

Grievance Number 7368	Grievant HAINES,JESSE	Status Step 4 Pending
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Grievant Information	
Name HAINES,JESSE	Send Documents to External Rep No
Agency 440	Work Phone [REDACTED]
Organization 3717	Home Phone [REDACTED]
Location CC0360	Email [REDACTED]
Title CORRECTIONAL OFFICER	

Mailing Address
Mailing Address [REDACTED]
Contact Number [REDACTED]

Grievance Details	
Event Date 07/29/2020	Location NNCC
Event Time 0600 AM	Date Aware of Event
Grievant Submission Waiver No	Agency Submission Waiver No
Categories(s) Disciplinary, Working Conditions	
Detailed Description <p>This grievance is being filed in regards to a written reprimand that was received on 29 July, 2020.</p> <p>The written reprimand states that "on 6/23/2020 you were notified at approximately 0950 am by SGT Tolotti that you would be mandated to work overtime if there was another sick call in for swing shift. At approximately 10:50AM Sgt Tolotti again called you and informed you that you were being mandated to work overtime onto swing shift. At this time you refused to work mandatory overtime and stated that you had to pick up your child after work. This is a violation of OP 326.05 Management of Overtime #7. If overtime is needed and insufficient staff volunteer to work, the officers required to work shall be selected from the mandatory overtime list. You were notified that you were on the mandatory overtime list in ample time to try and arrange child care".</p> <p>First I would like to thank the NDOC for allowing me this opportunity to shed light on the retaliation that is being directed towards myself, and general lack of empathy towards the hardships that the line staff face. I will provide documentation that does not cover the issues in their entirety but merely covers the salient points for this specific grievance.</p> <p>1) This one sided narrative is a blatant violation of NAC 284.242, which clearly states that a four hour notice must be provided to the employee.</p> <p>2) This is clearly a retaliatory reprimand that goes against EMC Hearing Decision 34-19 in regards to Grievance # 6409. A decision that was rendered on 8 October, 2019, and sent to the following personnel. Harold Wickham, Interim Director, Department of Corrections ,Christina Leathers, Human Resources Officer I, Department of Corrections , and Cameron Vandenberg, Chief, Deputy Attorney General, Office of the Attorney General.</p> <p>3) The agreement becomes binding per NAC 284.697 When resolution of grievance or complaint becomes binding. Except as otherwise provided in subsection 2, the resolution of a grievance or complaint is binding when:</p> <p>(a) There is an agreement between the person filing the grievance or complaint and the appointing authority or the designated representative of the employing agency; or</p> <p>(b) The Committee renders a final decision.</p> <p>The committee rendered a decision and the NDOC has failed to recognize that decision and abide by it, and instead chooses to retaliate.</p> <p>The hostile work environment that has been displayed towards me is ridiculous, therefore I request that the written reprimand be removed from my record, the NDOC begin to abide by the 4 hours' notice requirement for every staff member. Remove the written reprimand from my record.</p>	

NRS or NAC Sections
<b>NAC 284</b>
Proposed Resolution
<b>Resolutions</b>
<b>Remove the written reprimand from my record.</b>

<b>Details Attachment</b>
No Attachments

<b>Step 1 Details</b>	
Submitted to	
<b>HARTMAN, ROBERT</b>	
Submission Due Date	Submit Date
<b>08/26/2020</b>	<b>08/04/2020</b>
Response Due Date	Response Date
<b>08/18/2020</b>	<b>08/18/2020</b>
Action Due Date	Action Date
<b>09/01/2020</b>	<b>08/23/2020</b>
Grievant extension	Agency extension
<b>No</b>	<b>No</b>
Response	
<p>NAC 284.242.1 states in full: "1. If a nonexempt employee is required to work overtime, the overtime must be authorized pursuant to subsection 10 of NRS 284.180 and communicated to the employee at least 4 hours in advance by the responsible supervisor before being worked, unless an unpredictable emergency prevents prior approval and communication." It appears as though you may not have been aware of the final section of the code that states "unless an unpredictable emergency prevents prior approval and communication". On July 29, 2020 it was not possible you provide you with a 4 hour notice due to a sick call received at about 10:50am, making it necessary to mandate you to work with a notice of only about 2 hours. This mandate was necessary to prevent the Institution from falling below the minimal Emergency Staffing level. Holding you accountable for refusing to follow orders and failing to uphold the duties of a Correctional Officer is in no way retaliatory. Your Written Reprimand will stand.</p>	
NRS or NAC Sections	
Grievant Action	
<b>Escalate to Next Step</b>	
Grievant Comments	
<b>Staffing Level is not considered an emergency, this was decided by a prior EMC decision.</b>	

