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STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
MEETING TRANSCRIPT
APRIL 7, 2022

PARKER: Gwyn, I've been speaking with you.

DAVIES: Yes, ma'am.

PARKER: Thank you.

DAVIES: I don't see you on the screen. That's all

PARKER: Okay, no problem. We're here today.

DAVIES: All right, I'll -- I'll go ahead and, uh,
mute if you're ready. I can --

PARKER: Thank you.

MERRILL: I'm using your phone.

PARKER: We'll go ahead and start at nine o'clock
and then if you get it, just write it down and bring it over.

JEANINE: Perfect.

MERRILL: I just have something who has it? Yeah.

PARKER: Okay, we'll go ahead and start. It's nine
o'clock. Um, and we know people have busy schedules today.
Um, I'm gonna call this meeting to ordered Thursday, April 7,
2022. The Employee Management Committee. Um, it is 9:00 a.m.
We have two meeting places, Grant Sawyer building in Southern
Nevada and Las Vegas and, uh, Nevada State Library and
Archives in Carson City. I normally have a script, so forgive

1 me. Um, so in the North, if there's an emer -- I'm just gonna
2 give some quick instructions. In the North, if there's an
3 emergency, we're gonna go out the doors, depending on the
4 emergency, we'll either go across Stewart or into the quad
5 area, um, on the west side of the building and in Southern
6 Nevada. Uh, can you give brief safety instructions down
7 there? Is, uh -- is it co-chair dow -- down there?

8 DAVIES: I am not, yes.

9 PARKER: Thank you.

10 DAVIES: In the event of emergency, we'll head out
11 that door, head east out to the parking lot and make sure
12 everybody gets out the building okay. Um, and that's pretty
13 much it.

14 PARKER: Okay. Awesome. So people in the North
15 and the South buildings, I want you to remember to speak loud
16 and clearly towards the -- wherever the camera is. 'Cause
17 that's probably where your microphone's gonna be, so that
18 everybody can hear you. We've got people that are, um, uh, as
19 a -- a courtesy are -- are able to participate online. We
20 wanna make sure that we can hear them and that they can hear
21 us. So we'll keep side conversations to a minimum. Um, thank
22 you. And, uh, then I'm gonna go ahead and move now to public
23 comment. Is there anybody in the south wishing to make public
24 comment?

25 DAVIES: We have nobody in the South wishing to

1 make public comment at this time ma'am

2 PARKER: Okay. Let me just, um, give this
3 disclaimer. No voter action may be taken upon a matter raised
4 during public comment until the matter itself has been
5 specifically included on an agenda as an item upon which
6 action may be taken. Comments will be limited to five minutes
7 per person, and person's commenting will be asked to begin by
8 stating their name for the record. Is there any public
9 comment online? Is there any public comment in Northern
10 Nevada? Hearing none and seeing no actions on the screen in
11 front of me. We'll go ahead and move on to committee
12 introductions and meeting overview. Um, start in the South
13 for Committee members.

14 DAVIES: Uh, present in the south, uh, is myself.
15 Uh, I'm Gwyn Davies. I am co-vice chair and I'm an employee
16 of the Department of Motor Vehicles.

17 WEISS Todd Weiss, Deputy Attorney General.

18 WRIGHT: I'm Ivory Wright, the EMC Clerk.

19 SCOTT: Mary Jo Scott. I'm remote and I work at
20 OPM Smart 21.

21 PARKER: And then we'll go Northern -- Northern.

22 MERRILL: Good morning, Ms. Mechelle Merrill, I work
23 for Locational Rehabilitation.

24 PARKER: Stephanie Parker and I work for NDOC.

25 JOHNSON: Nora Johnson, Division of Human Resource

1 Management, Consultation and Accountability.

2 PARKER: Okay. Um, and then just wanna make sure
3 that everybody signs in. And for the record -- since we have
4 people that are online. Nora, do you -- do you want them to
5 just say their names? I'm gonna go to the -- for the record
6 for attendance.

7 JOHNSON: That would be fine.

8 PARKER: Okay. So, um, I can't read their names.
9 Sorry. Uh, Mr. Stolk, can you introduce yourself? Give us
10 your name. Well, actually --

11 MICHAEL: uh, correctional --

12 PARKER: Oh yeah, go ahead and do it. I'm sorry, I
13 interrupted you.

14 MICHAEL: Correctional Officer Michael Stolk.

15 PARKER: Awesome. Um, and Senator.

16 PETE: Senator Pete Goicoechea Present in Carson
17 City.

18 PARKER: Awesome. And then we have Tim and Deb

19 DEBRA: Debra Boone-Sharp, State Prison Correction
20 Officer.

21 TIMOTHY: Lieutenant Timothy Jones the State prison.

22 PARKER: Awesome, thank you. I just wanted to make
23 sure that we got that for the attendance record. Um, so next
24 we're gonna move on to adoption of the agenda.

25 MERRILL: We have a motion to draft chair to adopt

1 the agenda.

