

**Brian Sandoval**  
*Governor*

**Mark Evans**  
*Chair*



**Stephanie Canter**  
*Co-Vice-Chair*

**Mandy Payette**  
*Co-Vice-Chair*

**Greg Ott**  
*Deputy Attorney General*

**Robert A. Whitney**  
*Deputy Attorney General*

**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
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**Meeting Minutes of the Employee-Management Committee**  
**August 6, 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	
Ms. Mandy Payette—Co-Vice-Chair	
Ms. Bonnie Long	
Ms. Claudia Stieber	
Ms. Allison Wall	X
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 9:00 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 Sherri Thompson  
**SECOND:** Committee Member Michelle Weyland  
**VOTE:** The vote was unanimous in favor of the motion.

## **4. Adjustment of Grievance of Robert Ely, #3214, Department of Public Safety – Action Item**

Mr. Ely was present and represented by John Hunt, Esq. (“Attorney Hunt”). The Department of Public Safety (“DPS”) was represented by Deputy Attorney General Charles Mackey (“Deputy Attorney General Mackey”).

Both parties submitted exhibits, and there were objections to the exhibits. DPS, through Deputy Attorney General Mackey, objected to parts of Grievant’s Exhibit 2, and to Exhibits 7 and 8. DPS’ objection with respect to certain parts of Exhibit 2 was overruled, and its objection to Exhibits 7 and 8 was sustained, resulting in the removal of those exhibits. Mr. Ely, through Attorney Hunt, did not object to any exhibits.

Mr. Ely, DPS Captain Claudia Stieber (“Captain Stieber”), DPS Lieutenant Jaime Brown (“Lieutenant Brown”), DPS Captain Dwight Gover (“Captain Gover”), DPS Sergeant Gary Campbell (“Sergeant Campbell”), DPS Sergeant John Hecimovich (“Sergeant Hecimovich”), DPS Captain David Helgerman (“Captain Helgerman”), DPS Administrative Services Officer III Robin Hager (“Ms. Hager”), DPS Major John O’Rourke (“Major O’Rourke,” “Mr. O’Rourke” or “John O’Rourke”), DPS Colonel Dennis Osborn (Colonel Osborn”), DPS Chief Natalie Wood (“Chief Wood”), DPS Personnel Officer III Mavis Affo (“Ms. Affo”), DPS Deputy Director Jackie Muth (“Deputy Director Muth”), DPS Director James Wright (“Director Wright”), and Division of Human Resource Management (“DHRM”) Supervisory Analyst Beverly Ghan (“Ms. Ghan”) were sworn in; all sworn witnesses, with the exception of Captain Helgerman, testified at the hearing.

Mr. Ely, through Attorney Hunt, argued in substance that the person hired for the DPS Parole and Probation, Deputy Chief Major Northern Command position (major position) for which interviews were conducted on May 7, 2014, had been predetermined by people in responsibility who used their authority to make the determination. Mr. Ely stated in substance that such a predetermined selection was unfair and that the matter was really about cronyism and possible corruption, and that the evidence would show that Mr. Ely had superior qualifications than the individual chosen for the position in question.

DPS argued in substance that there was no direct evidence that there was a preselection in this case, that none of the witnesses heard anyone say that there was a preselection and that what the witnesses would testify to was their interpretation of statements made to them. DPS further stated in substance that none of the witnesses except those on the selection panel were aware of what was considered when the selection for the major position was made, nor did the witnesses besides the panel members know how the applicants for the position performed at their interview. In substance, DPS argued, Mr. Ely was relying on speculation and third party interpretation of statements made by witnesses in making his allegations.

DPS also argued in substance that the case was about process and procedure and whether the statutory and regulatory process was followed in conducting the recruitment and selection for the major position, and that in the past the Committee has checked to see if statutory and regulatory processes were followed because the Committee did not put itself in an agency's shoes when an agency was selecting a candidate for a position. Finally, DPS argued that the Committee did not have the authority to grant the remedies Mr. Ely had requested.

