

1 STATE OF NEVADA

2 EMPLOYEE-MANAGEMENT COMMITTEE

3 MEETING TRANSCRIPT

4 SEPTEMBER 22, 2022

5
6 DUPREE: In the event of an evacuation, which I
7 hope to God we won't have to do, go out the door and around
8 the right side of the building and evacuate stairs, and you
9 will hear me praying. So, let's hope that doesn't happen. Um,
10 first order of business, because it's a public meeting, we're
11 gonna open the doors to public comment. And for, uh,
12 acknowledge public comment --

13 WEISS: Sir?

14 DUPREE: We cannot address anything -- yes?

15 WEISS: Wait, we gotta do the evacuation thing for
16 the south.

17 DUPREE: Oh, yeah, yeah. Forget about that. Those
18 in the south, how do you evacuate by chance?

19 WEISS: Go ahead, Turessa.

20 RUSSELL: You would come in the door -- or you would
21 go out the door you came in, to my left. Go out into the
22 hallway, turn left, go all the way down to the exit, and go
23 out into the parking lot, and meet there.

24 DUPREE: Okay. Um, in keeping with the public
25 meeting requirements, uh, we're gonna open any -- the meeting

1 right now to any comment from the public. No item raised by
2 the public in public comment can be discussed in the -- and --
3 as an agenda item until it's -- until and unless it has been
4 added to an agenda for discussion later. But if anybody's got
5 something to say, this is a good time to hear it. Is there any
6 public comment in the north? Okay, hearing none. Any public
7 comment in the south?

8 UNIDENTIFIED: No public comment in the south.

9 DUPREE: Okay, hearing none. Uh, right now, I'd
10 like to ask any witnesses in any manner before this, uh, body
11 to raise their right hand and stand up and begin. And do any
12 witnesses -- anybody who's planning on testifying today, uh,
13 promise to tell the truth, the whole truth, and only the truth
14 today?

15 WEISS: Miss? Step forward so they can see you on
16 the camera.

17 DUPREE: Step forward as well, if you can.

18 UNIDENTIFIED: I do.

19 DUPREE: Okay. How about any -- does everybody
20 promise to tell the truth today?

21 UNIDENTIFIED: I do.

22 DUPREE: All right. I'm -- I'm seeing nods from
23 here in the north, so I'm gonna say that's only affirmative.
24 Please be seated everyone. Um, kind of as a -- before we move
25 through the -- to adopt the agenda, item number 8 in the

1 agenda, which is grievance number -- grievance number 8232, I
2 understand a, uh, agreement has been reached between the
3 grievant and the agency. So that is no longer on our plate
4 today. With the item of number 8 not being there, I'd like a
5 motion for the adoption of the agenda.

6 RUSSELL: Turessa Russell.

7 DUPREE: Thank you.

8 RUSSELL: I move, I move that we adopt the agenda.

9 DUPREE: Do we have a second? I'll second. All in
10 favor of adopting the motion without number 8 in it, say aye.

11 MULTIPLE: Aye.

12 DUPREE: Any opposed? Don't think so. I heard 4
13 ayes.

14 WEISS: And Chair, uh, we need to, uh, go back a
15 little bit and do, uh, introductions.

16 DUPREE: Oh, yeah. All right. Um, we're gonna do
17 committee introductions now. I am Tracy DuPree. I'm with the
18 Department of Employment Training and Rehab.

19 GEYER: I am Sandie Geyer. I am, uh, with the
20 Office of the Attorney General.

21 WEISS: Go ahead. Mary Jo.

22 SCOTT: Mary Jo Scott with the Offic --e
23 Governor's Finance Office.

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

1 WEISS: Todd Weiss, Deputy Attorney General.

2 DUPREE: And, um, if staffers, uh, Kristen and
3 Roxanne in the audience up here in the north, do you want
4 introduce yourself ladies, for the record, or not? I'm gonna
5 leave that up to you. No? I'm seeing <inaudible>. All right.
6 Um, with that, we're going through, uh -- the agenda has been
7 adopted, which brings us to, um, item number 5, uh, adjustment
8 and, uh, grievance of George Wilcox, number 7853. Uh, Mr.
9 Wilcox, are you here or in the south? I thought you'd be here,
10 but I can't remember. Anybody hear from Mr. Wilcox on that
11 side?

12 SCOTT: Mary Jo Scott for the record. He is not
13 here today. George Wilcox's not here.

14 ALLENDER: But -- I'm for the DMV, but my name's
15 Robin Allender. I'm the administrator.

16 WEISS: Why don't you come to the table Miss?
17 This'll be quick, but --

18 ALLENDER: Good morning. My name is Robin Allender.
19 I'm the administrator for the Field Services Division with the
20 Department of Motor Vehicles.

21 DUPREE: Good morning.

22 ALLENDER: So, I guess I'll get started. Um, I would
23 ask -- I don't know the -- the process --

24 WEISS: You actually don't even have to make a
25 case. Um, the grievant is absent. Uh, it's cons -- it's --

1 it's automatically dismissed with -- with the vote.

2 DUPREE: Okay. Uh, the grievant is absent. So, was
3 this -- DAG, since the grievant is absent, did I hear you say
4 we can just adjourn it with a vote? Or what do we vote on?

5 WEISS: Yeah, that's, that's how we've done, uh,
6 Chair. Uh, the grievant has -- the grievant has to be here to
7 present his case. If he's not here, there's nothing to move
8 forward on.

9 DUPREE: All right. As the grievant is not present,
10 and there doesn't appear to be anything to move forward on,
11 uh, we need a motion to, um, deny this grievance because
12 nobody showed up.

13 GEYER: For the record, Sandie Geyer. I make a
14 motion that grievant -- grievance number 7853 is, uh,
15 dismissed or denied based on the grievant not appearing for
16 today's hearing.

17 RUSSELL: Turessa Ru --

18 DUPREE: Go ahead, Turessa. Sorry.

19 RUSSELL: Turessa Russell, I'll second.

20 DUPREE: There a motion and a second. Any discussion on
21 the motion? Hearing none. All in favor of the motion, say aye.

22 MULTIPLE: Aye.

23 DUPREE: Any opposed? Motion carries. Okay. Perhaps
24 I should have actually done a little more housekeeping. That's
25 why I don't do this full time. Uh, those of us -- those of you

1 that have never done this before, we are kind of like a court
2 body, but not really. Uh, we -- if you have a grievance before
3 us, you're going to -- the grievant goes first and states
4 their case and the, uh, agency can cross examine witnesses,
5 uh, and then the agency presents its case. Then we deliberate
6 on that right here in front of you. And you'll hear our
7 decision today, but you'll get a written, uh, copy of our
8 decision within 45 days with signatures and everything. Uh,
9 we're gonna keep it pretty informal. Keep in mind that we all
10 have to work together the next day and the day after that. So
11 don't, uh -- don't say anything here today that you might live
12 to regret at the coffee room tomorrow. Um, we'd also like
13 anybody that is planning on, uh, testifying to sign this sign-
14 in sheet up here when you're about ready to sit down and do
15 it. Um, anybody have any questions? Uh, the microphones, uh,
16 there -- there are microphones that are around the building.
17 And we ask everybody to state their name for the record
18 because we don't -- the -- the person transcribing cannot
19 always -- does not always know who you are. So, whenever you
20 can, if you have to say anything, state your name for the
21 record. All right. With that, uh, we move to item number 6,
22 grievance of Frank Demrow, number 7892, uh, Department of
23 Veterans Affairs.