2 PARKER: We have a motion. Second

3 DAVIES: Madam Chair is Gwyn Davies for the record.
4 I second.

5 PARKER: Okay. Any discussion? All those in
6 favor?

7 DAVIES: Aye.

8 MULTIPLE: Aye.

9 PARKER: Any opposed? So moved. We're gonna move
10 on the next agenda items. I'm gonna take things out of order.
11 First I'm going to -- I -- I'd like to be able to entertain
12 somebody making a motion potentially. Um, and knowing if
13 there's any objections to combining agenda items number five,
14 six, seven, eight group for even 6607, 6612, 6620 and 6627, as
15 they've all are asking for the same thing, using the same
16 criteria for what they're asking for. Um, and just the same
17 reasoning. All four of them have one, um, witness I do know
18 that's tied on a schedule, so I'll entertain a motion to
19 combine those.

20 DAVIES: Madam Chair, this is Gwyn Davies for the
21 record. Uh, so motion.

22 PARKER: Okay. And second.

23 MERILL: Uh, Madam Chair, Michelle Merrill, for the
24 record. Second motion.

25 PARKER: Any discussion? All those in favor?

1 MULTIPLE: Aye.

2 PARKER: Any opposed? So moved. And I think what
3 we're gonna do here and did -- did -- did either of the
4 parties have any objections with that?

5 LEATHERS: No --no -- no objections.

6 MERILL: None.

7 PARKER: Okay. And do we have, who do we have here
8 for the agency?

9 CHRISTINA: Uh, this is Christina Leathers for the
10 record.

11 PARKER: Where are you?

12 CHRISTINA: I'm right here.

13 PARKER: Oh, now I can see you. Okay. It's so far
14 away. I'm sorry. Okay. And, um, so Christina, um, and, uh,
15 Tim -- Timothy Jones. Michael Stolk, Deborah Boone-Sharp,
16 Alice Jacoby, I'm gonna swear you in real quick. Do you, uh,
17 promise to tell the truth and nothing but the truth?

18 CHRISTINA: I do.

19 PARKER: And, uh, and just say -- say your name and
20 say yes so that we confirm that you wanna, uh, go ahead

21 CHRISTINA: Christina Leathers. I do.

22 TIMOTHY: Timothy Jones. I do.

23 DEBORAH: Debra -- Debra Boone-Sharp. I do.

24 MICHAEL: Michael Stolk. I do.

25 PARKER: Awesome. And Senator Goicoechea, please.

1 PETE: Senator Goicoechea. I do.

2 PARKER: Thank you -- thank you so much. And so go
3 ahead.

4 DAVIES: Uh, Madam Chair. Gwyn, I have a question.

5 PARKER: Yes.

6 DAVIES: Uh, Ms. Lake is with us. Does she not
7 also you, the swearing?

8 PARKER: She's -- she's representing the Grievance
9 so she doesn't have to be sworn in. It's my understanding
10 from pre --

11 DAVIES: Understand. I, yes --

12 PARKER: Because she's not testifying for herself.
13 She's actually just representing it and sharing information.

14 DAVIES: I interrupt. Yes, ma'am.

15 PARKER: Awesome. And if you wanna make, um, I'm
16 normally we have hear from the grievance side, um, and we go
17 through that. We're gonna take things a little out of order,
18 but just to set the stage so that we all understand what's
19 going on. Grievance Representative Lake, can you give a brief
20 description, so, and then we'll, um, hear from Senator
21 Goicoechea, 'cause we know that he has another appointment.

22 JEANINE: Yes. Thank you. Um, I -- I don't know,
23 um, we wanted to go ahead and get Senator go get you, uh,
24 taken care of first because he has a meeting at 9:30. Um, but
25 basically this is the same grievance that has been pending,

1 um, for almost two years. And it, uh, stems from a, uh, a pay
2 increase that was granted to the department, uh, a 1.4
3 million, um, amount of money that was granted to the
4 department in 2019 by the legislative subcommittee to fund 5
5 percent, uh, increases for retention and, um, recruitment at
6 the Ely State Prison. And at the time, there was no
7 distinction of who would get that 5 percent. And initially
8 the employees were notified that they would be receiving the 5
9 percent all custody staff at the Ely State Prison. And then
10 shortly after that, they received notification from the
11 department that it was only for those employees who were
12 newer, basically hired after 2009. And that, um, it was for
13 the newer employees. And so we had our -- our members file
14 grievances, obviously, because the -- there was in the
15 language of the bill or the -- the money committee, there was
16 nothing that said that it was for a specific group. It was,
17 it -- it basically said it was for all custody staff and that
18 those personnel would receive the plus five. So we have -- we
19 had initially asked to have this, um, continued because we
20 were attempting to reach out to, um, some of the senators that
21 were on that Committee. We did reach out to them. We did
22 speak with them. Many of them were, uh, had initially
23 promised us that they would get us statements to that effect
24 and then later came back and said that they couldn't provide
25 those.

1 PARKER: Okay.

2 JEANINE: So we -- we went ahead and --

3 PARKER: Ms. Lake, thank you. I just wanted a
4 real brief one because somebody on the committee did not
5 receive paperwork ahead of time, so I just wanted to give her
6 a little bit of background.

7 JEANINE: Okay and --

8 PARKER: Um, and -- and then you can do your full
9 opening statement afterwards. Okay.

10 JEANINE: Okay. And then that's why Mr. Goicoecheo
11 is here today. So we would wanted to take things out of order
12 and have them go first.

13 PARKER: Okay. Thank you so much. Senator. Go --
14 Goicoecheo, can you provide some -- some insight or your
15 testimony that you would like to share?