Mr. Ely testified that he was a Captain with DPS and had applied for the major position in February 2014. Mr. Ely also testified in substance that in June 2014 former DPS Deputy Chief Tony DeCrona ("Mr. DeCrona") had given him the note submitted as his Exhibit 7 and also told him when he gave him the note that the recruitment process had been predetermined and that John O'Rourke would be promoted as major. Additionally, Mr. Ely stated in substance that Mr. DeCrona told him that Captains Gover and Stieber had elected not to interview for the major position because they believed that the recruitment/hiring process was unfair and that Major O'Rourke had been preselected.

Additionally, Mr. Ely stated in substance that on May 2, 2014, Deputy Director Muth was at a Nevada Law Enforcement Memorial ceremony in Carson City and that she stated that there was another big change to make at Parole and Probation, and that in six months all of the present confusion would be forgotten. Mr. Ely further indicated that after Major O'Rourke was selected as major, this statement had significance to him. Mr. Ely also testified in substance that he was aware that Chief Wood, on May 6, 2014, was in Mr. DeCrona's office and stated in effect that the new major could deal with Tom Ely. Additionally, Mr. Ely stated in substance that at a meeting at headquarters three captains met with Mr. DeCrona and were provided with a suggested reorganizational plan that had been given to Mr. DeCrona by Chief Wood on either May 5, or May 6, 2014, and that the plan had been written by Stephanie O'Rourke ("Captain O'Rourke"), Major O'Rourke's wife, and that statistical data from DPS' March 2014 statistical report had been used to compile the plan.

Mr. Ely indicated in substance that subsequent to May 7, 2014, Sergeants Campbell and Hecimovich told him that at a meeting that the sergeants had attended Chief Wood told a group of people who were in attendance that she had been taking files home and had not had a weekend off for the past three months, and that she and Major O'Rourke had been working on changes at Parole and

Probation for a very long time. Mr. Ely also testified that he was asking the Committee to make a recommendation to the Governor that they believed there were grounds to believe that the hiring/promotional process was unfair, that the candidate ultimately selected for the major position was predetermined, and that the Committee recommend that the process be redone and that the position be rescinded.

In response to questioning Mr. Ely testified in substance that neither Chief Wood, nor Director Wright nor Deputy Director Muth, ever said that they had someone preselected for the major position. Additionally, Mr. Ely testified that no captain ever came to him and specifically said that they were ever told not to apply for the major position, and that it was a “done deal.” Additionally, Mr. Ely stated in substance that on May 2, 2014, Deputy Director Muth never indicated that John O’Rourke would be selected for the major position. Mr. Ely added in substance that he believed what Deputy Director Muth meant by her statement at the Law Enforcement Memorial ceremony that the big change was the bringing in of Major O’Rourke from outside of Parole and Probation.

Additionally, Mr. Ely stated in substance that he did not know how the reorganization report came to be written, and that he did not have direct knowledge that Chief Wood had directed or ordered Captain O’Rourke to write the plan. Mr. Ely testified in substance that he felt the report may have given Major O’Rourke an unfair advantage by allowing him to gain insight into Parole and Probation. However, Mr. Ely also stated that the organizational report or information from it was not used in his interview.

Mr. Ely testified in substance that Major O’Rourke had stated that he had no experience in Parole and Probation, and from that statement he took away that Major O’Rourke was unqualified for the major position, although Mr. Ely did agree that Major O’Rourke was qualified to be interviewed for the position. Additionally, Mr. Ely testified that a major performs administrative functions that are similar in both the Nevada Highway Patrol and Parole and Probation; however, Mr. Ely also testified in substance that although there were similar functions, there were also a lot of tasks that were different and that a person who had not worked at Parole and Probation would be at a significant disadvantage in taking a position at the major level. Mr. Ely admitted in substance that he was not present when Chief Wood made her comments to Sergeants Campbell and Hecimovich, and that he was not present during the interviews of the applicants for the major position, and that he did not know how they performed at their interviews.