24 DEMROW: Uh, for the record, I'm Frank Demrow. Um,
25 I -- and I apologize, kind of had to

1 UNIDENTIFIED: <inaudible> need you to sit at the
2 table.

3 DEMROW: Sit the table?

4 DUPREE: Yeah, go ahead and sit. Grievants and
5 their counsel, if they have any, can sit up at the table. And
6 the witnesses can come here to testify where the microphones
7 can hear you and the cameras can see you. Yeah.

8 DEMROW: So, um, I'll proceed then. Um, I am kind
9 of changing <inaudible> midstream because, um, I'm just taking
10 a look at the packet here, um, and I -- and I -- just to kind
11 of justify here, um, if you just read the first line, this has
12 to do with the grievance --

13 DUPREE: Okay. You just read -- sorry, but you made
14 me realize I forgot to do something. Does either side have any
15 objections to the packets as submitted?

16 DEMROW: I have many, many. This -- this is -- this
17 is, uh -- the grievance is about a-a, uh, reprimand that I
18 received, uh, I-I think, June 15th or 16th, 2021. And there
19 are documents in here that are from just recently. I mean,
20 there's a lot of documents that are after I -- when the
21 grievance -- or when the, uh, reprimand was issued. And I
22 don't see how the future has any relevance on -- on -- its --
23 on the, uh, reprimand. It's, uh -- see, because this reprimand
24 was used as a basis to build a case against me, and now
25 they're taking stuff from that case and putting it in here.

1 It's -- it's absolutely absurd. It's circular logic. It's --
2 and, uh, this, I mean -- about half this packet is probably
3 stuff that was after the fact.

4 WEISS: Mr. Demrow, can you identify the number
5 exhibits you -- you have an issue with?

6 DEMROW: Well, anything that's dated after, um --
7 after, uh, June 15th, 2016. Um, but it looks like -- like the
8 first thing that jumps out at me is this. I -- it looks like I
9 signed this on April 25th, 2022. Um, but regardless -- uh,
10 well, actually, no. I apologize. Not regardless. If we are
11 doing objections to the packet, then yeah, we should, uh, go
12 over this. Um, but because of that -- well, I'll get to that
13 part later. Um, but like this here, there's a -- there is a
14 specific -- specificity of charges and, uh, why this would be
15 in a packet that had something to do with something that
16 happened the year before is -- I have no -- I don't understand
17 that. That's absurd. Um, and it's -- and now, I mean, it
18 obviously taints -- I mean, all of this stuff is -- this is
19 very questionable to have something like that in here even.

20 DUPREE: Uh, Mr. do you have a response to that?

21 PRICE: Well, I mean, before we -- before I can
22 even respond, I need to know what exhibit and page number he
23 is referring to.

24 DEMROW: I just -- well, that, uh -- there's one
25 example here that the, uh, specificity of charges and

1 everything that is accompanying it all should be taken out.
2 And, uh, I don't know what exhibit that is. I think it must
3 be, uh, G or -- Oh, yeah. Yeah. G definitely needs -- there's
4 a lot of problems with G. Um, I mean that, yeah, G. Now, um,
5 the first thing you'll see in G is a-a reprimand that's not a
6 legitimate reprimand at all. And if you look at it closely,
7 you'll see that, um, on the front of it, they wrote, Frank
8 refused to sign. But that's not the case at all because no one
9 signed it at all because I never saw it. It's a complete -- it
10 -- it's a shadow file that -- that shouldn't even exist. Um,
11 it's absurd. And if -- this was not originally in my file at
12 all, but they -- they put -- they attached all these shadow
13 files to another instance, um, that -- that didn't -- doesn't
14 go through the EMC. And that's all in my record now. But like
15 you can see very plainly, this isn't signed by anyone at all.

16 GEYER: Uh, Chair, Sandy Geyer for the record. Uh,
17 in -- in order to be able to follow Mr. Demrow's objections to
18 the exhibits, it would be really helpful, I think, for the
19 committee that we go through them in order.

20 DUPREE: Yeah.

21 DEMROW: Also, I'd like to point out the next thing
22 here --

23 GEYER: Mr. Demrow --

24 DEMROW: I'm sorry.

25 GEYER: Thank you. Um, so I would like to suggest

1 that we go through those exhibits in order, so that we can
2 make sure that Mr. Demrow's concerns are addressed, as well as
3 giving the agency an opportunity to be able to respond.

4 DUPREE: I think that is an excellent idea.

5 GEYER: So, Mr. Demrow, would you please go
6 through each exhibit, starting with A, so that we can see
7 where your objections are? If that -- if A is one of those
8 objections.

9 DEMROW: Why don't we -- would it be possible if I
10 start with Exhibit G and then we'll go --

11 GEYER: It would be possible for you to start with
12 Exhibit A.

13 DEMROW: Okay. Exhibit A is my grievance. It looks
14 like?

15 GEYER: Uh, according to the packet that I have,
16 Exhibit A appears to be a work performance standard.

17 DEMROW: Oh, I must have the wrong packet.

18 UNIDENTIFIED: This is the agency's packet.

19 GEYER: This is the agency's packet that you, Mr
20 Demrow -- Sandie Geyer for the record. This is the agency's
21 packet that you indicated that you had issues with the
22 exhibits. I'm not sure exactly what you have in front of you.
23 Are -- is that -- is that the -- is -- is that -- can I take a
24 look here?

25 DEMROW: Yes, please do.

1 ANDERSON: If I could interject a moment member
2 Geyer, there are 2 items for Mr. Demrow on the agenda. So, we
3 need to make sure that the packet we're looking at right now
4 is for, um, grievance number 7892. Sorry, Kristen Anderson
5 for the record.

6 GEYER: Thank you. Thank you.

7 DEMROW: Okay, so now we're all on the same page,
8 so to speak. Um, now in Exhibit A in the first packet for
9 grievance, uh -- grievance 7892, it is my grievance that --
10 that -- what I filled out, um, and where I asked the reprimand
11 be kept out my record. That's fine. Now, onto Exhibit B, this
12 would be a copy of the written reprimand. And that -- that's
13 fine. That's what I'm grieving. That's what I'm

14 DUPREE: That's why we're here.

15 DEMROW: Right. That -- and you can see where that
16 stated June 15th, 2021. Exhibit C appears to be a letter that
17 I wrote. And this is -- this -- this is fine too, because this
18 is an email or a letter -- an email that I sent. And this is
19 fine. I sent this <inaudible>. Um, Exhibit E, I have never
20 seen this before, but I guess -- okay, I think this is where
21 they will, uh -- okay, this looks like -- I've never seen it
22 before, but I think it's, uh -- must be an audit or something.
23 Although, I would only mention that I requested a copy of that
24 audit several times and never got one. Um, and so that's fine.
25 That's fine. And under that, for, uh -- in that exhibit,

1 that's just, uh, bills to support the audit. That's all we got
2 <inaudible>. Now we get to Exhibit E. And I apologize that we
3 have to do this. I-I -- there's not a -- I didn't --

4 GEYER: No apology needed.

5 DUPREE: No apology needed, sir.

6 DEMROW: I didn't get this.

7 DUPREE: This is not something you do.

8 DEMROW: Yeah, no, this is the first time I'm
9 seeing it. So, um, so I just wanna double check. This document
10 is regarding reconciliation assignment. That is very possible.

11 That is good. So, now on to Exhibit F. Okay, this is like a

12 list of -- of more, uh, <inaudible> regard audit defenders.

