



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
June 26, 2014

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

Committee Members:

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

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 9:00 a.m.

2. Public Comment

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

3. Adoption of the Agenda – Action Item

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

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

Co-Vice-Chair Canter mentioned that Veronica Rosales had withdrawn her grievance, so Item 7 on the agenda would not be heard.

4. Approval of Minutes for May 8, 2014 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes of the May 8, 2014.

MOTION: Moved to approve the minutes.
BY: Chair Mark Evans
SECOND: Committee Member Tracy DuPree
VOTE: The vote was unanimous in favor of the motion.

5. Approval of Minutes for May 22, 2014 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes of the May 22, 2014. Member Claudia Stieber moved to approve the minutes and Member Mandy Payette seconded the motion. Prior to a vote, Chair Evans stated that in the second paragraph on page 3, the first sentence should be changed to have a comma instead of a period after the word “upheld” and to delete the words “He stated that”. Then Member Tracy DuPree moved to approve the minutes with the correction and Member Mandy Payette seconded again.

MOTION: Moved to approve the minutes with the suggested correction.
BY: Committee Member Tracy DuPree
SECOND: Committee Member Mandy Payette
VOTE: The vote was unanimous in favor of the motion.

6. Adjustment of Grievance of Morgan Mucciarone, Department of Health and Human Services, Division of Health Care Financing and Policy – Action Item

Morgan Mucciarone was present and was represented by Jeanine Lake. Deputy Director of Health and Human Services Kareen Masters was present and represented the agency employer, Department of Health and Human Services, Division of Health Care Financing and Policy (“Department”).

The exhibits submitted to the EMC prior to the hearing were marked Exhibits 1-12 for Ms. Mucciarone and Department's Exhibits A-G. There were no objections to the exhibits. Ms. Mucciarone, Health Care Coordinator II Stephanie Maxfield, former supervisor of Ms. Mucciarone, Lori Kearse, Health Care Coordinator IV Ashley Hice, Health Care Coordinator III Kimberly Shingles and Social Service Manager III Heather Lazarakis were duly sworn and appeared at the hearing.

Ms. Mucciarone is employed by the Department as a Health Care Coordinator II; she has worked for the Department for over 8 years. At the time of the incident she was a Health Care Coordinator III.

Ms. Mucciarone was asked by Ashley Hice ("Ms. Hice"), the case manager for the client, (hereinafter referred to as "CS") to attend a home visit to CS's residence because Ms. Hice felt uncomfortable making the home visit alone due to the fact that CS had made previous complaints and therefore she wanted a witness to the visit. Ms. Mucciarone testified that it was not uncommon for two workers to go to a client's residence if one worker was training or if the client was known to be difficult. When Ms. Mucciarone and Ms. Hice arrived at CS's residence on October 14, 2013, they were met by CS's personal care attendant ("PCA"). The PCA initially said that Ms. Hice could come into the residence, so Ms. Mucciarone asked if it was ok if both she and Ms. Hice entered the residence. The PCA came back and said that Ms. Hice could come in, whereupon Ms. Mucciarone testified she asked the PCA if it was ok if she just went in and introduced herself. The PCA shrugged said something such as I don't know or ok (Ms. Mucciarone could not recall exactly what the PCA said), and stood aside allowing both Ms. Mucciarone and Ms. Hice to enter CS's residence. Ms. Mucciarone stated in substance that she learned after the visit that the PCA may not have understood English.

Ms. Mucciarone testified that believed she let her supervisor and Ms. Hice's supervisor know the day of the visit that she would go with Ms. Hice on the home visit to CS's residence. Once inside CS's residence Ms. Mucciarone testified that CS was not happy about her coming in and that she asked her to leave. Ms. Mucciarone testified that she told CS that she and Ms. Hice would leave, but that she wanted to give CS information concerning what would happen next and that it was important for CS to have her home visit sometime that month. Ms. Mucciarone stated that she and CS conversed back and forth and that she was trying to explain to CS that a home visit needed to be completed in October 2014 because it was her annual month, that she could reschedule the home visit but that there would probably be two case managers present at her home visit.

Furthermore, Ms. Mucciarone testified that during this time she was engaged in conversation with CS and that it would have been improper for her to simply walk out at that time. CS eventually allowed Ms. Hice to complete the home visit. Ms. Mucciarone testified that CS was never threatened or afraid in any way, although it was hard to tell from CS's facial or body expression (because CS is paralyzed) and that she was soft spoken, respectful and polite during the

encounter with CS. Grievant testified that at no time was she angry or trying to intimidate CS.