Captain Stieber disclosed that she is a current sitting member of the Employee-Management Committee, had made Deputy Attorney General Mackey aware of that fact, but did not see any conflict. The Committee agreed that it would not make a difference on being able to make a determination.

Captain Stieber testified that in her mind the major position was predetermined prior to the May 7, 2014 interviews. Captain Stieber further testified in substance that she had a conversation with Chief Wood (then commander of DPS training) at the end of March 2014 where a number of topics were discussed and where

Chief Wood told Captain Stieber she had been selected to be the new chief of Parole and Probation. Chief Wood asked Captain Stieber if she was going to put in for the upcoming major's promotion. Captain Stieber responded that she had not decided yet, and asked Chief Wood if she had anyone in mind for the position. At that point Captain Stieber indicated in substance Chief Wood spoke at length about Major O'Rourke's leadership strengths and the fact that he had no personal ties to Parole and Probation and could therefore take care of personnel issues. Captain Stieber also stated that although Chief Wood did not openly discourage her from applying for the major promotion she came away from the conversation feeling discouraged with respect to applying for the major position.

Captain Stieber also testified that she attended a DPS awards ceremony on June 24, 2014, where Chief Wood contacted her after the ceremony. Captain Stieber testified in substance that Chief Wood indicated that she wanted to speak with her right away, and then confronted her about an addendum to Mr. Ely's grievance. Captain Stieber stated that Chief Wood asked her what she knew about the addendum and that she stated her (Captain Stieber's) name was all over it.

In response to questioning, Captain Stieber stated that Chief Wood never stated that John O'Rourke would be hired for the major's position and that she never said she was specifically preselecting John O'Rourke for the major's position. Additionally, Captain Stieber testified in substance that she was not aware of who sat on the interview panel for the major's position, and that she was unaware of how the applicant's performed during their interviews. Captain Stieber also testified that as a member of a hiring panel it was not unusual and or improper to discuss applicants prior to interviews.

Captain Stieber indicated in substance that although she was concerned about Major O'Rourke's lack of experience in Parole and Probation, she did not think that he was unqualified for the position and that he came to her for assistance regarding operational issues at Parole and Probation and that she considered him a good supervisor.

Ms. Hager testified that she did not believe that the position of major at Parole and Probation had been predetermined prior to May 7, 2014. Ms. Hager also stated in substance that at a meeting in March 2014 with Deputy Director Muth and Director Wright when Ms. Hager asked about the position of major, Deputy Director Muth said that they had someone in mind for that position. Ms. Hager also testified in substance that she spoke with Mr. DeCrona approximately a month after the March 2014 meeting and told him that the Directors had someone in mind for the major position.

Additionally, Ms. Hager stated that she had been told by Director Wright in February or March 2014 that he wanted her for the Administrative Services Officer ("ASO") IV position, since the current ASO IV was leaving. However, Ms. Hager said that she did not believe that she was preselected for the ASO IV position, and that although she went through the recruitment and interview process, another applicant was chosen.

Lieutenant Brown testified in substance that she believed that John O'Rourke was preselected for the major's position at Parole and Probation prior to May 7, 2014. Lieutenant Brown also testified that prior to May 7, 2014, she had a conversation with Colonel Osborn where he named the candidates for the major's position and then said that John O'Rourke was the only viable candidate for the position. Lieutenant Brown testified in substance that she was surprised by this statement in view of the experience of the other candidates interviewing for the position. In response to questioning, Lieutenant Brown testified that she did not know who was on the interview panel for the major's position or what had occurred during the interview process.