16 PETE: Yes, thank you ma -- ma'am. And, uh, to
17 all the members, I really appreciate it. We got IFC going in
18 Interim Finance Committee is going in at 9:30. I spoke to the
19 chair, said if I did run a little late, uh, and, and also
20 told, uh -- told him what I was, uh, what the hearing was
21 about. Uh, again, I'm Senator Pete Goicoecheo representing
22 Senate District 19, which, uh, does in fact cover the Ely
23 State Prison. But so a number of, uh, almost half of, uh, the
24 prisons in the state, I believe are in Senate District 19. So
25 I -- I do rep -- represent a lot of the, uh, correction

1 officers. Uh, I'm just gonna speak to the fact that in the
2 2019 session, uh, I -- I did sit on the sub -- subcommittee,
3 uh, for public safety. And, uh, I was a member of Senate
4 Finance and also the other senators on the committee were, uh
5 -- uh, former Senator David Parks. And, uh, former Senator
6 Joyce Woodhouse, I believe was chair that, uh -- that
7 subcommittee. But, uh, and we dealt with the appropriation to
8 1.4 in -- in -- in which contained the 5 percent rural, uh,
9 retention and, uh -- uh, 5 percent increase for custody
10 officers that were serving at the Lee State Prison. And I --
11 I know in speaking with former Senator Parks and Woodhouse,
12 um, it was our, at least my intention, and I think our
13 understanding all three of us, that if this was to reach out
14 to all custody positions, uh, that were in employed, uh, in
15 the Ely State prison for the -- let's see, that would've been
16 the 1921 biennium. And, uh, I -- I'm here to testify that --
17 that was clearly my intent, and I believe it was the
18 legislative intent. Uh, and again, that subcommittee, tha
19 action was approved. It went through the formal committee
20 and, uh, was approved, uh, bottom line with, I don't believe
21 there was any objection. It only ended up after the fact. We
22 heard that, uh, there was kind of a glitch with the, how it
23 was written and through the Governor's Finance office. And
24 I'm only here to speak to legislative intent, but that is my
25 legislative, was my legislative intent at the time. And I

1 believe as well as those on the subcommittee, there was never
2 any objection to, oh no, this only pertained to -- to the ones
3 that didn't receive that increased 10 years prior. Uh, it --
4 it just didn't make sense. We wouldn't even have brought it
5 up. It wasn't even considered, it was just a 5 percent
6 retention recruitment, uh, tool to use at Ely State Prison.
7 And I don't mind saying, uh, because I do represent, uh, the
8 district and, uh, warden Bill Nevada there, uh, you know,
9 we're still close to 160 vacancies in that -- in that system,
10 folks, we've gotta address this. And now this is something I
11 need to be talking to my fellow legislators about, but there
12 still is a -- a problem. And, uh, it was -- it was our
13 efforts to try and fix up with that. Uh, again, Senator
14 Goicoecheo, for the record, I'll step back and take any
15 questions.

16 PARKER: Okay. And, uh, Ms. Leathers, do you have
17 any, um, questions? Would you like to cross examine, ask
18 questions?

19 LEATHERS: Uh, no ma'am. My, uh, Christina Leathers
20 for the record, no question.

21 PARKER: Okay. Any Committee members have any
22 questions for, um, Senator Goicoecheo or in Southern Nevada?

23 DAVIES: Uh, this is Gwyn for the record. I, no --
24 no questions.

25 PARKER: Awesome. Mary Jo.

1 SCOTT: No questions. Thank you.

2 PARKER: Thank you so much, Senator. We appreciate
3 your time. And you can stand as long as you want. You can
4 drop off whenever you want.

5 PETE: Okay. Thank you. And again, I really
6 appreciate you taking me out of -- out of order and, uh, I
7 appreciate you and what you do, and thank you all. And then
8 to my constituents, uh, good luck. Let's hope we can get this
9 resolved. Thank you.

10 PARKER: Thank you so much.

11 PETE: Thank you

12 PARKER: Thank you so much. So then we're gonna
13 kind of go back into the regular group of things. So, um,
14 Jeanine, you can give your full, um, your full opening
15 statement now if you'd like and tell us where you were. Uh --
16 uh, we'll go ahead and start that way. Um --

17 JEANINE: Okay -- Okay. Well, um, to follow, uh,
18 Senator Goicoecheo, um, this matter has been pending for some
19 time and we, um, the Department of Corrections has argued that
20 the money was not, initially, was not sufficient and
21 therefore was not intended for everyone, all custody staff.
22 And once the funding for the 5% was allocated by the
23 legislature, the dollar amount had to be determined by the
24 NDOC fiscal team who then reviewed and approved, uh, what
25 their, what their figures and estimates were. And then later

