

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEVADA  
Employee-Management Committee  
MEETING TRANSCRIPT  
OCTOBER 5, 2023

CASE: That appears to be--

DUPREE: Okay.

CASE: That public comment (inaudible).

DUPREE: Alright. And that brings us to no public in the North. No public in the South. I'm assuming that Ava has no public in her office. We would see them if they were there.

CASE: No.

DUPREE: Okay. Good. Um, that brings to committee introductions. I am Tracy Dupree. I'm the Committee Chair. I've been with the City of Nevada since God was a boy, <laugh>, and I currently work for the Department of Employment Training and Rehab.

CASE: This is Ava Case. Um, I'm the Co-Chair and I am a manager, an ESD Manager for Fallon and Winnemucca and the surrounding areas for the rurals.

DUPREE: Okay.

RUSSELL: Turessa Russell, University of Nevada, Las Vegas.

1 WEISS: Todd Weiss, Deputy Attorney General for  
2 the EMC.

3 GEYER: Sandie Geyer, Attorney General Legal  
4 Office Manager.

5 HARDY: Roxanne Hardy, EMC Coordinator.

6 DUPREE: Okay. I think that's everybody. So, I'd  
7 like to move for a motion to adopt the agenda.

8 RUSSELL: So move. Turessa, for the record.

9 DUPREE: Turessa moves to adopt the agenda for the  
10 record. I'll second it. All in favor of adopting the agenda,  
11 say aye.

12 MULTIPLE: Aye. Aye. Aye. Aye.

13 DUPREE: Agenda is adopted. That brings us to item  
14 number five, discussion and possible motion of Grievance 9591.  
15 Uh, Roxanne Escamilla?

16 UNKNOWN: Escamilla.

17 DUPREE: Uh, yeah. Uh, anybody have any thoughts  
18 on that one? Sandie, any thoughts?

19 GEYER: Um--

20 DUPREE: I noticed the--well, first of all, the  
21 two grievances, though they may be different, are by the same  
22 person, so--

23 GEYER: Right.

24 DUPREE: If we--Todd, could we look at those  
25 grievances the same, or do we need to look at them

1 individually?

2 WEISS: I would--Todd Weiss for the record. I  
3 would recommend we look at each one individually just in case  
4 there are slight differences that we need to flesh out.

5 DUPREE: Thank you.

6 CASE: This is Ava for the record. Um, as I was  
7 reading through it, it does seem that the employer did follow  
8 procedures as far as the oral write-ups. Um, as far as I can  
9 see that it was--the protocol was followed.

10 DUPREE: Okay.

11 WEISS: Chair, Todd Weiss for the record. I think  
12 (inaudible) Case might be looking at the wrong grievance  
13 number. We have multiple.

14 GEYER: Mm-hmm. <affirmative>

15 DUPREE: Yeah. We're looking at first at--

16 GEYER: 95.

17 DUPREE: Yeah. We're looking first at 9591, Ava.

18 GEYER: It's the personal conflict.

19 CASE: Oh.

20 DUPREE: Personal conflict.

21 CASE: Okay. I--

22 DUPREE: anybody have any thoughts on 9591?  
23 Turessa, what do you think?

24 RUSSELL: Turessa for the record. I do have  
25 concerns about the confidentiality for this individual as to

1 whether or not proper protocols were followed.

2           GEYER:           Sandi Geyer for the record. Um, I too had  
3 some concerns about a--about how that information was shared.  
4 Um--

5           DUPREE:           Yeah.

6           GEYER:           And I also was concerned that it seemed  
7 as though the--Roxanne's superiors should have been the ones  
8 to provide her with that information as opposed to the  
9 individual that she names as--who--or Ms. Karen, or whoever it  
10 was that was addressing these issues with her. It did not seem  
11 like it was actually the appropriate chain of command.

12          DUPREE:           Yeah. It certainly seemed out of the  
13 chain of command when I was reading it.

14          GEYER:           And so, I would, I mean, and maybe that  
15 is the way that they do it. Um, I just thought that that was a  
16 little bit different from everything that I know or understand  
17 as to how the state works with--oh, sorry. I'm going the other  
18 way. How the state works with--how important it is to follow  
19 chain of command. So, that was kind of the thing that really  
20 jumped up at me that I was not really sure how they got to--  
21 how they brought this other individual in.