Ms. Mucciarone testified that after this incident it was announced to her unit at a WIN (Waiver for Independent Nevadans; CS was involved in that program) meeting that, or as a reminder, that if a case manager was taking another person on a home visit the recipient (client) was to be made aware beforehand and that the client needed to agree to the other person being part of the home visit. Prior to this, Ms. Mucciarone testified that she had never been told that clients must be told of the second person coming on the home visit, and that she thought that the case manager had a right to have a second person accompany them on home visits.

Ms. Mucciarone testified that she would accept the written reprimand the Department issued to her, but that she wanted the wording changed because she felt that it was inaccurate. She testified that the reprimand made it look like she was a violent person and that she never tried to intimidate or threaten CS. She also stated that she would accept violations because her actions were in poor judgment and that she should not have entered CS's residence. Ms. Mucciarone was willing to accept a reprimand which cited discourteous treatment to the public and that she negligently, and not willfully, abridged or denied CS's rights as specified in NRS or Division policy; she would not accept the other citations.

Stephanie Maxfield, Health Care Coordinator II, testified that she was CS's current (fifth) case manager, and that CS had rescheduled a visit 9 times prior to actually meeting with her. Additionally, Ms. Maxfield testified that Ms. Mucciarone had trained her. She also testified that Ms. Mucciarone seemed to have a good rapport with clients, was good at following through, felt that she treated clients respectfully and had a good relationship with co-workers.

Kimberly Shingles ("Ms. Shingles"), Health Care Coordinator III, also testified at the hearing. Ms. Shingles testified that she was familiar with CS since she was CS's case manager from October 2012 to December 2012. Ms. Shingles testified in substance that CS communicated a number of complaints about random issues which had nothing to do with her case management and issues dealing with scheduling. Ms. Shingles testified that it was the case manager's responsibility to make a client aware of what a client needed to do to remain part of the WIN program and the consequences of non-compliance. Ms. Shingles added that Ms. Mucciarone was instrumental in training her and was very professional with clients. She also testified that she conducted one home visit with CS and that CS made complaints after the home visit, although Ms. Shingles was unclear of what those complaints were about, but that she did not receive any corrective action as a result.

Lauri Kears ("Ms. Kears") testified she had been a supervisor for Medicaid in the WIN Program in October 2013, and that Ms. Mucciarone was in her chain of command at that time. She testified that it was standard practice for case managers to have a coworker accompany them to a recipient's residence with the permission of the recipient and case manager's supervisor. Ms. Kears testified in substance that there was no policy which said that case managers

could not take coworkers with them for client home visits, but that permission was needed from the client for the other person to accompany the case manager, and that she always directed her staff to get consent when two people were going to make a home visit and to document that consent. She further testified that neither Ms. Hice nor Ms. Mucciarone had discussed with her Ms. Mucciarone's need to accompany Ms. Hice on her visit to CS's residence, and that she did not find out that Ms. Mucciarone had accompanied Ms. Hice to CS's residence until the two returned from the visit. Ms. Kearse said that Ms. Hice and Ms. Mucciarone came into where she and Sandra Koppo ("Ms. Koppo") (Ms. Koppo was Ms. Hice's supervisor at the time) and said that the visit did not go well. Ms. Kearse also testified that Ms. Mucciarone stated to Ms. Koppo that "I put her in her place."

Ms. Kearse also testified to the fact that in her experience when CS expressed concerns to her the concerns were always valid. She stated in substance that CS had told her she did not know why Ms. Hice and Ms. Mucciarone came together, and that all they had to do was ask if it was ok (apparently for both to come to the residence). Ms. Kearse also stated that in the past when another case manager had the same case and was training new staff that case manager would ask the recipient (apparently CS) if it was ok if she brought a person along because she was training them and that would occur. She further testified that the initial responsibility for asking the client for consent would be the case manager's, but that it would be an expectation during the training process that the trainer would instruct the individual being trained to get client permission for the trainer to accompany the case manager prior to a home visit. Ms. Kearse also testified that although CS had already had five different case managers, this was not unusual for a long term client.

Ms. Kearse further testified that she was involved in the investigation of the events of October 14, 2013, and that she worked on Ms. Mucciarone's written reprimand along with former District Office Manager for the Department Jason Bouchard, and that she saw nothing that led her to believe that any of the violations cited in Ms. Mucciarone's written reprimand should be deleted or modified.