1 by the Governor's office and the LCB. However, we have
2 maintained the position that if there was some other intent,
3 the legislature would've indicated specifically what that was
4 at the time. The plain language of the statute was very
5 clear. The intent was to fund all custody positions. It is
6 in the language of the statute that the subcommittee
7 recommended approval of general funds appropriations of 1.4
8 million dollars over the 2019/21 biennium to fund a 5 percent
9 increase for a rural pay adjustment for all custody positions,
10 including lieutenants, sergeants, senior COs and COs at Ely
11 State Prison to help the department with the recruitment and
12 retention efforts at ESP over the 2019/21 biennium at am as
13 recommended by the Governor's office. And so and that -- and
14 that's the language in the bill or in the appropriation, and
15 it does clearly say all custody staff had the legislature
16 chosen to limit the 5 percent to those who were hired after
17 2009, or to those who were not receiving any rural pay
18 differentials as of 2019, they could have done so. There was
19 no language that stated that recruiting and retention efforts
20 for new or less experienced employ were employees, was the
21 reason retention means to retain experienced staff. We
22 believe that the intent of the legislature was the limit for 5
23 percent to those hired after 2009, or those less experienced
24 employees, the legislative subcommittee could have and would
25 have added that specific language. As a matter of fact, they

1 added specific language that it was only for custody staff and
2 no one else at the time that they did this. And again,
3 management needs to prove some other hidden intent by the
4 legislature if it's not written in the language. I -- in
5 addition to the above and is pointed out by at least one of
6 our grievance in this matter, the amount of money allocated
7 for all custody positions matches with a 5 percent raise for
8 all of the custody staff at the Ely State Prison without any
9 exclusions to those hired before 2009. We provided that
10 information on page two of our letter to the former chair of
11 this Committee via email on June 9, 2021. And Mr. So who may
12 testify later also provided an analysis of the 5 percent
13 increase and how that would benefit all custody staff given
14 the amount approved by the legislature that was in his initial
15 grievance. We believe the testimony today from Senator
16 Goicoechea and some of the affected employees will, uh -- will
17 show that all custody staff were clearly intended to benefit
18 from the 5 percent given to the Department of Corrections for
19 recruiting and retention efforts. Thank you.

20 PARKER: Thank you Ms. Leathers.

21 LEATHERS: Yes. Good morning, chair and EMC members
22 for the record, my name is Christina Leathers, assistant to
23 the Director for the Nevada Department of Corrections. Before
24 your grievance is 6607, 6612, 6620 and 6627, all related to
25 the 80th legislation of approval of 5 percent rule paid for

1 Ely State Prison and Ely Conservation Camp custody employees.
2 The agency issued a series of agency memos regarding the
3 salary adjustment based on those employees who were not
4 already receiving the benefit. The memo dated July 25, 2019,
5 issued to all ESP and EC staff, uh, addresses this issue
6 accordingly. The mechanism for making a salary adjustment for
7 a state employee is through a request for temporary adjustment
8 to salary or an MPD five. This document only has one section
9 for employee is authorized by legislature to receive session
10 adjustment. Once the agency completes this document, it is
11 then submitted to Human Resource Management for review and
12 approval. As Senator Goicoechea stated, the GFO finalized the
13 agency's budget, therefore, Indio -- Indio OOC believes we
14 acted in due diligence and the application of the special pay
15 based on the fiscal note provided with the Governor's approved
16 budget, which was solely based on the employees who were not
17 already receiving the benefit. Thank you.

18 PARKER: Okay. And I had on my script right now,
19 but, so, um, did you have anybody else that you wanted
20 to call? Um, Ms. Lake -- Ms. Lake?

21 JEANINE: Uh, yes.

22 PARKER: Huh?

23 JEANINE: Yes. I -- I -- we have the three of the
24 four employees, uh, online. So I would like to go ahead and
25 just, um, talk to Mr. Stolk uh, Ms. Jones and Ms. Boone-

1 Sharp. Uh, it -- it won't be, say it won't be very long.
2 It'll be pretty quick.

3 PARKER: No worries.

4 JEANINE: Um, but I would like to start with Mr.
5 Stolk and Mr. Stolk. Hello, this is Jeanine. How are you?

6 MICHAEL: Good, thank you.

7 JEANINE: Um, you filed this grievance in 2019,
8 obviously because you did -- you weren't, uh, a part of the 5
9 percent increase. And when you first learned of the 5
10 percent, uh, for retention and recruitment, what was your
11 recollect -- recollection of how that increase would be
12 applied?

13 MICHAEL: Uh, the way I understood it, we applied
14 everybody employed Ely state prison in the -- the Custody
15 Commission. That was my understanding, and it was the way I
16 read it.

17 JEANINE: Okay. And when you filed your grievance,
18 um, did you do any research on the reviewing the legislative
19 subcommittee's discussion and passing of that um, money of the
20 budget?

21 MICHAEL: I did -- I did a great deal of research,
22 which -- which was all submitted in our original EMC. Hoping
23 that's all still there. Um, but understand, this follow up
24 meeting was really only to get the center's input as all of
25 our issues already been stated. Um, I -- I would like to

1 address something that was just Ms. Leathers at some point, if
2 I can.

3 JEANINE: Sure. Go ahead.

4 MICHAEL: So you stated that the new 5 percent was a
5 rural pay, uh, increase. Not what it was. The original one
6 back when I first started was a rural pay, which was -- was
7 specifically intended because of where we are in our -- our
8 rural area. Of course. Um, this current and the new 5
9 percent increase was for recruitment retention entirely
10 different, has nothing to do with the other. Um, I do
11 understand within my research in speaking to you and the
12 first, uh, e EMT meeting, uh, how the -- the whole system
13 works, but there's only so many subcategories to do, plus 5%.
14 You understand that. But, uh, for me, and from my standpoint,
15 that's not my fault. New one needs to be creative. Then for
16 the new increase, which is not rural aid, it is recruitment
17 and retention. So in, in my opinion, from where I stand,
18 again, I'm not in your spot. I don't -- I don't know all the
19 -- the -- the -- the finer tells of -- of how that works. But
20 it would be a simple process me to create a new subject
21 category for recruitment -- recruitment and retention
22 completely separate from rural pay to allow for the plus five
23 to all employees, as was clearly the intent of legislation,
24 which we have, uh, as senator's test. And -- and as well in
25 that initial paperwork, my initial grievance that was, we did

1 the math, we had all the money to indicate that the -- the
2 one-point quarter was approved was almost exactly to the penny
3 enough to fund all of the custody employees, not just warrants
4 hired after 2009.

