



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
July 7, 2016

Held at the Richard Bryan Building, 901 S. Stewart St., Tahoe Conference Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, Nevada, via videoconference.

Committee Members:

| Management Representatives | Present |
|------------------------------------|----------------|
| Ms. Mandy Hagler–Chair | X |
| Mr. Guy Puglisi | |
| Ms. Claudia Stieber | |
| Ms. Allison Wall–Co-Vice-Chair | X |
| Ms. Michelle Weyland | |
| Ms. Pauline Beigel | |
| Employee Representatives | |
| Ms. Stephanie Canter–Co-Vice-Chair | |
| Ms. Donya Deleon | |
| Mr. Tracy DuPree | X |
| Mr. David Flickinger | |
| Ms. Turessa Russell | X |
| Ms. Sherri Thompson | |

Staff Present:

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General
Ms. Carrie Lee, EMC Coordinator
Ms. Kara Morris, Hearing Clerk

- 1. Chair Mandy Hagler:** Called the meeting to order at approximately 9:00 a.m.
- 2. Public Comment**

There were no comments from the audience or Committee Members.

3. Approval of Minutes for May 19, 2016 – Action Item

Chair Hagler requested a motion to adopt the minutes.

MOTION: Moved to approve the minutes.
BY: Committee Member Tracy DuPree
SECOND: Co-Vice-Chair Allison Wall
VOTE: The vote was unanimous in favor of the motion.

4. Adoption of the Agenda – Action Item

Chair Hagler requested a motion to adopt the agenda.

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

5. Adjustment of Grievance of John Di Bari, #4172, Department of Corrections – Action Item

Chair Hagler opened the hearing on the adjustment of Grievance #4172. The Department of Corrections (“NDOC”) was represented by Deputy Attorney General Michelle D. Alanis. Grievant John Di Bari (“Grievant”) was not present.

Prior to the hearing on the merits of the grievance, a motion to dismiss alleging the Committee did not have jurisdiction to hear the grievance was brought by NDOC. NDOC argued the Committee did not have jurisdiction to hear Grievance #4172 and the grievance should be dismissed since: Grievant was not present, NDOC’s motion was unopposed; the Committee did not have authority to take action pursuant to NAC 284.678 and NAC 284.658 as the grievance was not timely filed; Grievant was no longer in an employer-employee relationship with NDOC and the policy concerned was unique to NDOC; and there was no injustice as the confiscated property had been returned.

The Committee, after having read and considered all of the documents filed in this matter and having heard oral argument, deliberated on the issues presented. Committee Member Tracy DuPree stated in substance the grievance was not timely submitted and there was no remedy which the Committee could provide in this situation. The other Committee members were in agreement.

MOTION: Moved to grant the motion to dismiss as the grievance was not timely submitted and there was no remedy the Committee could offer.
BY: Committee Member DuPree
SECOND: Committee Member Russell
VOTE: The motion passed unanimously.

6. Discussion related to Grievance #4405 of Michael Marty, Department of Public Safety – Action Item

Chair Hagler opened the discussion on Grievance #4405.

Committee Member DuPree stated in substance there had been several similar grievances before the Committee of late regarding the adjustment of steps within an agency, yet the State was still in financial crisis.

Co-Vice-Chair Wall stated in substance the Committee did not have the authority to grant the resolution requested. Co-Vice-Chair Wall further stated in substance the Department of Public Safety (“DPS”) provided information regarding accelerated steps in its response, and there was no proof anything was promised as it was not common practice. Co-Vice-Chair Wall indicated in substance an agency may offer accelerated steps but is not obligated to grant accelerated salaries, even for an employee with superior education and experience. Co-Vice-Chair Wall further indicated in substance DPS was acting consistently statewide, therefore there was no injustice.

Chair Hagler stated in substance the grievance was the fourth of its kind from DPS, and the Committee wrote a letter to Governor Sandoval regarding the issue. Chair Hagler further stated in substance the Committee did not have the authority to force an agency to accelerate steps. Chair Hagler requested a motion.

MOTION: Moved to answer the request for consideration of Grievance #4405 without a hearing based on prior Employee-Management Committee decisions.
BY: Committee Member DuPree
SECOND: Co-Vice-Chair Wall
VOTE: The vote was unanimous in favor of the motion.

7. Discussion related to Grievance #4318 of Brent Elmore, Department of Corrections – Action Item

Chair Hagler opened the discussion on Grievance #4318.

Committee Member DuPree questioned in substance if the grievant could review his personnel file at NDOC’s Human Resources to determine the contents of the file.

Chair Hagler answered in substance the grievance was not about certain documents being part of grievant’s personnel file, but that certain documents were submitted in error at an appeal hearing.

Co-Vice-Chair Wall stated in substance the grievant did not provide enough information to determine if the grievance is within the jurisdiction of the Committee. Co-Vice-Chair Wall further stated in substance the Committee cannot require an investigation; the grievant was asking for something the agency had not responded to.

Committee Member Russell stated in substance the Committee could only grant what is actually erroneously in the personnel file of the grievant to be removed so there would be no further injustices.

Co-Vice-Chair Wall stated in substance during the appeal hearing the documents mistakenly in the grievant's personnel file were not admitted into evidence. However, the grievant felt that a mishearing had taken place based on the erroneous documents being included in the appeal file. Co-Vice-Chair Wall further stated in substance the grievant did not dispute the error was fixed by removing the documents. Co-Vice-Chair Wall noted in substance the grievant believed the appeal hearing was tainted, and further noted in substance the grievant's concerns should be appealed in the appropriate realm. Co-Vice-Chair Wall stated in substance NDOC's Warden Neven apologized for the error.

Chair Hagler requested a motion.

MOTION: Moved to answer the request for consideration of Grievance #4318 without a hearing as the matters stated in grievance within the jurisdiction of the Committee were resolved and the remaining concerns are not within the Committee's jurisdiction.

BY: Committee Member DuPree

SECOND: Committee Member Russell

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

8. Public Comment

Michael Marty ("Mr. Marty") stated in substance the Committee was negligent for not addressing his full grievance and challenged the Committee did not read his entire grievance. Mr. Marty further stated in substance DPS failed to abide by guidelines in NAC as he submitted an NPD-4 on March 21, 2016, and still had yet to receive a formal written response. Mr. Marty noted in substance the other cases the Committee referred to were not similar to his; as a homicide detective, his grievance was far different. Mr. Marty concluded in substance a great injustice had been committed and the Committee was negligent in not granting a hearing on his grievance.

9. Adjournment

Chair Hagler stated if there were no objections the meeting would be adjourned. Hearing none, the meeting was adjourned at 9:51 a.m.