify a person from being a peace officer.

In response to questioning, Ms. Del Porto stated in substance that although a conviction for a simple misdemeanor does not relate to position or class, her decision was based upon being Inspector General and not wanting someone in that office with as recent a conviction as Mr. Reubart had performing investigations, notwithstanding that it did not relate to POST or class. Additionally, Ms. Del Porto testified that the two individuals who received the Criminal Investigator I positions were qualified for the position. Furthermore, Ms. Del Porto testified that as a normal practice she reviewed convictions before interviewing peace officers. Ms. Del Porto stated that depending on the circumstances she used an applicant's conviction as a basis in making selections for positions. In response to questioning, Ms. Del Porto stated that she did not explain to Mr. Reubart during the grievance process that his conviction for disorderly conduct was a factor in his not being interviewed for the Criminal Investigator I positions.

The EMC reviewed the evidence, considered the statements of the witnesses and the arguments of counsel and the parties, and deliberated on the record. It was voiced by some Committee members that the appointing authority had wide discretion once they received a list of qualified candidates from DHRM and that it was up to the appointing authority to determine who they deemed most qualified, and that they did not see where NDOC violated the applicable NAC. However, Co-Vice-Chair Stephanie Canter thought that NDOC did violate regulation because when Mr. Levine asked Ms. Del Porto if the reason (the disorderly conduct conviction) she did not choose to pick Mr. Reubart as the person most qualified for the Criminal Investigator I position was related to his class or position her answer was no. To Co-Vice-Chair Canter, the regulation said most qualified based on a review of the applicant's respective qualifications as related to the position, and that the regulation did not simply say most qualified, so NDOC violated NAC by not going further and making the attempt to contact Mr. Reubart.

Co-Vice-Chair Canter requested a motion.

**MOTION:** To deny the grievances based on the Grievant's failure to show that the agency violated State law or NAC.

**BY:** Committee Member Claudia Stieber

**SECOND:** Committee Member Sherri Thompson

**VOTE:** The motion passed with a majority vote; Co-Vice-Chair Canter voted against.

**6. Adjustment of Grievance of Robert Pascoe, University of Nevada, Las Vegas – Action Item**

Robert Pascoe ("Mr. Pascoe") was present and in proper person. The University of Nevada, Las Vegas ("UNLV") was represented by Terri Clark, Employee Relations Manager, and Kelly Scherado, Employee Relations Specialist.

Mr. Pascoe objected to UNLV's Exhibit A, Work Performance Standards from 1998, on the grounds of relevancy. The objection was sustained, and the first page of this exhibit was removed. Mr. Pascoe also objected to Exhibit O, Prohibitions and Penalties, however, this exhibit remained in evidence. Mr. Pascoe also requested that Work Order #414259 be submitted as Employee Exhibit 2 and all parties were in agreement.

Mr. Pascoe, UNLV Facility Manager Victor Welbourne ("Mr. Welbourne") and UNLV Assistant Director of Facilities Management Scott Wright ("Mr. Wright") were sworn in and testified at the hearing.

Mr. Pascoe was contesting a Written Reprimand that had been issued to him by UNLV. The Written Reprimand alleged various violations of UNLV's Prohibitions and Penalties, including: Willful and/or negligent falsification of records and reports, dishonesty, failure to meet performance standards, negligence in performing official duties including failure to follow instructions or regulations, carelessness, indifference and/or inattention to duty, discourteous treatment of others, endangering self, fellow employees, students or the public . . . and insubordination: refusal to comply with an order or instruction from a supervisor. Mr. Pascoe felt the Written Reprimand was unjustified, disputed the facts UNLV was basing the reprimand on, and asked that the Written Reprimand be removed from his file.

UNLV in substance contended that the Written Reprimand issued to Mr. Pascoe was a fair and accurate reflection of Mr. Pascoe's actions and was supported by a factual basis. Additionally, UNLV stated that it had followed progressive discipline prior to issuing Mr. Pascoe the Written Reprimand. UNLV asked that the Committee allow the Written Reprimand to remain in effect.