13 That -- okay, and that's fine. Um, okay. Now we get to, uh,

14 Exhibit G. Um, and now as far as I can tell, you can see,

15 pretty much Exhibit G is gonna be where I have my problem. Um,

16 the first problem being, uh, this reprimand is not the

17 reprimand that I was issued. Um, can I step away and get a

18 drink of water? Um, it's an old reprimand and -- and it's a

19 reprimand that I -- was prepared by one of my supervisors. And

20 we sat down with her boss and my -- and me, and, uh, I said,

21 well, this is -- this is ridiculous. This is -- none of this

22 is true. And we -- and we talked about it. And, uh -- and so

23 she said, well, let me rewrite it and take out all that stuff

24 you're saying. And then I never saw it again, and now it pops

25 up here. And this is -- and it's not signed. And I don't know

1 -- it's not something that should be in my file. And, uh, it's
2 -- it scares me to think, I don't know where this came from.
3 Because it wasn't in my original file, but now other -- it is
4 in my file again now because it was attached to other things.
5 And, uh -- but this is not legit. This shouldn't be in here.
6 Now, that's the first 3 pages of the -- Exhibit G. Now, the
7 next reprimand is another case of this. This one doesn't even
8 have a page to have a signature on, so -- or a stamp that it's
9 sent to -- to central records or anything. So, this is another
10 shadow document. This is -- that's -- that shouldn't be in
11 there. Now, this next one is one of my favorites because this
12 one here, um -- it's got in the -- I love this one. Um, it's
13 got in the letterhead --

14 UNIDENTIFIED: I think so.

15 DEMROW: -- Steve Sisolak as the governor, but it's
16 dated for December 14th, 2018. He wasn't the governor yet, so
17 this couldn't even exist. Like it's a -- it's a factual
18 impossibility. Um, and -- and I -- and I've told them this
19 many times. I'm like, you gotta get that out of there. This --
20 this can't even happen. Um, but, uh, um -- and then, uh,
21 there's some other things in here. Documented oral warning --
22 uh, a documented oral warning, I'm not even gonna go into that
23 'cause it's -- that's such a small thing. Uh, but, uh, it
24 really shouldn't be in here, but I'm not <inaudible> about
25 that. Letters of instruction shouldn't be in here either.

1 They're not -- they can't be used in discipline. Um, and I-I
2 can't quote you the exact administrative code, but they can't
3 use for discipline unless they're attached to something else.
4 Um, so they shouldn't be in here. Um, the -- and then I have
5 to imagine now -- and then we have decision letters here for
6 the things that happened. <crosstalk>. Uh, this is, uh -- so I
7 don't understand what a, uh, suspension for 30 days -- or for
8 3 days has to do -- a suspension that I received a year later
9 -- a year after this reprimand, why is that in here? That
10 shouldn't be in here. And, uh -- but maybe it should be in
11 here because this reprimand was the thing they started with to
12 -- to build on that to get to all this other stuff at the end
13 here where there -- because I -- yeah, but it's -- um, so that
14 shouldn't be -- and so yeah, everything in G is -- I dunno.
15 Um, now, Exhibit H.

16 PRICE: Can -- can we discuss G before we move on
17 to the other exhibits?

18 DUPREE: Yeah. Let's -- let's hear from the agency
19 on Exhibit G before we move on to Exhibit H.

20 PRICE: All right. So, Exhibit G contains, as you
21 can see, a number of past discipline that Mr. Demrow was
22 issued. And as part of, um, the disciplinary process under NRS
23 284.383, agencies are required to follow principles of
24 progressive discipline. Um, the, uh, reason these documents
25 are in the file is to show that, uh, Mr. Demrow does have a

1 past, uh, disciplinary history regarding his performance
2 issues. And that goes to prove that, uh, the agency did carry
3 out progressive discipline in this case. Um, as far as the,
4 you know, written reprimand that wasn't signed, it does say
5 that Mr. Demrow refused to sign it. Um, to my knowledge, this
6 is in his file. He did receive the written reprimand and I
7 believe you even said that you received a written reprimand at
8 one point. Um, same thing goes for the following written
9 reprimand dated November 6th, 2018. Um, I can't explain why
10 the, uh, letterhead on the 2014 -- or December 14th, 2018,
11 written reprimand does have an incorrect letterhead. Um, I
12 mean, Mr. Demrow signed this document. So did somebody else. I
13 honestly can't explain why that's the way that is. Um, and,
14 uh, I believe it is the same thing with this documented oral
15 warning. I mean, all these, um, forms of discipline were
16 carried out, you know, before the written reprimand in this
17 case with it was issued. And it's abso-absolutely relevant to
18 this case to show his history of past performance issues. Uh,
19 oral warnings, um, are formal discipline and can be included
20 in an employee's personnel file. Um, the reason that the
21 specificity of charges is in there is to show that he
22 continues to have person -- or, uh, uh, problems with his
23 performance today. And so, it was a past problem. It continues
24 to be a problem today. Um, that's why it's in there. If you
25 think that the specificity of charges, um, should be excluded

1 from the packet, then, uh, I don't have any objection to that
2 -- to removing that specific document.

3 DUPREE: How do you feel about that, sir?

4 DEMROW: No, I -- the whole thing's gotta go.

5 Absolutely. And I'm -- I'm unyielding about that because until
6 this reprimand -- until you see this reprimand, I've had one
7 other reprimand that was put in my file here in Carson City.
8 That was like, almost 5 years before. So, this whole thing's
9 gotta go away. It's complete BS. It's complete balderdash.

10 DUPREE: Well --

11 DEMROW: And I-I don't -- I don't know -- I mean, I
12 don't want to take the time to go and look at the admin -- the
13 administrative code, but I know that letters of instruction
14 are not formal discipline and cannot be put -- they're
15 supposed to be kept with the supervisor, but there's so many
16 things wrong with what he just said.

17 DUPREE: You know, the thing that's worrying to me
18 about this is that both sides are gonna have objections to
19 everything about this case. That's why we're here. We're
20 trying to get something resolved. And if we spend the entire
21 morning worrying about everything in the packets, uh, we --
22 you've noted your objections. We know you're not thrilled with
23 them. But, uh, why don't we just --

24 DEMROW: Move on? Okay, yeah. We can do that.

25 DUPREE: Can we just move forward with your

1 grievance and not worry with -- we understand your objections.
2 We get it. We're all <inaudible> and we understand where
3 you're coming from.

4 DEMROW: Okay, now -- but what I was getting to
5 though, um, was in pointing those out, is that, um -- that's
6 why I'm going to, uh, read this very briefly. It's just real
7 short. Um, I-I hadn't intended to, but, but I can see that
8 they're taking an all-encompassing approach, so I'm gonna take
9 an all-encompassing approach. Um, and this is taken from
10 Psychology Today, uh --

11 DUPREE: Okay. Give us -- you can give us an
12 opening statement and then --

13 DEMROW: I'm gonna read this and then

14 DUPREE: Is this your opening statement?

15 DEMROW: Yes, this is my opening statement.

16 WEISS: Chair?

17 DUPREE: Yes, sir?

18 WEISS: DAG Todd Weiss. There -- there was a-an
19 objection made on an exhibit. There has to be a ruling from
20 the Chair on that objection --

21 DUPREE: All right.

22 WEISS: -- before we can move forward, unless it's
23 being withdrawn.

24 DUPREE: I'm gonna rule that I'm gonna deny your
25 objection and let's move forward. The packet is submitted. We

1 -- we get it. Let's just move on.