Captain Gover testified that he had been a captain for approximately two and a half years, that he had been with Parole and Probation for over 20 years and that he was familiar with the promotional process. Additionally, Captain Gover testified in substance that he was suspicious that the person to be major was predetermined prior to May 7, 2014. Captain Gover referenced a meeting on May 6, 2014, where Chief Wood had said that the new major could deal with Tom Ely. When questioned, Captain Gover stated that the statement Chief Wood made was not "if" Tom Ely was not promoted. According to Captain Gover, Chief Wood's statement made him believe that Captain Ely would not be promoted to the major position. Additionally, Captain Gover testified that he did not apply because he was told by Ms. Hager, who had been in a meeting with Deputy Director Muth and Director Wright, that they already had a candidate in mind for the major position. Captain Gover further testified that he did not believe he was the person preselected for the position because the "rumor mill" at DPS was that John O'Rourke would be promoted.

When questioned, Captain Gover testified that Chief Wood never stated that a preselection for the major's position had been made, and that no one had told him not to apply for the major's positon or tried to discourage him from applying for the position. Additionally, Captain Gover testified in substance that he did not know who was on the interview panel or how the candidates performed at their interviews. Captain Gover also stated that Major O'Rourke was qualified to interview for the position, had been his supervisor for over a year and had been doing a great job.

Sergeant Campbell testified that he had been with DPS for over 15 years, and that he believed that the major position had been predetermined prior to May 7, 2014. Sergeant Campbell testified in substance that he believed this because of some statements made by Chief Wood and Major O'Rourke at a "meet and greet" meeting held on June 5, 2014, at the DPS headquarters in Carson City. Sergeant Campbell in substance stated that Chief Wood and Major O'Rourke had made statements such as working weekends, burning the midnight oil for a period of months, and that this had struck him as curious because it did not seem to match the time frame in which Major O'Rourke had been appointed. Additionally, Sergeant Campbell testified in substance that he took away from the statements that Chief Wood had been interacting with Major O'Rourke prior to May 7, 2014, in anticipation of the major position going to Mr. O'Rourke.

Additionally, Sergeant Campbell testified that Chief Wood had never said that she had preselected anyone for the major position, nor had Director Wright or Deputy Director Muth, and that he did not know how the applicants performed at their interviews.

Sergeant Hecimovich testified that he believed that the position of major had been predetermined prior to the May 7, 2014, interviews for the position. He indicated in substance that after the June 5, 2014, meeting with Chief Wood and Major O'Rourke he began to believe this because those two individuals had said that they had been working together on transitioning and the direction the Division would go in for months and on weekends. However, Sergeant Hecimovich stated in substance that the promotions were recent promotions, and that the working together by Chief Wood and Major O'Rourke would have occurred prior to Major O'Rourke's appointment date. Additionally, Sergeant Hecimovich stated that he never heard Chief Wood or anyone else say that John O'Rourke had been preselected as major.

Ms. Ghan testified that her position was Supervisory Personnel Analyst for DHRM and that her duties included overseeing the recruitment section of DHRM. Ms. Ghan further testified in substance that her section handled recruitments, evaluated applications, tested applicants and created lists of applicants. Ms. Ghan also indicated in substance that DHRM has a delegated agreement specific to DPS where DPS performed a large portion of their own recruitments. Ms. Ghan stated in substance that when ranked lists are created an agency must interview at least five people from the top ten ranked applicants. Ms. Ghan also stated in substance that there were really no regulations dealing with getting information prior to the interview process on the qualifications of applicants, and that the information used to rank people on a ranked list should not be used during the interview process.

Ms. Affo testified in substance that her job duties include ensuring that recruitment announcements, job descriptions, and exam information was posted in accordance with policy and the law. In response to questioning, Ms. Affo identified Exhibit E (Recruitment Announcement for DPS Major/Deputy Chief) and indicated in substance that it was used to establish a list which was used to fill subsequent vacancies for the entire year as vacancies became available. Ms. Affo testified in substance that she sat in on the interviews for the major position as an observer to make sure that proper policy and procedure was followed during the interview process and that the interview process was consistent. Additionally, Ms. Affo testified that she verified appropriate questions were being asked of the candidates at the interview and that the same questions were being asked of the candidates. Ms. Affo stated that she did not see any issues with the way that the interviews for the major position were conducted.