5 JEANINE: Correct. And, um, in, uh, the letter to
6 the Committee from June 9, 2021, which is included in the
7 employee's packet, we, uh, did bring that up that the, uh, the
8 -- the money was, um, incredibly close to the total of the 1.4
9 million, which would've covered all custody staff. Um, and
10 also I wanted to know after hearing Senator Goicoechea's
11 testimony, um, then your -- your position is still that the 5
12 percent should have gone to all custody staff.

13 MICHAEL: Yeah, I think that pretty much filled
14 right there. And that was legislative intent, right from the
15 Senator. That's what we were looking for. That's why we get
16 in advance. That's why this has been on hold for two years
17 now. Was waiting for just now we got that. I -- I see this
18 is over

19 JEANINE: Thank you. And, um, I'd like to go to
20 Tim Jones.

21 PARKER: So wait a minute, if I'm sorry. Ms.
22 Lake, each witness --

23 JEANINE: Oh, yes.

24 PARKER: Um, Ms. Leathers will get to do cross-
25 examination. Sorry.

1 JEANINE: Yes, no problem.

2 LEATHERS: Um, uh, thank you Christina Leathers,
3 for the record. So Officer Stolk. Um, are you aware
4 that, um, the agency has no authority to create, um, new codes
5 within, uh, the Division of Human Resource Management?

6 MICHAEL: I am.

7 LEATHERS: Okay.

8 MICHAEL: (inaudible) Yes

9 LEATHERS: Okay, thank you. And, um, are you aware
10 that once the, uh, Governor's, uh, approved budget was
11 provided, that direction was provided to the agency on, um,
12 what process needed to be taken in order to implement the, uh,
13 plus 5 percent?

14 MICHAEL: I'm not sure I understand. I mean, I --

15 LEATHERS: so, um --

16 MICHAEL: -- came to a conclusion and made a
17 decision based on the information they received in their
18 interpretation, but I also believe does that doesn't mean the
19 interpret that correctly.

20 LEATHERS: Uh, Christina record -- Leathers for the
21 record. Understood. So, um, let me rephrase the question.
22 So are -- are you aware that the division of Human Resource
23 Management provided the agency with the directive on how to
24 process the special pay?

25 MICHAEL: Yeah, our Human resources department, uh,

1 their interpretation and --and their information.

2 PARKER: So I'm -- I'm gonna -- I'm just gonna
3 redirect here because you're asking him to ask how somebody
4 else interpreted something, and I just, I don't think that's
5 appropriate. You can't answer for somebody else. Ask him if
6 he has direct knowledge, yes. If -- not asking him how
7 somebody else received something.

8 LEATHERS: Thank you, Chair. Christina Leathers for
9 the record. Um, are you aware that, uh, the agency Human
10 Resources Office has limited authority and therefore are given
11 clear directives on how to process special pays

12 MICHAEL: Other than what you -- I'm not -- I'm not
13 a part of any of that.

14 LEATHERS: Okay. Thank you.

15 MICHAEL: Well, the bottom line for me is this was
16 interpretation and we now have a senator's exact wording and
17 exact testimony as to what their intent was. There was zero
18 intent to limit that 5 percent the people hired prior to or
19 after 2009. They had zero intent for that. Therefore, I
20 don't feel it's the department's Right. Whether it be HR,
21 intern, finance Committee, or otherwise to change that
22 interpretation.

23 LEATHERS: Right.

24 MICHAEL: Not close to the film.

25 PARKER: Okay. Did you have any other questions,

1 Ms. Leathers?

2 LEATHERS: No, ma'am.

3 PARKER: And Jeanine Lake, you can call your next
4 witness if you'd like, unless you wanna do any redirect with
5 your witness, Mr. Stolk?

6 JEANINE: No -- no redirect. Um, I'd like to
7 call, uh, Timothy Jones. And -- and basically all I really
8 would like to ask, uh, Mr. Jones, is do you have anything to
9 add that has not been said already? Um, by Mr. Stolk?

10 TIMOTHY: I -- I do. Jones for the record. So, Ms.
11 Leathers brought up a memo that she had put out on July 25th
12 stating the -- that there was a clarification on it, but she
13 also put out a memo on July 2, 2019, that's right in front of
14 me that says Revised slash Cost of Living Adjustment. It's in
15 my packet. And it flat says in there, the approved
16 legislative adjustments for sworn uniform staff, specifically
17 Lieutenant, Sergeant, senior correction officers and
18 corrections officers. And it says that the change will be
19 handled by payroll long to be seen after July 1st it needs.
20 So from the very beginning, as I watched all the live input,
21 uh, the meetings with the Senators and everybody, legislation,
22 all that stuff, I watched it live. We -- we provided copies
23 on CDs of all it, there was their intent the whole time to
24 give it to all. And I spoke with Senator Goicoechea multiple
25 times during all this.