2 DEMROW: Okay. Um, and I'll just read this real
3 quickly, and that would be my opening statement.

4 DUPREE: Yes, sir.

5 DEMROW: All right. Mobbing is much more
6 sophisticated --

7 PRICE: Hold on.

8 DEMROW: Sophisticated way of doing someone in than
9 murder.

10 PRICE: I'm gonna interject here, Chair.

11 DEMROW: What?

12 PRICE: We have some additional evidentiary issues
13 that we need to discuss.

14 DUPREE: Okay.

15 PRICE: So, we're not really ready to proceed with
16 the oral arguments here.

17 DUPREE: Okay. Um, do you have any objections to
18 what -- what he submitted, or what -- what, uh --

19 PRICE: Well, he didn't submit a packet, and so
20 that's -- that's part -- there's a couple of items I need to
21 address. Um, so the Department would first like to confirm,
22 uh, that all documents pertaining to the subpoena requests
23 that was made by the Department be made part of the official
24 record of this proceeding. I don't know if you're aware of
25 what occurred, um, because the subpoena requests were

1 submitted to Chair Parker, and she's not here today. Um, but
2 in any event, the state requested subpoenas on August 22nd --
3 or August, uh, 26th, 2022. There was a follow up email where
4 the department, uh, requested whether or not his subpoenas
5 would be granted. Um, there's an email from Ms. Hardy dated
6 September 7th stating that the request for subpoenas was
7 denied by the EMC. And then, uh, there's an email from Ms.
8 Hardy on September 8th, 2022, and that contained a formal
9 letter from the Chair of the EMC denying the subpoena request.
10 And then the Department, uh, submitted arrest -- a request to
11 reconsider. Uh, that decision on their subpoena request --
12 that was issued on September 9th, 2022. And then the, uh,
13 parties received an email from Nora Johnson dated September
14 14th, 2022, granting the subpoenas. And so, I just want to
15 ensure that those documents are included in the record, uh, of
16 this proceeding.

17 DUPREE: Can -- you can go ahead and include those
18 in the record.

19 UNIDENTIFIED: How -- how can it be included if we
20 don't have access to them?

21 PRICE: So, in other words, I'm not asking to add
22 them as an exhibit to our packets, I just want to be sure for
23 the record -- so that the record's clear that that prior
24 business that was conducted between the parties and the EMC
25 Chair is included in the record of this proceeding.

1 DUPREE: Member DAG, any thoughts on that? Should
2 be --

3 WEISS: It -- it -- it is included in the oral
4 record now, uh, counsel. Thank you for -- for giving us that
5 history. Um, it's included in the record now. Obviously, it's
6 not gonna be included as exhibits as part of the grievance,
7 'cause that has nothing to do with the grievance. But, um, it
8 is in part of the oral record now.

9 PRICE: Right. But I'm -- I'm requesting that the
10 documents be included in the record of this proceeding as
11 well.

12 DUPREE: Todd, can you, uh -- if you need water, go
13 ahead and get it. Todd, we can do that -- or can we do that?

14 WEISS: I'm sorry, what was the request chair?

15 DUPREE: He wants the documents included in the
16 record. The subpoena request, emails, all that stuff.

17 WEISS: Chair, the issue is, I don't know what
18 record they would be included in. The only record we're gonna
19 have here is the record of the grievance itself, which
20 includes the packets, the grievance, things that were
21 submitted beforehand. I don't know where -- I don't know where
22 counsel would want that stuff to go. It -- it wouldn't go as
23 part of the grievance packet.

24 DUPREE: Okay.

25 PRICE: So -- so I believe he just said that the

1 documents that are submitted beforehand would be part of the
2 record. And so those documents were submitted in conjunction
3 with this EMC grievance proceeding. And I just want to ensure
4 that those documents are included as part of the official
5 record in this case, so in the event this matter is appealed,
6 those are included with -- with the file that's submitted with
7 the record.

8 ANDERSON: If I can interject? Kristen Anderson, uh,
9 currently, uh, Deputy Administrator for Department of
10 Administration. Um, the subpoenas were received by
11 consultation and accountability. They were reviewed per, um,
12 rules of practice by the Chair. We did have a discussion with,
13 uh, DAG Weiss. Um, we did do the reconsideration for them and
14 provided that to, uh, the parties involved. Um, the paper
15 trail for this is included in Mr. Demrow's grievance file in
16 our office, um, just as confirmation.

17 DUPREE: Thank you.

18 PRICE: And, uh, I mean, the state would also want
19 like to confirm that the documents submitted in connection
20 with the state's request for continuance in this matter is
21 also included in the record. And so that would be the state's
22 request for continuance dated September 15th, 2022, uh, Mr.
23 Demrow's response dated September 15th, 2022, and the EMC
24 Chair's denial of the request for continuance dated September
25 16th, 2022. I just wanna ensure that those documents are

1 included in the record as well.

2 DUPREE: I would assume since everything else is
3 included in the grievance file in the office, that those will
4 be there too.

5 PRICE: All right, thank you. And, uh, next I'd
6 like to move on. Um, the Department moves to exclude the
7 testimony of any witnesses, uh, presented by Mr. Demrow,
8 including Mr. Demrow himself. Uh, we also move to exclude any
9 documents that he may attempt to, uh, admit during the
10 proceeding. Uh, in this case, as you may already know, Mr.
11 Demrow failed to admit a -- submit a pre-hearing packet. And,
12 uh, pursuant to the order scheduling hearing, each party is
13 required to submit a packet to the committee, which contains
14 the documents that they intend to rely on at the hearing. Um,
15 the packet must include a list of potential witnesses,
16 including a description of the relevant information about
17 which the witness would make a statement. Uh, Mr. Demrow did
18 not, uh, provide a packet. He did not provide a list of
19 witnesses. He did not describe what any witnesses would
20 testify to. Um, and so, uh, the Department requested a
21 continuance of the hearing, uh, on 2 grounds. And the first
22 was that they didn't have sufficient time to serve the
23 subpoenas because at the time that they were issued, the 15-
24 day period in which to serve the subpoenas had already passed.
25 Um, the second, uh, request -- reason for the request for

1 continuance was to allow Mr. Demrow to submit a hearing packet
2 prior to his grievance. Uh, nevertheless, the EMC Chair, uh,
3 denied the request to continue the hearing. And in that
4 denial, um, that's dated in a letter, uh, September 16th,
5 2022, it states that the EMC, uh, um -- or I'm sorry, it
6 states quote, "the grievant's failure to submit a packet
7 limits him to only the grievance itself, and he may reference
8 the agency's packet. While the grievant will not be allowed to
9 call his own witnesses, he will be allowed to cross examine
10 any witnesses called by the agency." So based on the Chair's
11 prior ruling, uh, we would just move to exclude any, uh,
12 witness testimony by Mr. Demrow, including his own testimony
13 and any documents he may attempt to submit.

14 DUPREE: Well, I'm <inaudible> the Chair, so
15 <inaudible> that portion, at least in this grievance.

16 WEISS: Chair, hold -- we -- we need to -- we need
17 to clarify the issue of request for -- to -- to deny the
18 grievant his ability to testify. What exact -- counsel, what
19 exactly do you mean by that?

20 PRICE: I mean -- I mean, he can't offer his own
21 testimony. He can cross examine any witnesses -- any witnesses
22 that the state may have. But based on the Chair's own ruling,
23 it states that he can't call any witnesses, and that includes
24 himself.

25 WEISS: No. He's allowed to present his -- his --

1 his grievance, counsel. He is not -- you can't deny him his
2 ability to present his own grievance because he didn't state
3 himself in a witness list. That's not how that works.