<b>Step 1 Response Attachments</b>
No Attachments

<b>Step 1 Grievant Attachments</b>
No Attachments

<b>Step 1 Event Log</b>			
Date/Time	User	Event Type	Description
08/23/2020	jhaine1	Grievance Escalated by Grievant	Step 1 Grievant Response Submitted
08/18/2020	rhartma2	Grievance Response Submitted	Step 1 Response Submitted
08/04/2020	jhaine1	Grievance Submitted	Submitted at Step 1

<b>Step 2 Details</b>	
Submitted to	
<b>RUSSELL, PERRY</b>	
Submission Due Date	Submit Date
<b>09/08/2020</b>	<b>08/23/2020</b>

Response Due Date <b>09/08/2020</b>	Response Date <b>08/28/2020</b>
Action Due Date <b>09/14/2020</b>	Action Date <b>08/30/2020</b>
Grievant extension <b>No</b>	Agency extension <b>No</b>
Response Officer Haines,  I have reviewed your grievance,  The response in the prior step is correct NAC 284.242.1 states in full: "1. If a nonexempt employee is required to work overtime, the overtime must be authorized pursuant to subsection 10 of NRS 284.180 and communicated to the employee at least 4 hours in advance by the responsible supervisor before being worked, unless an unpredictable emergency prevents prior approval and communication." On July 29, 2020 it was not possible to provide you with a 4 hour notice due to a sick call received at about 10:50 am, making it necessary to mandate you to work with a notice of only about 2 hours. This mandate was necessary to prevent the Institution from falling below the minimal Emergency Staffing levels. You have not given any solution other than remove the Letter of Reprimand. Your Written Reprimand will stand.	
NRS or NAC Sections NAC 284.242.1 states in full: "1. If a nonexempt employee is required to work overtime, the overtime must be authorized pursuant to subsection 10 of NRS 284.180 and communicated to the employee at least 4 hours in advance by the responsible supervisor before being worked, unless an unpredictable emergency prevents prior approval and communication."	
Grievant Action Escalate to Next Step	
Grievant Comments Staffing is not an unpredictable emergency as decided in Bilavarn I decision.	

<b>Step 2 Response Attachments</b>
No Attachments

<b>Step 2 Grievant Attachments</b>
No Attachments

<b>Step 2 Event Log</b>			
Date/Time	User	Event Type	Description
08/30/2020	jhaine1	Grievance Escalated by Grievant	Step 2 Grievant Response Submitted
08/28/2020	prussel2	Grievance Response Submitted	Step 2 Response Submitted
08/23/2020	jhaine1	Grievance Submitted	Submitted at Step 2

<b>Step 3 Details</b>	
Submitted to <b>WICKHAM, HAROLD</b>	
Submission Due Date <b>09/15/2020</b>	Submit Date <b>08/30/2020</b>
Response Due Date <b>09/15/2020</b>	Response Date <b>09/01/2020</b>
Action Due Date <b>09/16/2020</b>	Action Date <b>09/02/2020</b>
Grievant extension <b>No</b>	Agency extension <b>No</b>
Response Your grievance is upheld at this level and the Letter of Reprimand will be removed in accordance with your proposed resolution. Your Grievance is resolved.	
NRS or NAC Sections	
Grievant Action Escalate to Next Step	
Grievant Comments I am escalating this grievance because I have been retaliated against for refusing mandatory OT by the same Sgt multiple times and am now under investigation and yet Sgt Flamm violates the NAC and is not investigated.	

<b>Step 3 Response Attachments</b>
No Attachments

<b>Step 3 Grievant Attachments</b>
No Attachments

<b>Step 3 Event Log</b>			
Date/Time	User	Event Type	Description
09/02/2020	jhaine1	Grievance Escalated by Grievant	Step 3 Grievant Response Submitted
09/01/2020	hwickham	Grievance Response Submitted	Step 3 Response Submitted
08/30/2020	jhaine1	Grievance Submitted	Submitted at Step 3

<b>Step 4 Details</b>	
Submitted to	
COORDINATOR, EMC	
Submission Due Date	Submit Date
09/16/2020	09/02/2020
Response Due Date	Response Date
11/06/2020	
Action Due Date	Action Date
Decision Hearing Schedule Due Date	Hearing Date
11/06/2020	
Hearing Decision Due Date	In Abeyance
	No
In Conference	Decision
No	N/A
Description/Comments	
Grievant Action	
N/A	
Grievant Comments	

<b>Step 4 Attachments</b>
No Attachments

<b>Step 4 Event Log</b>			
Date/Time	User	Event Type	Description
09/09/2020	bfore2	Miscellaneous	Please see letter for grievance #7368 Haines
09/02/2020	jhaine1	Grievance Submitted	Submitted at Step 4

# WRITTEN REPRIMAND

NAME : Haines, Jesse	EMPLOYEE ID # : 55427	BUDGET ACCOUNT # : 3717
DEPARTMENT : Nevada Department of Corrections	DIVISION : Northern Nevada Correctional Center	
SECTION : Custody	SUPERVISOR : Lt A. Ryer	DATE : 8/0

A copy of this written reprimand will be placed in the employee's personnel folder maintained by the I of Human Resource Management in accordance with NAC 284.638.