22          RUSSELL:          Turessa Russell for the record.

23          DUPREE:           Yes, Theresa?

24          RUSSELL:          I make a motion to move Grievance 9591 by  
25 forward to hearing.

1           DUPREE:           Any discussion on that? Well, I'll second  
2 that motion. Any discussion on it? Hearing none. All in favor  
3 of moving Grievance 9591 to hearing say aye.

4           MULTIPLE:         Aye. Aye. Aye.

5           DUPREE:           I don't believe that anybody opposed, but  
6 anybody opposed? Okay. Grievance 9591 has been moved forward  
7 to hearing, which brings us to item six, discussion and  
8 possible motion, Grievance 9637. Roxanne, I think it's  
9 Escamilla, but I'm not positive. Department of Business and  
10 Industry. Sorry if I butchered your name, Ms. Roxanne.

11          RUSSELL:         Turessa Russell for the record.

12          DUPREE:         Yes, Turessa.

13          RUSSELL:         So, according to my notes, the request  
14 was removal for the--removal of the oral warning and down  
15 further in the Grievance, it is noted that the oral warning  
16 was withdrawn. Did I miss anything else that needs to be  
17 handled or heard during this Grievance?

18          GEYER:           Sandie Geyer for the record. Um, in her  
19 statement, it was about the rating on her quality of work. And  
20 I think that that is what the oral warning was about, was just  
21 pointing out to her that she was not meeting that, and because  
22 she did get a "do not meet" on that part of her evaluation.

23          CASE:            This is Ava Case for the record. I'm in  
24 agreeance with Turessa that I was wondering because I have it  
25 tagged because the oral was withdrawn from the Grievance and

1 it's been resolved. So, I'm not real sure that we even have to  
2 hear this.

3 WEISS: This is Todd Weiss for the record. I just  
4 want put this out there for the--for--what I'm reading in this  
5 Grievance, I'm seeing that the main issue is a disagreement  
6 with the last performance evaluation. The oral warning is kind  
7 of thrown in there just as a reference, but the actual request  
8 for review is a change to the performance review. It has  
9 already been reviewed by the reviewer and upheld. So, I don't  
10 know if that changes anything in the evaluation.

11 RUSSELL: Turessa Russell for the record.

12 DUPREE: Yes, Turessa.

13 RUSSELL: I remember reading through a good portion  
14 of this, and if memory serves me right, the overall  
15 performance review did--is a "meets standard." There's only a  
16 portion of it that is not--does not meet standard.

17 GEYER: It's about one job element.

18 DUPREE: Yeah, just the one job element is what I  
19 remember.

20 GEYER: Sandie Geyer for the record. Um, I think  
21 that on that one job element, it was the fact that she felt as  
22 though she shouldn't have received a "do not meets" because  
23 she was not coached or there was not any discussion prior to  
24 the rating when she received that evaluation, that there was  
25 an issue. <pause> Sandie Geyer for the record, because she

1 does state that she requested that the "do not meets" standard  
2 of the quality of work element be changed to a "meets  
3 standard" on the performance review and that she wants her  
4 work performance standards also updated to reflect the actual  
5 work that's being performed in that job element.

6 RUSSELL: Turessa Russell for the record.

7 DUPREE: Yes, Turessa.

8 RUSSELL: I--unless there's further discussion, I  
9 make a motion to move Grievance 9637 forward to hearing.

10 DUPREE: Okay. Do we have a second on that one?  
11 I'll se--

12 CASE: This is Ava Case for the record. I  
13 second.

14 DUPREE: Okay. We have motion from Turessa, second  
15 from Ava. All in favor of moving Grievance 9637 forward to  
16 hearing. Say aye.