4 DUPREE: What he said. Thank you, DAG. I appreciate
5 it.

6 WEISS: You're welcome.

7 DUPREE: The grievant can present his grievance,
8 and if <inaudible>, you can always cross. We're gonna move
9 forward.

10 PRICE: Okay.

11 DEMROW: Okay. This is taken from Psychology Today,
12 and I'll get through it real quick and then that'll be my
13 statement out. All right. Mobbing is a much more sophisticated
14 way of doing someone in than murder, and in most countries, it
15 has the advantage of being legal. What is workplace mobbing?
16 Workplace mobbing is a purposeful humiliation, degradation,
17 terrorization of an individual by a group of people in an
18 effort to remove him from the organization, often resulting in
19 reputational damage, tra-traumatization, health concerns,
20 financial hardship, and job loss for the victim. What is the
21 difference between mobbing and workplace bullying? Bullying is
22 often but not always hierarchical, in which a person with more
23 power, per designated position or social influence, targets a
24 single individual with less power for abuse. In contrast,
25 mobbing is non-hierarchical, involves a group of perpetrators

1 who collectively gang up on the victim for the sole purpose of
2 pushing him out. Mobbing is a product of organizational
3 dynamics that establishes in groups and out groups that
4 operate under avail of secrecy, discourage questioning, lack
5 due process, and are more interested in preserving outer
6 appearances than getting curious about entrenched problems.

7 PRICE: Chair, Chair, I'm gonna -- I'm gonna have
8 to object to the opening statement.

9 UNIDENTIFIED: Excuse me. When you want to speak,
10 please remember to address the record so that we know who is
11 speaking.

12 DUPREE: Yes, please do that.

13 PRICE: Okay. Brandon Price for the Department of
14 Veterans Services. I'm gonna have to object to the opening
15 statement. A ruling was made that Mr. Demrow is not permitted
16 to submit any documents in conjunction with the grievance
17 because he didn't submit a packet. He's trying to admit a
18 document through reading it into the record. And so, I think
19 that violates the Chair's prior decision. Additionally, the
20 EMC hearing is restricted to reviewing the matters raised in
21 the 4 corners of the grievance. And Mr. Demrow is going
22 outside the 4 corners of the grievance. He's not, um, you
23 know, making any argument with respect to his grievance
24 itself. So, I just ask that, uh, you exclude, uh, the reading
25 of this document that Mr., uh, Demrow is doing right now.

1 DUPREE: Mr. Demrow, how would you respond to that?

2 DEMROW: Um, Frank Demrow for the record. Um, I-I
3 would respond to that, that -- that I had no intention of
4 starting with this because I-I wanted to just address the
5 grievance. But because of this packet and because Exhibit G
6 was -- you -- you didn't take it out, it covers a much wider
7 scope. And so that's why I changed my perspective. Now, had --
8 had you taken out, you know, Exhibit G, and had we just really
9 been looking at this single grievance, then I had a completely
10 different strategy in mind. I did not --

11 DUPREE: Mr. Demrow, since you had a completely
12 different strategy in mind, let's go with that for the
13 <inaudible>.

14 DEMROW: So, what -- then Exhibit G's coming out
15 then? You're taking it out?

16 DUPREE: We're here to listen to your case in all
17 and we're not gonna rule --

18 DEMROW: This is -- this is it. This is it right
19 here. This describes exactly the whole case and step by step.

20 DUPREE: All right, uh.

21 GEYER: Chairman, Sandie Geyer for the record. Um,
22 my question to Mr. Demrow, can you explain for the committee
23 how that particular article relates to your grievance? And if
24 you can use your words, as opposed to reading a publication as
25 part of your opening statement, or as your opening statement,

1 I think that it will help the committee understand your
2 position in, uh, bringing your grievance to EMC.

3 DEMROW: I'll just read it and then you're
4 <inaudible>. If you don't want in the record, we can -- um,
5 the phenomenon of mobbing and be partially attributed to what
6 psychologists call fundamental retribution <inaudible> in
7 which successes and failures are ascribed to a single employee
8 instead of the culture and structure of the organization.

9 GEYER: Mr. Demrow, Sandie Geyer for the record,
10 again. DAG Weiss, do you -- do you have a comment?

11 WEISS: I-I do. I-I-I-I think counsel with the
12 agency is correct. Uh, there's -- there's -- this is -- this
13 is improper admission of a document that wasn't on -- wasn't
14 anything was previously submitted. Secondly, I would agree
15 that it's irrelevant to the -- the issue of the grievance
16 itself, unless the grievance can -- grievant can articulate
17 what this has to do with his grievance. I would -- I would
18 agree with, uh, agency counsel.

19 DEMROW: Frank Demrow for the record. Fair enough.
20 Um, so what I would like to do then is try to summarize this
21 real quickly. And -- and basically it goes over the process
22 that I'm going through now, um, and how it -- how, um -- how
23 it's multiple people attacking me. They use shadow documents.
24 They use -- they -- they build on previous things that were
25 not true to get things that are also not true. And then they

1 go backwards and do 'em. Um, they attack my character because
2 my -- my file was clean before. And -- and there wasn't a
3 history of real discipline. That -- that is all fabricated and
4 -- and part of a kind of fictional narrative that was made up.
5 Um, and, uh, they -- they -- they don't directly say to my
6 colleagues to do anything. They imply a lot of things to them,
7 which causes them to get on board with the whole process. And
8 this is a phenomenon that's very real. Mobbing is a phenomenon
9 that's very real. And it happens across the country, and it
10 happens, um, a great deal. It's -- it's -- and in a lot of
11 cases it's right built right into the culture. And I don't
12 fault any individual for it. It's not -- it's not like there's
13 some evil mastermin, behind this. It's -- it -- it is a
14 cultural thing. It's a cultural phenomenon. It's nobody's
15 fault at this point, 'cause it's been allowed to develop for
16 so long there. It could have been stopped along the way, but
17 now it's part of our culture. And it's something that needs to
18 be addressed. And, uh, that's really what I'm trying to do
19 today. But, um, that's -- that sums it up.

20 GEYER: Sandie Geyer for the record. Thank you.
21 Mr. Demrow. Uh, does that conclude your opening statement?

22 DEMROW: Well, um, I -- very briefly, um, the
23 reprimand -- when I go through the reprimand, I find that --
24 that, uh, the person who wrote is trying to make 4 points, um,
25 that -- 4 things I've done wrong. And -- and, uh, they are, I

1 made a statement that was threatening. I didn't pay the bills
2 in a timely manner as indicated by an audit. Um, I paid an
3 invoice without authorization. And I failed to reconcile 3
4 accounts as I was instructed. But that's what the reprimand
5 says. And, um, the question is, did I do those things and are
6 those things disciplinary worthy? That's all I'd like to say
7 right now.