1 JEANINE: Thank you, Mr. Jones. I have nothing
2 further.

3 LEATHERS: Christina, Leathers for the record. So
4 Officer Jones, um, referencing Senator Goicoechea's uh,
5 testimony this morning. Uh, do you recall the statement, uh,
6 he made that it was the legislator's intent, however, he's
7 unaware how the Governor's Finance Office finalized the
8 budget.

9 TIMOTHY: Yeah, but that's the thing though. They
10 attended, they passed it along there. So once it's passed by
11 legislation, I don't understand how it can be changed with the
12 finance committee who is under the legislation. CHRISTINA:

13 LEATHERS: Uh, Christina Leathers for the record. So
14 the Governor's Finance Office, um, does not have a reporting
15 requirement to the legislature. Um, however, they do have
16 authority and governance over the agency's budget. Um, and
17 so, uh, thank you. No further questions.

18 PARKER: Ms. Lake, did you have anything else?

19 JEANINE: Um, uh, Ms. Jacoby's, not with us, but
20 Ms. Boone Sharp is, and I just wanted to ask her if there's
21 anything else that she would like to add at this point after,
22 uh, what has been testified to today?

23 DEBRA: No, I agree with, uh, Sergeant Stolk and
24 Sergeant Jones that, um, this increase was for all uniformed
25 officers. And I can understand what they say too, is how can

1 it be changed when it's under, uh, legislative intent.

2 JEANINE: Okay. Thank you. Um, given that we have,
3 um, that we have, uh, had this similar testimony previously
4 and the fact that Senator Goicoechea confirmed what we said
5 today, I don't really have anything further, um, for these
6 officers today. And that would basically conclude our case.
7 Um, and so I -- unless the committee has some other questions.

8 PARKER: And I will open it up for Committee
9 members if you have any questions for Ms. Lake. And then --
10 and that would be her closing portion to close. And then, uh,
11 Ms. Leathers will give you a chance to close out as well
12 before we deliberate. Thank, so, any questions for, um, the
13 representative Ms. Lake in Southern Nevada?

14 DAVIES: No questions here. Gwyn ahead for the
15 record.

16 PARKER: Awesome.

17 SCOTT: I don't have any questions, Mary Jo, for
18 the record.

19 PARKER: Thanks. Um, and -- and Ms. Leather, do
20 you wanna go ahead and close?

21 LEATHERS: Um, yes, thank you Chair. Uh, Christina
22 Leathers for the record. Um, I'll keep this brief. Um, while
23 the agency understands the intent of the legislature, NDOC was
24 directed to process the special pays based on those not
25 receiving the benefit. Um, and as stated in my opening, the

1 mechanism for requests for temporary adjustments to salary is
2 a MPD five form that the division of Human Resource Management
3 requires. And the agency was told how to complete those forms
4 and who to submit, um, those forms on the behalf. Um, I'm
5 neither in support or, um, in non-support of these grievances.
6 However, I am, um, required to follow the directives that I
7 have been provided, um, at the time. And it is our
8 understanding, it was my understanding that despite the intent
9 of the legislature, and I do, uh, Mr. Stolk I do understand
10 that it's not role pay. Um, and they specifically call it out
11 to be recruiting and retention pay. However, the HRM did
12 not make any changes to their form, and they did have us
13 select rural pay, um, for the plus five. And unless, um,
14 central payroll or central records can, um, inform the agency
15 on a mechanism to allow for an employee to get a plus five and
16 a plus five, um, there's no way for us to do it. Um, the
17 final thing I would like to add is if the committee does rule
18 in favor of these grievances and they are owed the, uh, back
19 pay of the 5 percent, I do want it to be on the record that
20 due to the state's current staffing challenges, uh, still
21 claims are, uh, taking upwards at nine months if not longer to
22 be paid. And so I would just, uh, like that to be on the
23 record so that the employees are aware that it could take some
24 time for any back pay to be paid out. Um, with that, that is
25 all I have. Thank you.

1 PARKER: Thank you. Okay. So, um, any questions
2 for Ms. Leathers before we close this, uh, this portion and go
3 into deliberation?

4 DAVIES: I -- I have -- its Gwyn for the record,
5 I just have one. I just wanna get a clarification if that's
6 okay from Ms. Leathers. Um, with the -- there's been bandy
7 about phrases, rural --

8 LEATHERS: Mm-hm.

9 DAVIES: -- retention, and now I notice on the call
10 up on the memo it says, call, we are talking about the same
11 thing regardless of how you choose to paint it. Correct.

12 LEATHERS: Uh, Christina Leathers for the record. So
13 actually in 2019, there was two things that the agency was
14 awarded. Um, excuse me, all employees were given a 3 percent,
15 uh, cost of living adjustment. Um, and then in addition, the
16 Ely State Prison and the Ely Conservation Employees, uh,
17 custody, which included Lieutenant, Sergeant, Seniors and COs
18 were granted a 5 percent.

19 DAVIES: Five percent, which is identified as a call I
20 get, but that's what we're talking about. It's -- it's that 5
21 percent.