17 MULTIPLE: Aye. Aye. Aye. Aye.

18 DUPREE: Motion carries unanimously.

19 WEISS: Chair, before we move on to the next one,  
20 I want to clarify what our scope of review for something like  
21 that would be. Um, we don't have the authority to say based--  
22 to change the performance based on the facts. We can review it  
23 based on whether they followed proper protocol procedure in  
24 the performance evaluation. But we are not going to overrule  
25 the agency as to what their take on performance was,

1 especially if it's already been reviewed by the reviewer and  
2 upheld. That's why they have that performance review process.  
3 Does that make sense?

4 DUPREE: Yes, it does.

5 CASE: I was thinking more of helping the  
6 grievant get--make sure the grievant gets an updated and  
7 accurate work performance standard as requested.

8 WEISS: In my opinion, I think that that's the  
9 concern that's outside our review. Um, we don't know the facts  
10 better than the agency. It's not our position to overrule them  
11 and say, "Well, I think that actually is a good standard  
12 versus a not good standard," based on, you know, how many  
13 (inaudible). It's just closing the numbers. That's very  
14 discretionary, and that's at the discretion of the management.  
15 We could review it if the concern is that the proper protocol  
16 for the review and for the performance evaluation is not  
17 followed. That is absolutely within our purview. We--but I  
18 believe if we get too far into trying and decide what the  
19 actual evaluation should be, that's a management agency  
20 discretionary decision that we don't have authority over,  
21 especially considering it has already gone through the appeal  
22 review process and upheld as a "do not meet standard." So, we  
23 would--if we were to--otherwise, we'd be saying that two  
24 different authorities that have actual direct knowledge over  
25 what happened and we, within the agency, within the work



1 performance were wrong. I think that exceeds our authority  
2 Chair. I really do.

3 DUPREE: Yeah. Well, since we had a motion that  
4 had passed, Turessa, do you want to withdraw your motion and  
5 then we'll start--we'll do another one, or what do we want to  
6 do?

7 WEISS: Yeah. And I apologize, Chair. I should  
8 have spoken up before the motion was voted on. Um, that's my  
9 fault. Um, I think the only thing we could do at this point  
10 would be to amend the vote to clarify we can only look at the-  
11 -whether policies and procedures were followed.

12 DUPREE: Okay.

13 WEISS: (inaudible)

14 DUPREE: We could do that. Does anybody want to  
15 take a crack at that amended motion?

16 GEYER: Sandie Geyer for the record. I motion  
17 that we amend the original motion to move forward with this  
18 Grievance with the understanding that this committee does not  
19 have the authority to direct an agency with regards to how  
20 they do their evaluation or their work performance standards.  
21 And since the rater has already approved this evaluation, and  
22 this committee does not have the jurisdiction to make any  
23 other changes to this evaluation that we deny this Grievance  
24 number 9637.

25 DUPREE: Yeah.

1           RUSSELL:           Turessa Russell for the record. I'll  
2 second.

3           DUPREE:           All in favor of Sandie's motion to deny  
4 this--

5           GEYER:           Todd--

6           WEISS:           Chair, before you--we vote on that. Um,  
7 we're a little bit of a pickle and it's my fault because I  
8 didn't speak up earlier. So, we've already voted to move the  
9 grievance forward to hearing. I don't think we can undo that  
10 at this point. I think the only thing we can do is specify  
11 that the scope is going to be limited to the--whether the  
12 agency followed policies and procedures as to the performance  
13 evaluation. So, if Ms. Escamilla can provide evidence that  
14 some policy and procedure for the evaluation was not followed,  
15 then we can look at that. If she comes to us and says, "I just  
16 don't think I should have got a 'doesn't meet standards' based  
17 on my, you know, my quality of work," that's where we can't go  
18 past. So, I think the proper procedure here would just be to  
19 amend the previous motion, not to deny a hearing. We've  
20 already ruled on that. Just to clarify the scope of our review  
21 at the hearing. Does that make sense?

22           DUPREE:           Yes, it does. I think we should--so, do--  
23 that means we don't need to amend any motions. We just need to  
24 clarify what we're gonna deal with at the time of the hearing,  
25 right?

1 WEISS: Correct. I--you're correct. I don't think  
2 we need to (inaudible) vote. I think we just need for Nora's  
3 information to have that clarification to the hearing  
4 (inaudible).