8 GEYER: Thank you.

9 DUPREE: Uh, okay. That's the end of your opening
10 statement?

11 DEMROW: Yeah, that would be the -- my opening
12 statement. Yeah.

13 DUPREE: Then it would be time for your case. Oh,

14 PRICE: Well, your Chair, I'd like to make our
15 opening statement.

16 DUPREE: Yeah, go ahead. I'm sorry. Sorry about
17 that mistake. Now for the state's opening statement.

18 PRICE: All right. Uh, uh, my name is Brandon
19 Price. I represent the Department of Veteran Services. Uh,
20 next to me is the Department's representative, Mr. Joe Theile.
21 He's the Chief Financial Officer of the department. Uh, um,
22 this case is not about mob mentality. This case is not about a
23 group attacking Mr. Demrow or ganging up on Mr. Demrow. This
24 case is about Mr. Demrow and his failure to adequately perform
25 his job duties. And then when the department tried to correct

1 the deficiencies and his performance problems, he couldn't
2 correct them. And when they tried to, uh, counsel him on his
3 performance problems, he -- he didn't want to take
4 responsibility for his own actions. And instead, he decided to
5 send an email to a brand new supervisor, in which he
6 intimidated and threatened her, and he accused her of all
7 kinds of wrongdoing, which never occurred. That's what this
8 case is about. Uh, Mr. Demrow, uh, is employed as an
9 Accounting Assistant 3. He is responsible for, uh, processing
10 invoices that come to the department. And, uh, he's -- he's
11 responsible for making sure they get paid. For several months,
12 Mr. Demrow, uh, neglected his job duties. A number of invoices
13 were late as a result of Mr. Demrow neglecting his job duties.
14 Uh, at one point, the Department received a notice, uh,
15 stating that the water at the Veterans Cemetery was going to
16 be shut off because Mr. Demrow wasn't, uh, doing his job
17 duties and ensuring that invoices that were sent to the
18 Department were being paid. In another instance, the
19 Department's, uh, wireless internet was shut off as a result
20 of Mr. Demrow failing to perform his job duties. Um, but what
21 -- what's interesting about the email at issue in this case,
22 which led to his written reprimand, is that he accuses a
23 supervisor of bullying, intimidating, creating an adversarial
24 relationship. But when you really read the email, that's in
25 fact exactly what he was doing. He was intimidating his

1 supervisor. He was bullying his supervisor. And he resorted to
2 making threats simply because she was trying to correct his
3 performance deficiencies. Uh, the written reprimand was issued
4 as a result of Mr. Demrow's misconduct. You're gonna hear
5 evidence today that he, uh, had a history of failing to
6 perform his job duties. It rose to the level of, uh,
7 misconduct under the Department's disciplinary policy for
8 neglected duty. Um, you're gonna hear testimony that he
9 violated policy, uh, by sending that email to his supervisor.
10 Um, the level of discipline that Mr. Demrow received,
11 especially in light of his past disciplinary history, was
12 lenient. The Department could have given Mr. Demrow a
13 suspension or even a more severe level of discipline under the
14 facts of the case, but they actually went lenient and gave him
15 a written reprimand instead. So, the level of discipline that
16 he received was more than reasonable in this case. Um, I
17 briefly want to talk to you about, uh, who has the burden of
18 proof in the grievance hearing. The -- as you know, the EMC
19 has the authority to adjust grievances under NRS 284.384. A
20 grievance is an act, omission, or occurrence, which an
21 employee feels constitutes an injustice arising out of the
22 conditions of his employment. In order to prevail on his
23 grievance, Mr. Demrow has the burden of proof to present
24 evidence that he suffered an injustice. And the only way he
25 can do that is to show that, one, he didn't commit misconduct

1 or, two, that the discipline he received was unreasonable. And
2 you're gonna hear evidence in this case, um, that will
3 establish that the issuance of the written reprimand was
4 proper in this case. And as a result, uh, we are requesting
5 that you deny his grievance.

6 DUPREE: <crosstalk> Now would need the time for
7 your case in chief.

8 DEMROW: Okay. Frank Demrow for the record. I'll
9 make my, uh, now to make my case. As I mentioned before, um,
10 there were I think 4 points that the -- that the reprimand --
11 um, that the reprimand was for. Um, but I'm just going through
12 the exhibits. Um, you made reference to, uh, the -- the email
13 that I sent. Um, is that in Exhibit C?

14 PRICE: Uh, Chair, would you like me to respond to
15 that?

16 DUPREE: Yeah, go ahead and respond to that.

17 PRICE: Uh, it is.

18 DEMROW: I apologize for my informality, sir.

19 DUPREE: You're all right.

20 DEMROW: Um, um, so the -- um, the letter here --
21 um, because that is the first point of the reprimand.

22 DUPREE: Is that the letter you were -- is that the
23 you email you sent?

24 DEMROW: Yes, I did send this email. Um, and, um, I
25 feel like just looking at the one line though, takes it outta

1 context, um, because he did bring up some other points in
2 there that I -- that I -- what I -- that I'm -- so could I --
3 could I read the letter quickly?

4 DUPREE: Uh, we've all read it, but if you feel --

5 DEMROW: Oh, you've all read it? Everyone's read
6 it? Okay. And so, um, I-I-I feel like the letter was strong,
7 but, um, considering what I was responding to, I-I-I felt that
8 it was -- it was fair. I know that I don't, um -- it's gonna
9 be a matter of opinion whether that statement is a threat or
10 not in any way, because it's definitely not intended to be a
11 threat of violence at all. Um, but a threat is, uh, saying
12 that there'll be negative consequences for an action and not --
13 -- that wasn't -- I didn't even do that. So, I don't know how
14 you can consider it a threat. Because I don't think -- having
15 a worthy adversary would not be a negative consequence. It'd
16 be a positive consequence, I would think. But, um -- um, but
17 anyway, my point is that I would encourage you to read that
18 letter because I feel like -- I don't feel like that it is --
19 it is strong, but it's fair considering that I'm responding to
20 an instruction to not communicate with anyone. Um, which I-I
21 am not so sure how I am gonna do any work if I cannot
22 communicate with anyone. So, now that addresses the first
23 point of the reprimand. Now the second point of the reprimand
24 was, uh, I-I did not pay the bills, um, or reconcile the
25 transaction log in a timely manner as demonstrated by the

1 audit conducted on May 24th, in which 20 vendors had unpaid
2 bills dating back to October 2019. Now, I wanna point out on
3 May 24th is when they started the audit. I was sent home on
4 May 19th. May 19th was a Monday. So, I wasn't there Monday,
5 Tuesday, Wednesday, Thursday, Friday. That Monday they started
6 the audit. Now, to only have 20 vendors after not doing any
7 work whatsoever for 5 days is pretty good, I think. Um, 5 --
8 in 5 days -- you can pay a lot of bills in 5 days. And so, an
9 audit conducted without me being there for 5 days is
10 questionable. Very much so. Also, the point about having bills
11 going back to October 2019 -- when we close our fiscal year,
12 we can only go back -- we -- I can only pay bills for the
13 fiscal year. So, if something is a stale claim, I'm not
14 supposed to touch it. And so, if something is back in October
15 2019, I'm not supposed to touch that. I'm supposed to give it
16 to my supervisor. So, pointing that out is kind of a little
17 bit misleading, I would say. Um, the next major point of the
18 reprimand is on September 11th, I paid an invoice without
19 authorization. I don't know how that's possible. I don't know
20 how that could be done because every -- every payment has to
21 have 2 approvals on it. And so, I don't know how I could do
22 that. And I'm not -- I don't know what she's referring to, um,
23 so. Um, and then the last thing is, I-I failed to reconcile 3
24 accounts in the 5 days that I was instructed to. Now, I think
25 that's just to <inaudible>. If I'm coming to -- I come to work

1 and I work. And I -- and some -- I don't neglect accounts. I-I
2 work from the time I get there until the time I leave, you
3 know, except for lunch. And I -- when they tell me to do
4 something, I do it. And I know that they would want to make it
5 seem as though I'm, uh -- I'm fooling around, but I'm not. I'm
6 working. And if -- if it's just reconciling those accounts,
7 it's just too much. Now these -- and uh, really those are the
8 4 main points and, and that's what I have to say about 'em.
9 Um, I obviously -- you will make the case and I -- and I will
10 cross, but, uh, that's really all I have for my case because
11 that's really all I'm addressing. So, it's 4 points 'cause
12 that's all this is about.