Concerning the allegation that he was taking too long to put up blinds on the 5<sup>th</sup> floor of the BEH Building, Mr. Pascoe testified that the job was actually a two person job, and that he should have had another person helping him with the job. Additionally, Mr. Pascoe testified in substance that he found out later that the helpers were being "coerced" not to help him, and that he had proof in the form of a letter from one of the helpers, but that the letter had been stolen. Additionally, Mr. Pascoe stated in substance that there were several work orders associated with the blinds job in the BEH Building, and that the numbers on the work orders became confused. He stated in substance that mistakes were made, but that he had done the best he could under the circumstances.

Mr. Pascoe alleged that there were a lot of different steps involved in installing the blinds, and that the steps were time consuming. He testified in substance that he had to meet with the administrative assistants and the professors to find out what they wanted done, take out the existing blinds if necessary and then measure for, order and install new blinds. Mr. Pascoe in substance indicated that it was "never cut and dried" as to how long it took to do each job because every job was different. Mr. Pascoe testified in substance that for the blinds job in the BEH Building he had to walk up the back stairs of the building and

make several trips on several different days. Additionally, Mr. Pascoe stated in substance that sometimes he would go up to try and install the blinds and no one was there.

With respect to specific allegations in the Written Reprimand, Mr. Pascoe testified in substance that he did not consider himself a dishonest person and that with the work orders he made an honest mistake and confused the work orders. With respect to the work performance standards he did the best job that he could. Mr. Pascoe also questioned why, if it was felt that he was taking too long performing a job, his supervisor did not come to him and tell him he was taking too long and see if there was a way to somehow speed up, instead of telling him after the fact. He also testified that he did not go to his supervisor for assistance because he did not realize there was a problem with the time it took for him to install the blinds. Mr. Pascoe claimed in substance that the system supervisor does review the work orders on a daily basis, and that if there was a problem with his time the supervisor had the opportunity to come to him and tell him that he needed to go faster, or ask if he could go faster. Additionally, Mr. Pascoe alleged that UNLV, in issuing the Written Reprimand, was retaliating against him for being a witness in a discrimination matter from a few years before. Mr. Pascoe in substance stated that many of the alleged violations in the Written Reprimand were untrue.

Mr. Pascoe testified in substance that the process of one person installing blinds in one room should take about 4-5 hours, and that it took him 6 hours to install the blinds in Room 513 in the BEH Building, that the job was performed over several days. Mr. Pascoe stated in substance that the other time for this particular work order should have been charged to another office/work order. He also testified that he could not perform the installation job in Room 513 to the best of his ability because he did not have all of the tools he needed to perform the job. For this particular job Mr. Pascoe testified in substance that he needed cutters because even though he ordered the blinds to the correct size when the ordered blinds came into the warehouse they were an incorrect size.

Additionally, Mr. Pascoe stated that the UNLV work order system had “a lot of bugs” and that he had never been to any training concerning how to fill out a work order, even though the computer system for work orders has been in place for 10 years.

With respect to the job referenced in the Written Reprimand concerning the floor and tile, Mr. Pascoe testified in substance that it took a long time for the materials necessary to perform the job to arrive and that particular job was in a student teaching lab. Mr. Pascoe stated that he received a work order stating that there was a soft spot on the floor. He investigated the spot and determined that there was water damage to the floor. Mr. Pascoe then testified that he went to his supervisor, Mr. Welbourne, and they looked at the job together and decided that it needed to be repaired at a later date because classes were going on at that time. It was decided that the repairs to the floor would be made during spring break. Mr. Pascoe said that the same day that this decision was made he went to the warehouse and ordered flooring material for the job, but that the material never arrived. Mr. Pascoe testified in substance that every so

often he would tell his supervisor that the tiles had not come in, and that his supervisor was aware of what was happening with that job. Since the materials never arrived by spring break Mr. Pascoe stated in substance that other jobs came up and the floor job was not performed during spring break as planned.