Additionally, Ms. Kearse stated that the Department did not automatically believe what CS said occurred. Ms. Kearse indicated that an investigation had been conducted by the Department which showed that CS had asked Ms. Mucciarone to leave three times and she refused to leave CS's home, and that 95% of what CS said was confirmed verbally by Ms. Hice. Finally, Ms. Kearse stated that Ms. Mucciarone's three month evaluation for the Health Care Coordinator III position was very good, and that she was knowledgeable about Department policy and procedure, but that the incident from October 13, 2014, was severe enough that Ms. Mucciarone voluntarily demoted from her position of Health Care Coordinator III to Health Care Coordinator II (it appeared from witness testimony that Ms. Mucciarone was told that if she did not demote herself voluntarily the Department would demote her to a Health Care II Coordinator).

Ms. Hice testified that in October 2013 she had been a Health Care Coordinator II, and that CS had been one of her clients. She testified that CS needed a great deal of assistance, including assistance with grooming, hygiene, meal preparation and shopping. She testified that she visited CS a total of two times. She testified that CS had e-mailed her the morning of October 13, 2014, but that she had not let CS know that someone else would be accompanying her on the visit to the CS's residence. Ms. Hice stated that she continuously staffed CS's case in the months she had the case, and that there was a continuing conversation about it due to e-mail complaints from CS about Ms. Hice. Ms. Hice testified that she wanted another case worker to accompany her on the visit because CS caused her high anxiety due to the previous complaints about Ms. Hice by CS, resulting in Ms. Hice receiving a verbal warning.

Ms. Hice further testified in substance that after she and Grievant arrived at CS's residence CS's PCA told Grievant twice that she could not enter prior to Grievant asking if she could enter simply to introduce herself. At that time the PCA moved aside and away from the door, so it was both her and Grievant's assumption that it was permissible to enter CS's residence. Ms. Hice testified that after going inside CS's residence and meeting CS Grievant was asked to leave two more times.

Ms. Hice stated that she and Ms. Mucciarone did not immediately leave after Ms. Mucciarone was asked to because they were engaged in a conversation with CS and that there was not an appropriate time to simply walk away from the conversation, and that she was explaining what could happen to CS if her home visit did not occur in October 2014. CS eventually allowed Ms. Hice 15 minutes to complete the home visit, which Ms. Hice was able to do. She further testified that she felt that Ms. Mucciarone was never threatening to CS, and even tried to kneel to be on CS's level, although Ms. Hice did acknowledge that the act of not leaving when CS said to could have been threatening to a certain extent.

Ms. Hice also testified that she had let her supervisor know prior to going on the home visit to CS's residence that she was taking along another healthcare worker because CS was a difficult client. Ms. Hice also testified that now as a Healthcare Coordinator IV who supervises other workers she would not have issued a written reprimand in this matter or recommended a demotion.

Heather Lazarakis ("Ms. Lazarakis"), Social Service Manager III at the Las Vegas Medicaid District Office (which was the position formerly held by Mr. Bouchard) testified that in October 2013 she was the acting manager and a Healthcare Coordinator IV. She testified that CS was in a program called the Home and Community Based Waiver for Persons with Physical Disabilities, which was formerly known as Waiver for Independent Nevadans and which helps people with disabilities to live independently in their homes outside of nursing home facilities. The program has certain requirements, however, such as monthly telephone contact between the client and agency and at least two home visits by case managers to the client's residence per year. She further testified that clients have the right to make complaints if they feel their rights were not respected by case managers and that the Department looked into

complaints by clients and would commonly provide direction to their case managers if it appeared that the client's rights were not being respected.

Additionally, Ms. Lazarakis testified that although it was not in a written policy that it was a right for a case manager to take along another person for a home visit and that it was a standard practice. However, she also testified that the client had the right to choose who they wanted present at a home visit. Upon questioning, Ms. Lazarakis testified that although she did not write the reprimand she felt that the reprimand issued in this case was appropriate because CS was not afforded her rights because Ms. Mucciarone was refused entry by CS's PCA and entered anyway. Ms. Mucciarone's conduct, according to Ms. Lazarakis, was disgraceful, because she had no authority to enter and entered CS's residence anyway; was discourteous, because Ms. Mucciarone was repeatedly asked by the PCA not to enter CS's residence and did so anyway, and was a misrepresentation of her official capacity or authority because CS perceived that she was in jeopardy of losing her waiver services and was being threatened with that loss. Ms. Lazarakis further testified that she thought that entering someone's home without that person's permission after they have been repeatedly asked to leave was conduct that was threatening or intimidating.