5 DUPREE: Okay. That brings us to item number  
6 seven, discussion and possible motion of Grievance 9626.  
7 Tiffany Alexander, Department of Public Safety.

8 CASE: This is Ava Case for the record. Um, I'm  
9 not sure if we can act upon this. It's just, from what I'm  
10 reading, a employee's thinking that the supervisor needs to  
11 cover a schedule because of the shortage. Um, I'm just not  
12 sure that's something that we can move forward with.

13 RUSSELL: Turessa Russell for the record.

14 DUPREE: Yes, Turessa.

15 RUSSELL: In reading this grievance over, what I do  
16 acknowledge the shift hours, work duties, and the working  
17 conditions. But what coming--what is coming to mind are some  
18 of the issues that we have observed with the Department of  
19 Corrections with the staffing issues. And I do remember it's  
20 been a number of years where we have done a letter of  
21 recommendation or information to the Governor's office with  
22 some of the conditions that are--how do I put this, beyond the  
23 control of the immediate supervisors. And I'm thinking with  
24 the--what I picked up from this Grievance, though we may not  
25 be able to grant what the grievant is asking for, I do see the

1 possibility of a letter going to the Governor's office with  
2 our noted concerns about the overall conditions with this  
3 group of people.

4 DUPREE: Todd, any thoughts on that?

5 WEISS: I mean, it's not that we couldn't  
6 theoretically do that. Um, I know I always caution against  
7 taking up Grievances where we have no possibility of granting  
8 the requested relief. Um, to me, I think something like  
9 staffing is purely internal discretionary management stuff. I  
10 mean, we don't know what the issue with staffing is, whether  
11 they're choosing not to hire certain staff, whether they have  
12 the--don't have the money to hire certain staff, whether there  
13 could be some, you know, a dozen different considerations that  
14 go into staffing, none of which we have any authority to do  
15 anything about. Um, so, I would--I can't take a vote, but I  
16 would exhibit some caution with taking up a Grievance that we  
17 have no authority to do anything about.

18 GEYER: Sandie Geyer for the record. According to  
19 the Director, it indicates that the individual that--Ms.  
20 Alexander wanted to have covered shifts is--has some other  
21 protected issues that the agency is not willing to discuss.  
22 So, I don't think that this committee has any jurisdiction to  
23 really move one way or the other on this. Um, this is strictly  
24 an agency decision, and based on that information that was  
25 provided in the responses, I don't think that we should move

1 this one forward.

2 DUPREE: Okay.

3 GEYER: Additionally--sorry. Additionally, the  
4 executive order that was just released by the Governor with  
5 regards to--and this might not be here or there with this one  
6 because I'm not really sure what grade the dispatchers are,  
7 but if they are 29 or below, and I--if they're anything,  
8 they're at least a 29. But with certain agencies where the MQs  
9 are being waived, that might also help satisfy some of this  
10 issue of these open positions that they have additionally,  
11 too. So, but again, I just don't think that this committee has  
12 any jurisdiction to be able to dictate to the agency how they  
13 should or shouldn't cover their shifts or put people--put  
14 other employees in positions that, for whatever reason,  
15 they're saying that that individual is not going to be able to  
16 do that, cover those shifts.

17 DUPREE: Turessa, you haven't put your thoughts on  
18 a letter and a motion. So, can we get a motion one way or the  
19 other on this? I kind of agree with Sandie. I don't think we  
20 have any jurisdiction to any part of it, and I don't want to  
21 get in the middle of it because we're not--we're, in the end,  
22 not going to be able to do anything about it. So, I am leaning  
23 toward denying this Grievance without a hearing, but I, as the  
24 Chair, cannot do a motion. I can only second if I need to.  
25 Turessa, when we had those corrections issues a few years

1 back, we had a bunch of corrections officers that were  
2 grieving the same thing. This is one person grieving a thing.  
3 It's not quite the same. I mean, although I do understand that  
4 there are parallels.

5 GEYER: Sandie Geyer for the record. Turessa, did  
6 the committee hear those previous grievances from the  
7 Department of Corrections with regards to their shortage for  
8 staffing and the mandatory overtime?