Ms. Affo testified in substance that after the interviews were concluded the interview panel (excluding her) deliberated and eventually all panel members reached a consensus on who the best candidate for the position was. Additionally, Ms. Affo testified that it would not be common practice for someone to come and talk with her if they had someone in mind for a particular position. Finally, Ms. Affo testified in substance that if the panel had decided

together to do something improper prior to her observing the interviews she would be unaware of it.

Chief Wood testified that she had held the position of chief since May 5, 2014, and had been with Parole and Probation for fifteen and a half years. Chief Wood also testified in substance that she was on the interview panel that convened in May 2014 for the major position along with Colonel Osborn, Ms. Affo and Deputy Director Muth. Chief Wood stated that the duties of the major position included responsibilities for the Reno, Carson City, Fallon, Winnemucca, Ely, Elko, Tonopah and Pahrump offices, and that the major had to deal with personnel management issues and operational issues for the Division itself.

Chief Wood stated in substance that historically, interview panel members were a rank above the position being interviewed for, and also included a person from another division besides Parole and Probation in order to ensure impartiality in the selection process. Chief Wood also stated in substance that a series of five questions had been created to ask the candidates and that the panel members took turns asking the candidates the identical questions, after which the panel members would write down their comments. Chief Wood indicated in substance that after the candidates were finished interviewing the panel discussed the performance of the candidates and then the panel went through the selection process.

Chief Wood testified that she developed the interview questions for the major position. She also testified in substance that she was looking for a candidate with budget, legislative and personnel experience, and experience in management and administration. Chief Wood also added in substance that under NAC she was not required to have interviews for the position, but that she felt that it was the fair and equitable to do so and that doing so would provide transparency.

Chief Wood indicated that the decision to choose John O'Rourke for the major position was unanimous, and that he had an outstanding interview and was the appropriate choice based on the interview. Chief Wood also indicated in substance that she knew both of the O'Rourkes prior to Major O'Rourke's interview and considered them both friends, but that this fact did not play into her selection of Mr. O'Rourke for the position of major. Furthermore, Chief Wood stated that she did not preselect Mr. O'Rourke for the major's position, and that she was not directed to do so.

Chief Wood testified in substance that she indeed had conversations with Captain Stieber. Chief Wood testified in substance that she met Captain Stieber for coffee on one occasion to see if Captain Stieber was applying for the position of major as Captain Stieber was on the list. Chief Wood confirmed that John O'Rourke had indeed been discussed; however, Chief Wood in substance stated that her purpose of speaking about the position of major was to see if Captain Stieber, who Chief Wood considered a friend and a strong candidate, was going to apply for the major's position, that she also spoke about other people on the ranked list for the position, and that she did not only speak about John O'Rourke for 45 minutes.

Chief Wood also stated in substance that she had spoken with Captain Stieber outside of DPS headquarters in a casual conversation and asked Captain Stieber if she knew she had been listed as witness in Mr. Ely's grievance. Additionally, Chief Wood testified that Captain Gover had taken their conversation out of context. Chief Wood indicated that Mr. Ely's commute had come up, and that she had said in substance that she had commented that "the new major can deal with it, and if it's Tom I will deal with it," and that was the essence of the conversation. Chief Wood further testified in substance that Mr. DeCrona was unhappy with her coming in as the new chief and that his statement was in substance his way of getting back at her as he left the Department.

Chief Wood also explained how Captain O'Rourke's report had been created. Chief Wood stated in substance that she was having a conversation with Captain O'Rourke and that Captain O'Rourke was frustrated because the rural offices of Parole and Probation tended to be neglected in her view. Chief Wood said in substance that she suggested that Captain O'Rourke draft a report if she felt that was the case. Chief Wood added in substance that Captain O'Rourke's report had nothing to do with the interview for the major's position and that not a single question at the interview had to do with the organizational structure of the rural offices.