Ms. Lazarakis also testified that she was involved in the requested resolution conference on the Department's behalf, but that neither she nor anyone else who attended the resolution conference had the authority to resolve Ms. Mucciarone's grievance, and that their Personnel Technician and the Division Administrator did not support amending the written reprimand.

Co-Vice-Chair Canter opened the grievance for deliberation. The Committee reviewed the evidence, considered the statements of the witnesses and arguments of the parties, deliberated on the record, and stated its findings of fact and conclusions of law on the record.

Some members of the EMC stated that they felt the Department was overreaching when it issued Ms. Mucciarone a written reprimand, and other EMC members in substance voiced the possibility of striking the written reprimand entirely because of the Department's failure to send any representative to the resolution conference with the authority to make any changes to Ms. Mucciarone's written reprimand. Some EMC members voiced concern that CS's statement did not seem to support the written reprimand. Other EMC members stated that they felt that a letter of instruction would be appropriate if the written reprimand was stricken. Some EMC members expressed concern that it appeared that Ms. Mucciarone was being punished for steps that Ms. Hice had not taken to follow through with CS.

It was generally voiced by the EMC that the section of the reprimand alleging Ms. Mucciarone was violent towards CS should be modified or stricken. It was also noted by some EMC members that although Ms. Mucciarone was initially asked not to enter the residence by the PCA the PCA backed up and allowed Ms. Mucciarone to enter when she asked to introduce herself. There was also discussion by the EMC that there was not enough evidence to say that Ms. Mucciarone willfully abridged or denied CS's rights as specified in the NRS or

Department policy. However, other EMC members voiced concern with the fact that Ms. Mucciarone entered CS's residence when she had not been given express permission to do so.

Co-Vice-Chair Canter requested a motion.

MOTION: Moved to strike the written reprimand and change it to an oral warning with the stated facts about the incident to be more consistent with the facts as stated by Ms. Hice and Ms. Mucciarone. Also, the alleged violations were to be stricken with the exception of NAC 284.650(2) (disgraceful personal conduct) and NAC 284.650(4) (discourteous treatment of the public or fellow employee) because the agency had failed to substantiate that Ms. Mucciarone's conduct rose to the level of a written reprimand.

BY: Committee Co-Vice-Chair Stephanie Canter

SECOND: Committee Member Tracy DuPree

VOTE: Members Canter, DuPree and Flickinger voted in favor, Stieber and Payette objected, and Evans abstained; the motion was approved.

7. Adjustment of Grievance of Richard Reyes, Department of Motor Vehicles – Action Item

Mr. Reyes was present in proper person. The Department of Motor Vehicles ("DMV") was represented by Deputy Attorney General Dominika J. Morun. The exhibits submitted to the EMC prior to the hearing were marked and entered into evidence. Mr. Reyes testified at the hearing. Deputy Administrator of Field Services Tonya Laney was present and testified on behalf of DMV. Both were duly sworn.

Ms. Reyes is employed by DMV as a Services Technician III in its Field Services Division; he has been employed with DMV for almost 10 years. Mr. Reyes applied for outside employment at the Las Vegas Hotel and Casino (LVH) in Las Vegas, NV, in October 2013. In compliance with DMV policy to request outside employment, Mr. Reyes testified that he filled out an Outside Employment Memorandum and submitted it to his immediate supervisor. Mr. Reyes stated that his immediate supervisor approved his request and commented to him that she saw no problem with his outside employment, so he went ahead and accepted the position (which was a security position) at LVH. Mr. Reyes testified in substance that he worked 20 hours a week at LVH, and although he worked mainly at concerts, he testified that he could work from 1.5 to 2.5 hours each shift on the casino floor.

In early November 2013 Mr. Reyes received notification from DMV's Field Services Division Administrator Nancy Wojcik that his request for outside employment had been denied because the primary business of his outside employer was gaming. This was deemed to be a conflict with DMV Policy and Procedure 3.1.4(3)(B)(2), which stated that requests for approval of outside

employment “may be denied or terminated . . . [w]here the primary business of the prospective employer is gaming related.”