Mr. Pascoe testified that a duplicate work order for the floor job was produced. He further testified in substance that he was trained, when there were two duplicate work orders, to close out the old one and keep the new one, so he did that in this situation. Mr. Pascoe stated that there was no exact procedure for closing a work order, and that he had written "closed as completed" on the work order by mistake. Mr. Pascoe testified that the closing of the work order in question irritated Mr. Welbourne and led to a meeting between Mr. Pascoe, Mr. Welbourne and the Assistant Director concerning the floor job. Mr. Pascoe testified that the job was not an emergency; however, when he looked at the spot in question after this meeting he saw that there was now a hole in the floor.

Mr. Pascoe testified that he did not have the specific wood available to stabilize the floor, and that he had put a temporary tile on it as a temporary fix. Mr. Pascoe also testified that he had put cautionary tape up and orange cones around the spot, and that he was waiting for sub floor material to come in. When questioned by the Committee, Mr. Pascoe testified that the specific type of plywood that he wanted to use for the floor job was not in stock, and that he had to use a substandard material. Mr. Pascoe also stated that the floor repair area was in a bungalow and not in a high traffic area and so was not an emergency. Mr. Pascoe also testified in substance that he told his supervisor every so often that he was waiting for the plywood to come in. Mr. Pascoe also stated in substance that he completed 90 percent of the job after Mr. Welbourne went to the warehouse and said that he wanted the material and that it arrived two days after that.

Mr. Welbourne testified that he was the Facility Manager at UNLV and had held that position for 6 years, and had been with UNLV for 22 years. He further testified that his duties included overseeing the day-to-day operations of the structural shops and the carpenters, painters and welders, the plumbing shop and alarms. Mr. Welbourne stated that before he issued a Written Reprimand to an employee he talked to and then coached and counseled the employee and then went to his direct supervisor, Scott Wright and discussed the problem. If the problem continued Mr. Welbourne testified that he issued a Letter of Instruction ("LOI") which again stated what his expectations were, what he saw, and how the problem could be resolved. After an LOI is issued, Mr. Welbourne stated that UNLV goes by its Policies and Procedures as to the next step.

Mr. Welbourne testified that the amount of time taken by Mr. Pascoe to install the blinds was excessive. He stated that usually to perform such a job a person calls the requestor, takes measurements, goes to the warehouse, gives them the information they need to order the blinds and the people at the warehouse order the blinds. Mr. Welbourne further stated that it might take a couple of weeks for the blinds to come in, and that when they do arrive the worker takes the old

blinds down and hangs the new blinds. Mr. Welbourne added that two people should be able to easily install blinds in two hours, and that if there was a problem with the length of the blinds the carpenter shop had a saw which could trim the blinds in a minute.

Mr. Welbourne stated in substance that Mr. Pascoe went to the office where he was hanging the blinds on 7 different occasions, and that it took him 13 hours to hang the blinds, and that this was unreasonable. Mr. Welbourne stated in substance that he became aware of the time it took Mr. Pascoe to hang the blinds when the time management people brought it to his attention and he started looking at the completed work orders that were turned in to him by some of the 22 employees he supervised.

Additionally, Mr. Welbourne testified in substance that not even once, after he met with Mr. Pascoe on February 10, 2014, to look at the soft spot on the floor in the student lab building, did Mr. Pascoe come to him and say that he needed help or materials. Mr. Welbourne stated that if Mr. Pascoe had asked him for help he would have provided help for Mr. Pascoe and that if Mr. Pascoe would have let him know that he needed material to complete the job he would have gotten that material.

Mr. Welbourne further testified that he did not become aware of the floor situation until he saw the time on the work order as completed in three hours, and that he knew it would have taken more than three hours to complete that job. Mr. Welbourne stated that when you sign a work order as completed you are saying that you finished the job and it is done, and that this was standard procedure. He further indicated in substance that employees can close work orders, but that they do not write "completed repair" on it if they did not, and that the employee can write "duplicate" on the work order and turn in the new one and continue on with the old one.