13 DUPREE: Okay. Would the agency like to cross
14 examine?

15 PRICE: Uh, yes, we would. Uh, Mr. Demrow, uh,
16 please take a look at Exhibit A. That's your grievance.

17 DEMROW: Okay.

18 PRICE: And, uh, this is the grievance that you
19 submitted in connection, uh, with this case, right?

20 DEMROW: Yes.

21 PRICE: And in your grievance, you allege that the
22 written reprimand you received on June 15th, 2021 is quote,
23 "so misleading, full of exaggerations, half-truths, and
24 outright lies." You said that right?

25 DEMROW: Yeah, I just pointed those out.

1 PRICE: All right. But in your grievance, you
2 didn't point out what information was inaccurate, did you?

3 DEMROW: No, I did not.

4 PRICE: All right. That's my question. And um, all
5 you did was make unsupported allegations.

6 DEMROW: Oh, so you -- you want this stricken from
7 the record because you're saying it shouldn't be admitted
8 because of --

9 PRICE: That's not -- that's not my question, Mr.
10 Demrow.

11 DEMROW: I gotcha.

12 PRICE: My question is, you -- you made these
13 allegations, but you didn't provide any examples of -- of how,
14 uh, the written reprimand was misleading, right?

15 DEMROW: Actually, that's not true. I did provide
16 examples later on in the grievance, yeah.

17 PRICE: All right.

18 GEYER: Chair, Sandie Geyer for the record. Um,
19 just a-a reminder that, please give courtesy to, uh, counsel
20 when they are asking questions just as they have given
21 courtesy to you. Okay? Please do not interrupt. We allow
22 people to speak completely before we want to ask any
23 additional questions. Okay?

24 DEMROW: I understand.

25 GEYER: Thank you.

1 PRICE: All right.

2 RUSSELL: Point of order.

3 DUPREE: Yes, member Russell?

4 RUSSELL: Um, we also need to remember to identify
5 ourselves when we're speaking for transcription purposes. That
6 would be helpful. It's kind of hard to follow listening in
7 person and seeing.

8 DUPREE: Yes.

9 RUSSELL: Thank you.

10 DUPREE: Thank you.

11 PRICE: So, Brandon Price for the Department. I'm
12 cross-examining Mr. Demrow. Um, in your actual grievance, and
13 I'm just referring to the grievance you submitted, you allege
14 that your written reprimand was misleading, but you didn't say
15 what was misleading, right? Correct?

16 DEMROW: No, incorrect. I-I can give you an
17 example.

18 PRICE: In your grievance that you submitted --

19 DEMROW: I'm talking about the grievance, yes.

20 PRICE: The actual grievance --

21 DEMROW: Yes.

22 PRICE: You didn't state --

23 DEMROW: I did.

24 PRICE: -- what was misleading --

25 DEMROW: Yes, I-I did.

1 PRICE: You did?

2 DEMROW: It's right here. The first page of the rep
3 -- yeah, I do. If you look on page 205 of the reprimand, I go
4 into explanation of why it was misleading. Very, very in
5 depth.

6 PRICE: Correct. That -- that's your -- that's
7 your response to the agency's response. It's not the grievance
8 that you submitted?

9 DEMROW: No. That's the --

10 PRICE: It was the response, correct?

11 DEMROW: No, not -- that's all part of the
12 grievance.

13 PRICE: Okay. Um, all right. So -- and I was
14 getting to that Mr. Demrow. So, in your response, you attempt
15 to point out what you believed was inaccurate or a lie. And in
16 your first response, you state -- the next thing you mentioned
17 is on January 25th, 2021, you received a documented oral
18 warning for failing to pay bills and reconcile your
19 transaction log. You then stated, I most certainly did not.
20 Correct?

21 DEMROW: I apologize. You're correct. If you -- if
22 you are going by the -- defining the grievance as just the
23 opening, you are absolutely correct. I'm sorry, you are.

24 PRICE: No -- but no -- but in your response, you
25 -- you're -- you're saying that the lie that's contained in

1 your grievance is this oral warning that was issued on January
2 25th, 2021. It says you received -- or, uh, it says -- yeah,
3 you -- you received an oral -- a documented oral warning for
4 failing to pay bills and reconcile your transaction log. And
5 this is a quote by you. "I most certainly did not." So, you're
6 saying you didn't receive an oral warning on January 25th for
7 failing to pay bills and reconcile your transaction log.
8 That's what you've characterized as the lie in your grievance,
9 correct?

10 DEMROW: Um, that is correct. That --

11 PRICE: Okay. That -- that's my question. Okay.

12 So, we have a copy of the oral warning. Please turn to Exhibit
13 G, and specifically page NDVS75. Okay. The first -- the first
14 box of the warning is titled Behavior and/or Performance
15 Concerns. And in that box, there's a sentence that states, "I
16 told him that keeping the spreadsheet log with his budget
17 invoices up to date and accurate were part of his work
18 performance standards." And then the third sentence in the
19 second paragraph states, "Frank was also behind in paying
20 bills and reconciling his transaction log. In many cases,
21 several months behind." Do you see that?

22 DEMROW: Yes.

23 PRICE: Okay. And the last sentence of the second
24 paragraph states, "it is clearly stated in Frank's signed work
25 performance standards he is responsible for keeping the

1 interments and invoices current and within 30-day payment
2 window." Do you see that?

3 DEMROW: Yeah, yeah.

4 PRICE: All right.

5 DEMROW: That's -- yeah.

6 PRICE: So, your response about the January 25th,
7 2021, oral warning not addressing your -- your failure to
8 perform bills or reconcile or your transaction logs, that's
9 incorrect. Right?

10 DEMROW: No, I did not say that it doesn't address
11 it. I said, it's not about this reprimand here. This written
12 reprimand is about something completely different. It's about
13 interments. Those are mentioned as an afterthought. And the 2
14 points that you made are not even, uh, uh, condemning. They're
15 just saying, I'm responsible for it. This reprimand is not
16 about that and that's true.

17 PRICE: Right. But -- but you said the issue that
18 you had with the written reprimand is that it was full of
19 lies.

20 DEMROW: And that is not -- that's a lie. This is
21 not for that.

22 PRICE: Right. But you -- you said --

23 DEMROW: It's for interments.

24 PRICE: You said you didn't receive an oral
25 warning back in -- in January

1 DEMROW: For -- for my accounts because --

2 PRICE: Right, but you did though. We just -- we
3 just went through an oral warning.

4 DEMROW: No, I did not. This is not for that. This
5 is for the interments.

6 PRICE: All right. That -- that's fine. That's all
7 I have -- question I have on that. Um, please take a look at
8 Exhibit D. And this is, uh -- this exhibit contains a number
9 of unpaid invoices. Uh, specifically look at page 64. That's
10 Exhibit D, page NDVS64. You see that? Mr. Demrow, do you see
11 that email between you and Ms. Sellers on April 21st, 2021?

12 DEMROW: Yeah, I'm just reading it.

13 PRICE: Okay. So, this is an email from Dawn
14 Sellers. She's a representative of a company called AlSCO.
15 Correct?

16 DEMROW: Okay.

17 PRICE: And they provide services to the
18 Department, correct?

19 DEMROW: Okay, yes.

20 PRICE: And -- and they send invoices to the
21 Department, and the department has to pay those invoices. And
22 in this April 21st, 2021, email, she said -- she explains that
23 the company did not receive payment for a February and March
24 invoices totaling \$146.