Mr. Reyes argued that he could not see how his working at LVH could cause conflict with DMV policy, and he argued that the outside employment policy itself stated that DMV employees may be denied outside employment where the outside employer’s primary business was gambling, not that he could not work at or that outside employment at such an establishment would automatically be denied. He also argued that the word “may” indicated only a possibility of denial. He further stated in that if DMV policy was going to prohibit outside employment at gaming establishments because confidential information could be released why not prohibit outside employment with other employers, such as law offices, because a DMV employee could release confidential information to any outside employer. He also appeared to argue that because his immediate supervisor approved his request for outside employment that DMV was bound by that approval.

DMV argued that when it denied Mr. Reyes’ outside employment it was reasonably exercising its authority pursuant to its Policy 3.1.4, and that NRS gave authority for the Director to create such policy. Furthermore, it was argued that the EMC was not an appropriate forum for Mr. Reyes’ grievance, and that the appropriate procedure for addressing Mr. Reyes’ grievance was through statute which allowed Mr. Reyes and other DMV employees the opportunity to request that the Director change policy.

Ms. Tonya Laney (“Ms. Laney”) testified concerning DMV’s outside employment policy. She testified that the steps for requesting outside employment were for the employee to first go to his or her immediate supervisor and let him or her know that the employee was requesting outside employment. The supervisor was then to give the employee the request form which asks for the hours the employee would work and where they intend to work. The supervisor then forwarded the request to the administrator so that the administrator could determine if there was a conflict.

Ms. Laney also testified that the reason that there was a policy specifically prohibiting DMV employees from accepting positions with outside employers whose primary business was gaming was because of an incident that occurred in the past that was related to the release of confidential information to gaming establishments. DMV established Policy 3.1.4 as a blanket policy so that its employees who work with confidential databases would not be put in the position where they might be compromised and release confidential information. Ms. Laney further testified that if a DMV employee was not interacting with the gaming part of a business then DMV would allow the employee to have outside employment with that business. Ms. Laney also testified that she offered to take any comments Mr. Reyes had about DMV’s outside employment policy to the DMV Director, but that Mr. Reyes never accepted her offer.

Upon questioning by the EMC, Mr. Reyes agreed that there was a space on the Outside Employment Memorandum for the Administrator to approve or disapprove the request for outside employment. Mr. Reyes also stated upon

questioning that he had access to confidential DMV customer information. Additionally, Mr. Reyes agreed with DMV's counsel that the word "may" meant to him that DMV had the authority or discretion to do something.

Co-Vice-Chair Canter opened the hearing for deliberation. The EMC deliberated on the record, and stated its findings of fact and conclusions of law. The Committee acknowledged that NRS 284.020 provides the appointing authority discretion "to conduct and manage the affairs of their departments as they see fit." The EMC briefly discussed that it did not believe DMV violated its discretion when it denied Mr. Reyes' outside employment, and that DMV followed its policy as written.

Co-Vice-Chair Canter requested a motion.

MOTION: Moved to deny the grievance.
BY: Committee Member David Flickinger
SECOND: Chair Mark Evans
VOTE: Unanimous in favor of the motion.

8. Adjustment of Grievance of Sam Jeffries, Department of Corrections – Action Item

Sam Jeffries was present in proper person. The Nevada Department of Corrections ("NDOC") was represented by Deputy Attorney General Dominika J. Morun. The exhibits submitted to the EMC prior to the hearing were marked for entry. However, there were objections by Ms. Morun to Mr. Jeffries' Exhibits 8 and 10 based on relevance; there was no objection to the removal of these exhibits by Mr. Jeffries. Mr. Jeffries, Warden Brian Williams ("Warden Williams") and Administrative Services Officer William Fitzharris ("Mr. Fitzharris") were present on behalf of NDOC. All were duly sworn.

Mr. Jeffries is a Supply Technician II who manages a warehouse at the Southern Desert Correctional Center and has been with NDOC for 22 years. He filed a grievance in November 2013 in which he cited NDOC Administrative Rule ("AR") 339 titled "Harassment Spreading of Gossip and Rumors" and alleged in substance that there were violations of that regulation by certain NDOC personnel.

Mr. Jeffries testified that there were two inspections of his work area when he was not present, an inspection on September 5, 2013, and a follow up inspection on October 31, 2013, which he stated was made to see if a tool policy recently implemented by NDOC was being followed. He testified that during the September 5, 2013, inspection a wire stripping tool and Philips screwdriver were removed from a locked box that was in his office. Mr. Jeffries added that his office was always kept locked when he was not in it. He further testified that the September 5, 2013, inspection was not a routine inspection because there had been an inspection on August 30, 2013, in which tools were confiscated from the warehouse. Additionally, Mr. Jeffries testified that since the matter had been turned over to the Inspector General for investigation, as supervisor of the warehouse his supervisors should have told him of this fact but that they did not.