Mr. Welbourne testified that when he became aware in March 2014 that the floor in the student teaching lab had not been repaired, former Assistant Director of Facilities Management Kevin Raschko and he went down to the location and looked at it. Mr. Welbourne testified that Mr. Pascoe had coned off the location but that the weak spot was still there and someone could have put their foot through it. Mr. Welbourne felt that at the very least Mr. Pascoe could have replaced the plywood under the tile. Mr. Welbourne further indicated that he had spoken to Maintenance Supervisor Desmond Oliver, who said that they had plywood in the carpenter's shop and that they did not need to order it. Mr. Welbourne, in response to questioning, testified that the plywood that was in the carpenter's shop was made for subfloors.

Mr. Welbourne further stated in substance that he went to the warehouse, spoke with Cliff Devoge and asked if Mr. Pascoe had come to him about ordering vinyl tile and was told that Mr. Pascoe had come in that morning to do so. According to Mr. Welbourne, Mr. Devoge asked if the order could wait until July and Mr. Pascoe had told him that it could; Mr. Welbourne told Mr. Devoge that the tile could not wait and needed to be ordered now. Mr. Welbourne testified in substance that Mr. Pascoe did not complete the floor job

when the tile came in because he went home sick that day and the job was completed by Desmond Oliver.

Mr. Wright testified that he has held his position as Assistant Director of Facilities Management for two years. Mr. Wright stated in substance that he met with Mr. Pascoe for the second time on August 20, 2014, to try and resolve his grievance concerning Work Order #415731 concerning the 13 hours it took to hang the blinds in the BEH Building. Mr. Wright testified that up to then the 13 hours Mr. Pascoe had taken to hang the blinds had been well-defended by him. At the second meeting though, Mr. Wright indicated that Mr. Pascoe “suddenly said” that he had misallocated his time and had not put it in the right place, which took Mr. Wright aback. Mr. Wright then testified that he asked Mr. Pascoe where the time did go and Mr. Pascoe said that he did not know. In response to that answer, Mr. Wright stated that he took all of the time allotted on all of the work orders for all the completed blinds hanging jobs on the 5<sup>th</sup> floor of the BEH Building which Mr. Pascoe had performed and normalized them and came up with an average time spent on every job (window) of 9.88 hours. Mr. Wright also stated that the windows were office-sized windows.

Mr. Wright stated that he had asked Mr. Pascoe at this meeting if hanging blinds could be a one person or two person job, and was told that if one person was hanging blinds it would take that person four hours. In response to questioning by the Committee Mr. Wright stated that Mr. Pascoe has contact information for the people whose blinds he is going to install.

Mr. Wright went over UNLV’s Exhibit L, which was a closed work order involving the hanging of blinds closed by one UNLV employee who Mr. Wright testified was a maintenance repair worker (“Mr. Hamilton”). Mr. Wright testified in substance that Mr. Hamilton, on the 5th floor of the BEH Building (which he stated was the same floor as Mr. Pascoe had hung his blinds on), had hung blinds that were nearly the identical size as the blinds hung by Mr. Pascoe and had accomplished the job in 2.5 hours. Mr. Wright added that Mr. Hamilton had also needed to take back the blinds to the shop and trim them and then bring them back to the office to hang them.

Additionally, Mr. Wright stated that he had seen the floor job and that it was not located in an obscure area but was in the middle of a walkway, and that the job Mr. Pascoe performed was not safe.

The Committee reviewed the evidence, considered the statements of the witnesses and the arguments of counsel and the parties, and deliberated on the record. Some Committee members voiced the opinion that they saw no evidence that UNLV acted improperly in issuing the Written Reprimand, and they did not see where the reprimand was unwarranted. It was also voiced in substance by Co-Vice-Chair Canter that a seasoned employee such as Mr. Pascoe should know more about what needed to be done with these jobs.

Co-Vice-Chair Canter requested a motion.

**MOTION:** To deny the grievance as the employer has appropriately followed the disciplinary process.

**BY:** Committee Member Michelle Weyland

**SECOND:** Committee Member Sherri Thompson

**VOTE:** The motion passed unanimously.

**7. Public Comment**

There were no comments from the audience or Committee Members.

**8. Adjournment**

**MOTION:** Moved to adjourn.

**BY:** Committee Member Sherri Thompson

**SECOND:** Committee Member Michelle Weyland

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