22 LEATHERS: Um, there's two different one -- one is a
23 cola. And so they actually, the EV employees got the 5
24 percent and the cola, so they have got two.

25 DAVIES: Okay. Thank you very much. No -- no --

1 no further clarification needed. That's it for me. Thank
2 you.

3 SCOTT: This is Mary Jo Scott for the record.

4 PARKER: Yes.

5 SCOTT: I just have one point I think I'd like to
6 clarify in the budget, um, for E375, it does mention rule. It
7 states this request funds the continuation of a 5 percent
8 increase for rural pay salary adjustment to all custody
9 positions, lieutenant and below for both Ely Conservation Camp
10 and Ely State Prison. And it also states this is to engage
11 competitively in the local market to incentivize custody
12 recruits and retention. So I -- I just wanted for the record
13 to clarify that it does mention rule and the reason the for
14 the 5 percent is to engage competitively. That's all I have.
15 Thank you.

16 PARKER: Thank you. Okay. So we're gonna close
17 and we'll deliberate now. So, um, anything from my colleagues
18 and all Committee members? Any questions?

19 DAVIES: This is Gwyn. I keep hearing the word
20 all.

21 PARKER: I -- I keep hearing the word all. I -- I
22 -- I agree.

23 DAVIES: I -- I -- it seems to me just from what
24 I've read and -- and -- and the testimony given and -- and
25 thank you to all the who participated, that the NDOC kind of

1 had its hand shackled floor got kicked in the lake on this one
2 because do this. But the legislative intent was to provide it
3 to all, it says all. And then NDOC got told, here's a nice
4 glaring sign that says do all and meanwhile put your hands
5 behind your back and, uh, go for a swim. Because if -- if you
6 don't provide someone the methodology, facility, or tools to
7 -- to actually enact something, that's not gonna happen. So I
8 --I -- I -- I wouldn't be surprised if we -- we don't, you
9 know, why didn't we, a grievance from the NDOC saying, why
10 didn't we get the tools to do this when you told me to do
11 this? You -- you can't give me a -- a gallon of paint and no
12 brush and tell me to go paint the building.

13 PARKER: So I'm --

14 DAVIES: I'm afraid there's, yeah, there's --
15 there's --there's obviously there's very real victims in the
16 -- we have the officers here, but, uh, you know, there's not
17 so tangible victim in that the NDOC was told to do, was told
18 by legislature to do something, and then the GFO came along
19 and said, um, I can make all thoughts of abbreviations for GFO
20 at this point. But, uh, ification comes to mind, the
21 government -- the Governor's finance and application
22 department, and said, here's the money. I've hidden the
23 money. And I don't think that's particularly fair. And I
24 think that -- that -- that we would best serve, uh, all
25 parties, including, um, departments of the state by -- by

1 taking a state at this point, saying, you are not the
2 legislature. You are the GFO. And you have, you may have
3 absolute authority over us as employees, but you have an
4 absolute responsibility to answer to the legislature for your
5 failure to do as you have been directed by, uh -- by have
6 only, which the citizens state, uh, sent there to do their
7 work. Anyway, that's enough of Gwyn mouthing off for now.

8 PARKER: I agree. I-- I-- I -- I don't know how
9 many, um, employees are still at, uh, Ely State Prison that
10 would qualify for this, but I am sad if they all have been
11 trying to do something about this. Um, and unfortunately we
12 just have, uh, these four that we can actually make a decision
13 about. So, um, do you wanna Michelle?

14 MERRILL: Um, if my fellow chair people are
15 good with it, I'd like to go forward with a motion chair.
16 This is Michelle Merrill for the record. Is that okay with
17 the South?

18 PARKER: Yep. Can you guys hear okay?

19 DAVIES: Yes.

20 MECHELLE: Um, Michelle Merrill, for the record, I
21 moved Grant combined grievances numbers 6607, 6612, 6620 and
22 6627, based on testimony and based on the plain language and
23 intent by the legislative subcommittee in decision unit E375
24 and the 2021 agency requested in governor's recommended
25 budgets for retention of custody staff at the Ely State Prison

1 and Conservation Camp. The employer failed to establish that
2 the 5 percent was for certain, and not all we have a motion.

3 PARKER: Do we have a motion, do we have a second?

4 DAVIES: Can we have discussion?

5 PARKER: Yes.

6 DAVIES: Oh, do we need, well, do we need a second?

7 PARKER: Second, then I'll ask for discussion.

8 DAVIES: Uh, I would be honored to second that.

9 This is Gwyn Davies for the record.

10 PARKER: All right. And then we'll go ahead and do
11 discussion.

12 DAVIES: Do we need a friendly amendment that
13 states and direct the DHRM to provide a methodology for the
14 implementation so that NDOC doesn't continue to try and do the
15 best of stroke with both hands shackled behind his back?

16 MERRILL: Agreed. So let me, Michelle Merrill, for
17 the record, let me make an amendment to what I previously
18 motioned and add that we would, uh, instruct DHRM to create
19 documentation, allowing the NDOC to process this 5 percent,
20 um, pay differential for all custody staff with appropriate
21 documentation. Retroactively -- retroactively.