Mr. Jeffries also stated that every tool which he had in his office he had authorization to have from the previous tool coordinator.

Mr. Jeffries testified in substance that some of the tools found in his office on October 31, 2013, should have been in NDOC's possession because the tools were removed on September 5, 2013, and were never returned to him. This concerned him, he stated, because NDOC was stating that it showed he was not following its recently implemented tool policy. Additionally, Mr. Jeffries conceded that NDOC could search when they wanted without his presence.

Mr. Jeffries also testified in substance that there were separate occasions when someone had spoken with his supervisor, Mr. Fitzharris, about Mr. Jeffries taking property from his worksite to his vehicle. Mr. Jeffries testified that Mr. Fitzharris spoke with him about this on November 12, 2013, and that he had told Mr. Fitzharris that he had never taken anything which he was not authorized to take. Mr. Jeffries stated that Mr. Fitzharris said he was not overly concerned about the allegations, and that many employees take personal property in and out. Mr. Jeffries testified in substance that he filed the grievance because he asked Mr. Fitzharris to go back and tell the individuals who reported the matter and let them know that he (Mr. Fitzharris) was not concerned with the matter, and Mr. Jeffries stated that it was Mr. Jeffries' responsibility not to give off any appearance of impropriety. Mr. Jeffries further stated that he wanted to set the record straight and he wanted the information about the spreading of rumors and gossip in violation of AR 339 to be heard.

NDOC argued that Mr. Jeffries' proposed resolution had already taken place to the extent that NDOC could comply. NDOC argued that it had agreed to communicate the findings of inspections to Mr. Jeffries, and that Mr. Jeffries conceded that he did not have the right to be present when NDOC conducted its inspections.

Warden Williams also spoke at the hearing. He stated that two officers had given Mr. Fitzharris information that Mr. Jeffries had been leaving the work premises with items. The officers and Mr. Fitzharris were also apparently aware that certain items from the warehouse had been removed, such as sugar, flour, beans and pickles. He stated that no one accused Mr. Jeffries of actually taking anything inappropriately, but that there was a perception of impropriety created based on the circumstances. Warden Williams further stated that Mr. Fitzharris appropriately spoke with Mr. Jeffries about the matter, and that apparently Mr. Jeffries explanation about the matter was sufficient because no investigation occurred.

Warden Williams proposed a solution to Mr. Jeffries' grievance where he (Warden Williams) would go into NDOC's incident system, NOTIS, and put in an investigative report regarding Mr. Jeffries' allegations of the spreading of rumors and harassment and refer it to the Inspector General, and that Mr. Jeffries could also go in and make a report. Mr. Jeffries stated that he would accept Warden Williams' offer.

Co-Vice-Chair Canter opened the hearing for deliberation. The EMC reviewed the evidence, considered the statements of the witnesses and arguments of counsel and the parties, deliberated on the record, and stated its findings of fact and conclusions of law on the record.

There was a considerable amount of discussion by the EMC about what relief Mr. Jeffries was actually seeking. It was stated at one point that it appeared Mr. Jeffries wanted Mr. Fitzharris to contact the officers who reported to him that Mr. Jeffries had been removing property from the work premises and in substance tell those officers that Mr. Jeffries had not removed State property. However, it was pointed out that it would be inappropriate for Mr. Fitzharris to discuss his conversation with Mr. Jeffries with other NDOC personnel. Other EMC members stated that Mr. Jeffries' grievance as written was apparently met as far as what NDOC's policies would allow, and were therefore unsure about what further relief could be offered.

A motion was made to dismiss Mr. Jeffries' grievance based on his agreement with Warden Williams that both he and Warden Williams be allowed to file a complaint in NOTIS with the Inspector General to review Mr. Jeffries' allegations of AR 339 not being followed by NDOC, and that the EMC was to receive notice as a committee that both Warden Williams and Mr. Jeffries had both reported the allegations to the Inspector General.

Co-Vice-Chair Canter requested a motion.

MOTION: Moved to dismiss the grievance.
BY: Committee Member Mandy Payette
SECOND: Committee Member Tracy DuPree
VOTE: Unanimous in favor of the motion.

9. Public Comment

There were no comments from the audience or Committee Members.

10. Adjournment

Co-Vice-Chair Canter asked for a motion to adjourn.

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