## STATEMENT OF SUPERVISOR

The purpose of this letter is to formally discipline you in the form of a written reprimand for the reason(s) detailed below:

### a. Statute, Rule, Policy, Practice or Procedure Violated

Northern Nevada Correctional Center, Operational Procedure 326, OP 326.05 Management of Overtime, Section 7.

Nevada Department of Corrections, Administrative Regulation 326, AR 326.03 Management of Overtime Section 6.

Nevada Department of Corrections, Prohibitions and Penalties, P&P, Section L, Item 10, 6/21/2019

Nevada Administrative Code, NAC 284.638 Warnings and Written Reprimands

Nevada Administrative Code, NAC 284.650 Causes for Disciplinary or Corrective Action

Nevada Administrative Code, NAC 284.742 Appointing authorities required to determine prohibited conflicting activities and identify such activities and explain process of progressive discipline in policy.

### b. Description of Acts of Omission Constituting the Reason for Discipline

On 6/24/2020 you were notified at approximately 11:45AM by Sgt. Flamm that you were being mandated to work overtime on swing shift. Sgt. Flamm asked you if day shift had let you know that you would need to work overtime today to which you replied, which you acknowledge they did but that you did not plan to stay. Sgt. Flamm asked if you were refusing his order to stay for mandated overtime which you replied "Yes, I am". This is a violation of OP. 326.05 Management of Overtime #7. If overtime is needed and insufficient staff volunteer to work, the officers required to work shall be selected from the mandatory overtime list.

### c. Steps which may be taken to Resolve the Problem

In the future you are instructed to make proper arrangements and be available to work overtime when you are on the mandatory list and have been notified that you will be working.

### d. Prior Disciplinary

Written Reprimand for incident on 6-23-2020

# STATE OF NEVADA WRITTEN REPRIMAND

NAME : Haines, Jesse	EMPLOYEE ID # : 55427	BUDGET ACCOUNT # : 3717
DEPARTMENT : Nevada Department of Corrections	DIVISION : Northern Nevada Correctional Center	
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Nevada Administrative Code, NAC 284.638 Warnings and Written Reprimands  
Nevada Administrative Code, NAC 284.650 Causes for Disciplinary or Corrective Action  
Nevada Administrative Code, NAC 284.742 Appointing authorities required to determine prohibited conflicting activities and identify such activities and explain process of progressive discipline in policy.

### b. Description of Acts of Omission Constituting the Reason for Discipline

On 7/28/2020 you were notified at approximately 04:45AM by Sgt. Tolotti that you were being mandated to work overtime on swing shift. You stated to Sgt. Tolotti that he was to put you down for a refusal that day. This is a violation of OP. 326.05 Management of Overtime #7. If overtime is needed and insufficient staff volunteer to work, the officers required to work shall be selected from the mandatory overtime list. You were given ample time to make arrangements to be able to accommodate your mandated overtime. At approximately 11:50AM Sgt. Flamm called you and stated you were being mandated for overtime and you said you could not do that. Sgt. Flamm then asked "Are you refusing your mandatory overtime? To which you replied "Yes, I am". Sgt. Flamm also asked you if you had found a replacement and you stated that you did not.

### c. Steps which may be taken to Resolve the Problem

In the future you are instructed to make proper arrangements and be available to work overtime when you are on the mandatory list and have been notified that you will be working.

### d. Prior Disciplinary

Written Reprimand for incident on 6-23-2020.  
Written Reprimand for incident on 6-24-2020.

# STATE OF NEVADA WRITTEN REPRIMAND

NAME : Haines, Jesse	EMPLOYEE ID # : 55427	BUDGET ACCOUNT # : 3717
DEPARTMENT : Nevada Department of Corrections	DIVISION : Northern Nevada Correctional Center	
SECTION : Custody	SUPERVISOR : Lt A. Ryer	DATE : 8/05/2020

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### d. Prior Disciplinary

Written Reprimand for incident on 6-23-2020.

Written Reprimand for incident on 6-24-2020.