9 RUSSELL: If memory serves me correctly, that issue  
10 was a frequent flyer before this body.

11 WEISS: This is Deputy General Todd Weiss. I can  
12 see a certain scenario where staffing would be within our  
13 jurisdiction, and that would be if there was an NRS or an NAC  
14 or some kind of state policy that's required a certain level  
15 of staffing, and that staffing level wasn't being met. Um, it  
16 was--if it was delineated in something official, like a code  
17 or a statute or even an agency policy, then it could  
18 potentially be within our jurisdiction because now we're  
19 looking at whether they're complying with the statute code or  
20 policy, not just whether they are discretionarily providing a  
21 appropriate level of staffing.

22 DUPREE: We don't have that here. Are we coming up  
23 on a motion for this?

24 GEYER: Sandie Geyer for the record. I make a  
25 motion that we deny this Grievance based on lack of

1 jurisdiction to enforce the agency to provide coverage for  
2 these individuals. I don't know, maybe because there's no--

3 DUPREE: You could just stop--

4 GEYER: There's no authority that for us to be  
5 able to do this.

6 DUPREE: You could just stop by saying lack of--  
7 based on lack of jurisdiction and cut it off.

8 GEYER: There we go.

9 DUPREE: I'll second. I'll second that motion. All  
10 in favor of denying Grievance 9626 because the EMC lacks  
11 jurisdiction and say aye. Aye.

12 MULTIPLE: Aye. Aye.

13 DUPREE: Any opposed?

14 RUSSELL: Nay.

15 DUPREE: Okay, the ayes have it. The motion to  
16 deny Grievance 9626 passes, which brings us to item number  
17 eight, discussion and possible action related to Grievance  
18 9688, Kevin Kelley, Department of Public Safety.

19 RUSSELL: Turessa Russell for the record.

20 DUPREE: Yes, Turessa.

21 RUSSELL: On this grievance, I have notes  
22 concerning consistency and question of following procedures.

23 DUPREE: Okay. Does that mean you think we need to  
24 move it forward for a hearing?

25 RUSSELL: I would like to hear what the other

1 committee members say. I don't have a firm decision in my mind  
2 at this moment.

3 DUPREE: Okay. With that, do any other members of  
4 the committee have any thoughts?

5 CASE: This is Ava Case for the record. Um, as I  
6 was reading through this, I agree that it's not clear if full  
7 policy was followed as far as transfers or hires. Um, so I  
8 would kind of question that. I'd like to see a little bit more  
9 as far as how they do that.

10 DUPREE: Yeah. Well, we've now had two members say  
11 that there might be a question and we probably need to hear  
12 it. So, I'm guessing we probably need to hear this one.  
13 Anybody have any ideas on motions?

14 RUSSELL: Turessa for the record.

15 DUPREE: Yes, Theresa.

16 RUSSELL: I make a motion that we move Grievance  
17 9688 forward to hearing with the scope being limited to  
18 whether or not policies and procedures were followed  
19 consistently.

20 DUPREE: I'll second that motion. All in favor of  
21 moving Grievance 9688 forward with respect to only whether  
22 policies were followed consistently say aye. Aye.

23 MULTIPLE: Aye. Aye.

24 DUPREE: Any opposed? Motion carries. That brings  
25 us to item nine, public comment. Uh, are--is there any public



1 in the South that wishes to comment?

2 RUSSELL: Turessa Russell for the record. We have  
3 no public.

4 DUPREE: Okay. Ava, you haven't had any public,  
5 have you, since we started this meeting?

6 CASE: I do not have any public.

7 DUPREE: Okay. We have one person in the room. Do  
8 you wish to make a public comment? Okay. Hearing none for  
9 public comment. The chair would like to entertain a motion to  
10 adjourn. Okay. Without objection, the Chair moves to--the  
11 Chair would like to adjourn this meeting. Have a nice day,  
12 everybody. We are adjourned.

13 \*\*\* END OF MEETING \*\*\*

14

15

16

17

18

19

20

21

22

23

24

25