22 DAVIES: Ma'am, we're in, I know, uh, do I need
23 second that or, because I already --

24 PARKER: We have an amended, um, motion and so we
25 need a -- a -- a -- a second on that amended motion.

1 DAVIES: Um, uh, for the sake of process, I would,
2 uh, amend the second, uh, I'm receiving a -- I-- I know we're
3 in deliberation and we don't accept testimony or, um, but, uh,
4 I would like if it is permitted by my fellow, uh, members to,
5 uh, consult with both parties who are Ms. Lake and Ms.
6 Leathers, uh, just in case we've missed anything in that
7 implementation amendments.

8 PARKER: Okay.

9 DAVIES: Is that acceptable to you chair?

10 PARKER: Um, yes. I'm gonna let you direct that
11 since you're down there with both of us.

12 LEATHERS: Christina Leathers, for the record, I
13 would just ask that the Committee, um, be more concise in the
14 motion and the, um, what is being asked of DHRM. So there is
15 a form and there's a mechanism, but it only allows for one
16 type of special pay, and so to allow for more than one type of
17 special pay for an employee.

18 DAVIES: Okay.

19 PARKER: So if I may, this is Stephanie Parker for
20 the record. I think that's something that DHRM needs to
21 figure out if it needs to be two forms, if they need to modify
22 a form. Um, we're not -- we're not gonna get into the nuts
23 and bolts of their process and how they can do this. The
24 bottom line is we're directing them to identify a -- a
25 mechanism period to provide the retroactive 5% increase, as

1 was stated in the legislature. The -- the legislative intent,
2 um, budget IOC overview. Okay. Am I wrong here? Does anybody
3 disagree with that?

4 DAVIES: Uh, I agree with you honor, but can we
5 ask the same question? Was asked the, uh, Ms. -- Ms.
6 Leathers had a chance to ask the, to Ms. Lake please for the
7 second balance?

8 JEANINE: Yes. I would just like that to say that I
9 -- I like the idea of it being more broad, that, um, we just
10 -- the committee just direct the this to be done because don't
11 want this to get bogged down any longer with, you know, what
12 do we do, how do we fix this? And going on and on and on with
13 a new code. I just want, we want this resolved and we want it
14 to be paid and the state will have to figure out how to do
15 that.

16 DAVIES: Thank you, Ms. Lake. Thank you. That was
17 Jeanine Lake for the record. Um, I have nothing else here,
18 ma'am. We have a motion.

19 PARKER: And -- and you seconded it, I believe?

20 DAVIES: Yes, ma'am.

21 PARKER: Co Chair Davies. And so any discussion on
22 the amended motion? All those in favor?

23 DAVIES: Gwyn Davies, Aye.

24 MULTIPLE: Aye.

25 PARKER: Any opposed? So moved. Uh, and so

1 grievance, uh, so, uh, grievance -- grievance is 6607, 6612,
2 6620 oh and 6627. The motion was that based on testimony and
3 based on the plain language and intent by the legislative
4 subcommittee and decision unit E375 in the 2021 agency
5 requested in governor's recommended budgets for the retention
6 of custody staff at the Ely State Prison and -- and
7 Conservation camp. The employer failed to establish that the
8 5 percent was for certain, not -- not all custody staff and
9 not all custody staff. Um, in addition, we moved that DHRM
10 create documentation tools that allows for the -- I can't see
11 it. It allows for more than one type of special pay to the 5%
12 retroactive pay per decision unit in E375 and retroactively.
13 So, um, you'll receive a letter from the EMC. It could take
14 45 days --

15 JOHNSON: It would be a DAG decision.

16 PARKER: Okay. Yeah.

17 JOHNSON: Up to 45 days when normally would give
18 them instruction Okay. Of how, when to expect a letter.

19 JOHNSON: Yes. The Nora Johnson, for the record,
20 the -- the timeframe is still a 45-day timeframe, but this
21 would be an actual written decision,

22 PARKER: Right.

23 JOHNSON: Rather than a letter.

24 PARKER: Okay. Thank you.

25 JOHNSON: Mm-hm.

1 PARKER: Thanks. And so we thank you all for
2 coming. We thank you for participating in this process. Um,
3 and you know, it's been a long and arduous one 'cause I know I
4 started before I was here. But, um, we appreciate your
5 patience in sitting through this.

6 JOHNSON: Um, thank you so much.

7 PARKER: Thank you so much.

8 JEANINE: Thank you.

9 DAVIES: Uh, closing public record.

10 PARKER: Huh?

11 DAVIES: Closing public record comment, I mean.

12 PARKER: Yeah. Yes. I'm gonna do public comment
13 right now. Ask for public comment. Remember, no vote or
14 action may be taken upon a matter raised during public comment
15 until the matter itself has been specifically included by an
16 agenda as an item upon which action comments will be limited
17 to five minutes per person and persons commenting will be
18 asked. And again, by stating the name for the record, any --
19 any public comment in Southern Nevada.

20 DAVIES: Nobody appears to wanna make public
21 comment at this time. Thank your ma'am.

22 PARKER: Anyone online? Anyone in Northern Nevada?
23 Okay. For adjournment then. Thank you. Oh, wait minute, can
24 you just say adjourn? Adjourn. Thank you everyone appreciate
25 it. And the team's thing did work well.

1 DAVIES: Thank you ma'am. Did really well.

2 PARKER: Thank you. Thank you, everyone.

3 JEANINE: Thank you guys. Okay.

4 LEATHERS: Thank you. Thank you.

5 *** END OF MEETING ***

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