Chief Wood also addressed the statements made by Sergeants Campbell and Hecimovich. Chief Wood testified in substance that she had made the statements at a "meet and greet" involving Major O'Rourke. Chief Wood indicated that her comments were taken out of context, and she explained in substance that she had been taking files home since the time she knew she was going to be appointed chief in order to get to know Parole and Probation at the necessary level, and that her appointment only became effective a few days prior to Major O'Rourke's interview. Additionally, Chief Wood testified in substance that at the time of the conversation with the sergeants Major O'Rourke had been on the job for about a month and had been doing his due diligence by reviewing Parole and Probation material.

Additionally, Chief Wood testified in substance that she recognized that some of the witnesses had different recollections of conversations that occurred and that although she believed that the witnesses were testifying as to what they believed was true and accurate (with the exception of Mr. Ely), she did not share their interpretation of events.

Returning from a brief break, Co-Vice-Chair Canter inquired about continuing the agendized hearing for Jaime Brown, #3255, to another date. Deputy Attorney General Mackey and Bert Wuester, Attorney for Lieutenant Brown, were in agreement. Co-Vice-Chair Canter indicated that all subpoenas issued will continue and be enforced.

Director Wright testified that he has been the DPS Director for two years, and that his job was to provide oversight to all of DPS. Director Wright testified in substance that his role in the appointment of the major position was to approve the successful candidate after the interview process.

Director Wright testified about his conversation with Ms. Hager which he had had sometime in the spring of 2014 at which Ms. Hager wanted to know who the new chief would be. Director Wright testified that no inquiries were made about the major's position and that neither he nor Deputy Director Muth commented on the matter. Additionally, Director Wright testified that he did not preselect anyone for the major position.

Deputy Director Muth testified that she had been employed by DPS for 28 years. Deputy Director Muth stated in substance that she had sat in on the interview panel for the major's position and was the panel's chairperson. She testified that the panel took each candidate through the questions and after the interviews were finished discussed who the best candidate was. Deputy Director Muth stated in substance that she had recommended Mr. O'Rourke mostly based on his leadership skills, his budget experience and his knowledge of internal workings at the Highway Patrol, and she also thought that he could bring experience with personnel matters.

Additionally, Deputy Director Muth testified in substance Mr. O'Rourke had performed "clearly" better than Mr. Ely at the interview for the major's position. Deputy Director Muth also stated in substance that the fact Major O'Rourke did not have experience in Parole and Probation was not a concern for her because at the major level, the position would deal with executive subjects, including personnel issues, rules and regulations.

Deputy Director Muth stated in substance that there was no discussion about preselecting any candidate and that she knew all of the candidates for the major's position. With respect to her meeting with Director Wright and Ms. Hager, Deputy Director Muth testified that she did not tell Ms. Hager who the next chief was and that she did not remember discussing the major position at that meeting.

Deputy Director Muth also recalled speaking with Mr. Ely after the Nevada Law Enforcement ceremony on May 2, 2014. Deputy Director Muth stated in substance that her statement concerning the confusion being gone in six months concerned the stabilization which she expected Chief Wood to bring to Parole and Probation through her leadership. Additionally, Deputy Director Muth stated that Major O'Rourke did not begin handling Parole and Probation duties prior to his selection as major.

Colonel Osborn testified that he had been with DPS since 1992, and that most of his time with DPS has been with the Highway Patrol. Colonel Osborn further testified in substance that he had sat in on the interviews for the major position, and that he was aware of how the questions for the candidates were created, and that he had even participated in the creation of the questions. Colonel Osborn testified that he had learned the identity of the candidates who were on the list to be interviewed for the major position either the day of the interviews or the day prior to the interviews.

Colonel Osborn testified in substance that there was not a lot of discussion about the successful candidate for the major's position because Mr. O'Rourke's interview was "far superior" than the other two candidates' interviews, and that

it was unanimously agreed Mr. O'Rourke stood out with his leadership presence and that he had the necessary background in personnel and budget experience. Colonel Osborn stated in substance that for him the fact that Mr. O'Rourke did not have experience in Parole and Probation was not an issue, since at that level, which the Colonel referred to as "executive management level," the tasks performed were probably similar at the Highway Patrol, such as making policy decisions and dealing with the hiring process.

Colonel Osborn testified that Mr. O'Rourke was a friend, but that this did not play a role in his selection, and that he also knew the other two candidates for the major position. Additionally, Colonel Osborn stated in substance that he did not preselect Mr. O'Rourke, and that he knew if he were part of a promotional panel he would not discuss candidates for the particular position, but that if he was not going to be sitting on a promotional panel he would probably discuss candidates for the promotional position.

Major O'Rourke testified in substance that he had worked for the Nevada Highway Patrol for 19 years prior to his selection for the major's position with Parole and Probation. He also testified in substance that as major his duties included handling the budget and anything administrative with Parole and Probation, and that he oversaw all of the operations of the rural Parole and Probation offices. Major O'Rourke stated that his experience included personnel assignments, fleet service and budget building.

Major O'Rourke testified that prior to his appointment to the major's positon he had no contact with Chief Wood about Captain O'Rourke's report, and that the interview questions were about DPS-related issues, such as budgetary and personnel matters. Major O'Rourke also indicated in substance that he had told the Parole and Probation offices that he had no experience in Parole and Probation but that he brought a strong background in budgeting, personnel and administrative issues, and that he was going to rely on everyone for assistance for a time learning the operational side of Parole and Probation.

Major O'Rourke also explained in substance that his statements at the Reno office concerning his wife prior to her selection for a captain's position with DPS was in order to explain to everyone that even though Captain O'Rourke would be in his chain of command, anything having to do with her would not come before him. Major O'Rourke also added in substance that when he said his wife was high on the list of potential candidates for captain he also named the other three top potential candidates for that position.

Major O'Rourke testified in substance that as soon as he received word he was promoted to major he started to receive correspondence from Chief Wood, who he indicated was a friend. Major O'Rourke also testified that he began working on Parole and Probation issues immediately after receiving word he had been promoted, and that he did not work on any Parole and Probation issues prior to his selection. Major O'Rourke also testified that Chief Wood never told him that she had disclosed the friendship relationship she had with him and his wife, and that he was unaware of any statute, regulation or policy or procedure which required such a disclosure.

The EMC, after having read and considered all of the documents filed in this matter and having heard oral arguments, deliberated on the issues presented. It was pointed out by Co-Vice-Chair Canter that it was felt by seven DPS officers that preselection had taken place. However, Committee Member Allison Wall stated, that there was no clear evidence that preselection had been engaged in, and that in any event Chief Wood could not override the decisions of Deputy Director Muth and the other panel member.

Additionally, Co-Vice-Chair Canter stated in substance that she did not think that Chief Wood chose her words appropriately when talking with other people about Mr. O'Rourke. Committee Member Wall pointed out that it was the choice of Captains Gover and Stieber to not interview for the major's position; Committee Member Michelle Weyland was in agreement. Additionally, a Committee Member questioned how it would be possible to control the conversations of people regarding a recruitment. In response, Committee Member Sherri Thompson stated in substance that training could be provided where it could be taught that once someone is on a list there should be no more conversations about the person with regard to the position the person had applied for. Co-Vice-Chair Canter stated in substance that perhaps it should be recommended that the situation before the Committee be looked at with regard to the extra "chatter" and that steps be put in place to prevent a situation such as the one alleged to have occurred in Mr. Ely's grievance from occurring again.

Co-Vice-Chair Canter requested a motion.

**MOTION:** To deny the grievance because the Grievant had failed to prove preselection. In addition, a recommendation will be made to the Governor that there be a climate and culture study at DPS to work towards better communication between staff and supervisors, especially in regard to recruitment and promotions.

**BY:** Co-Vice-Chair Stephanie Canter

**SECOND:** Committee Member Michelle Weyland

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

## 5. Public Comment

There were no comments from the audience or Committee Members.

## 6. Adjournment

**MOTION:** Moved to adjourn.

**BY:** Committee Member Michelle Weyland

**SECOND:** Committee Member Allison Wall

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