25 DEMROW: Yeah.

1 PRICE: And then you respond, and you say that you
2 will make it a priority to get Alsco addressed today. You see
3 that in your next email, right above that?

4 DEMROW: Mm-hmm. <affirmative>.

5 PRICE: All right. And so, then on page 63, this
6 is further -- further follow up on this email. You say
7 tentatively, I think I can get payment to you midweek next
8 week, but tomorrow I can say better. You see that email?

9 DEMROW: Mm-hmm. <affirmative>.

10 PRICE: All right. So that was on April 21st,
11 2021.

12 DEMROW: Mm-hmm. <affirmative>.

13 PRICE: And then the next communication is from
14 Ms. Sellers, you know, about 3 weeks later, May 12th, 2021.

15 DEMROW: Mm-hmm. <affirmative>.

16 PRICE: And she says, "Frank, I wanted to check
17 and get a status of the payment on this."

18 DEMROW: Okay.

19 PRICE: Right?

20 DEMROW: Mm-hmm. <affirmative>.

21 PRICE: And then turn to page 6 -- NDVS62. This is
22 your response to Ms. Sellers. And you state, "I was just
23 having an exchange with my boss about that very thing. Things
24 have slowed down to a very slow pace, and a big part of that
25 is my fault for trying to cut corners and then having to go

1 back and correct things and thereby taking more time instead
2 of less. So, I apologize for that." Do you see that?

3 DEMROW: Yes, I do.

4 PRICE: All right. And so, the reason that the
5 invoice was not paid sooner was because you were trying to cut
6 corners and it -- it created a problem in processing the
7 invoice. And as a result, the vendor didn't get paid in a
8 timely manner?

9 DEMROW: No, that's not the whole story. The other
10 story is that I, uh -- the, uh, head of the -- the cemetery,
11 uh, didn't want to pay -- didn't want them paid. Um, I can go
12 into detail, but I know you guys don't want to hear this. But
13 it's a big long story because he -- I was trying to convince
14 him to approve the payment because it wasn't worth arguing
15 over, and he wouldn't approve it and he wouldn't return my
16 calls. Um, but it's a big story. There's more to it than this.
17 This is not just simply it, but I --

18 PRICE: Okay.

19 DEMROW: In the -- in the -- in the interest of --
20 of someone taking responsibility and -- and -- and telling her
21 that I'm working on it, I-I decided summarize it to her that
22 way.

23 PRICE: All right. And you summarized that you cut
24 corners.

25 DEMROW: Yes.

1 PRICE: And that, that caused the delay?

2 DEMROW: Yes. Yes.

3 PRICE: Okay, um.

4 DEMROW: I remember this.

5 PRICE: Uh, please turn to Exhibit C. Uh, I
6 believe you already testified to this before, but I just
7 wanted to make sure. So, you do admit to sending this email
8 dated April 21st, 2021, to -- to your supervisor, Laurie
9 Flannigan?

10 DEMROW: Yeah. Yeah.

11 PRICE: All right. And Laurie is your direct
12 supervisor, correct?

13 DEMROW: Correct.

14 PRICE: And at the time you sent this email, she
15 was a brand-new supervisor, right?

16 DEMROW: That's correct, yes.

17 PRICE: Right. So, she'd been your supervisor,
18 what? Maybe a month? Maybe a little over a month.

19 DEMROW: A month and, uh, it was like 12 days.

20 PRICE: All right. And you sent this email in a
21 response to a letter of instruction you received in which she
22 was instructing you how a properly performed your job duties,
23 correct?

24 DEMROW: Yes, that's correct.

25 PRICE: That's all the questions I have.

1 DEMROW: Um, I-I would only add to that, um, that
2 there was no -- there's no copy of a letter I sent her before
3 she started welcoming her to the team and -- and giving her
4 access to all <inaudible> -- but, <inaudible>.

5 PRICE: Okay. I don't have any other questions.

6 DUPREE: Okay. Um, do you have any further -- any -
7 - anything further you need to present or?

8 DEMROW: No, I don't. I'm -- I'm done with my
9 portion of the presentation. I don't have anything other than
10 -- yeah, I --

11 DUPREE: Okay. That moves us to the state's case.

12 PRICE: All right. Uh, the state calls, uh, Ms.
13 Laurie Flannigan as a witness. And I'm not sure where you want
14 her to sit. And, uh, um,

15 DUPREE: You can go ahead and sit, uh, next to your
16 counselor. I don't know if they can see you down there. But
17 trust us, she is here. We see her.

18 FLANNIGAN: Right here?

19 DUPREE: Yeah.

20 WEISS: We can see her.

21 UNIDENTIFIED: Okay.

22 PRICE: And the witnesses should have an exhibit
23 packet. <crosstalk>

24 UNIDENTIFIED: Thank you.

25 DUPREE: Okay. Uh, I believe you were here earlier

1 when I made everybody swear that they were gonna tell the
2 truth.

3 FLANNIGAN: Yes.

4 DUPREE: You're under oath. Please tell the truth.
5 Go ahead with your case.

6 PRICE: All right. Uh, Brandon Price for the
7 Department. Before I get started, I did want to ask, where is
8 the camera for the people in Las Vegas? Is it over here?

9 UNIDENTIFIED: And the camera here is for here.

10 PRICE: Okay.

11 UNIDETNIFIED: And the camera for Las Vegas is
12 actually on the end of the wall <inaudible>.

13 DUPREE: I think <inaudible> zoom in to who's talking.
14 So, <inaudible>.

15 PRICE: Yeah, the witness isn't even in the
16 camera.

17 DUPREE: Las Vegas tells us they can see her.

18 WEISS: We -- we can see the witness just fine.

19 PRICE: All right. Uh, Ms. Flannigan, if you can,
20 please state and spell your name. My name is Laurie Flannigan.
21 It's L-A-U-R-I-E F, as in Frank, L-A-N-N-I-G-A-N.

22 PRICE: Okay. And where do you work?

23 FLANNIGAN: The Nevada Department of Veteran
24 Services.

25 PRICE: And how long have you been employed there?

1 FLANNIGAN: Since March 8th, 2021.

2 PRICE: And what is your title for the department?

3 FLANNIGAN: I'm an Accountant Technician II.

4 PRICE: All right. And what are your job duties as
5 an Accountant Technician II?

6 FLANNIGAN: I supervise 3 Accounting Assistant
7 IIIs and handle higher accounting issues.

8 PRICE: Okay. What do you mean by "handle higher
9 accounting issues"?

10 FLANNIGAN: Um, I-I'm the pen for the second
11 approval on payments to vendors. Um, I handle stale claims.
12 And there's other duties I'm supposed to be doing, but I
13 haven't been able to <inaudible> those yet because of ongoing
14 accounting issues.

15 PRICE: Okay. And as part of your supervisory
16 duties, did you supervise Mr. Demrow?

17 FLANNIGAN: Yes.

18 PRICE: All right. And are you Mr. Demrow's
19 current supervisor?

20 FLANNIGAN: Yes.

21 PRICE: <inaudible> supervisor in 2021 during the
22 events that <inaudible> reprimand, right?

23 FLANNIGAN: Yes, I did.

24 PRICE: Um, can you explain, uh, what Mr. Demrow's
25 primary job responsibilities are?

1 FLANNIGAN: Primarily it's to process payments to
2 vendors for the budget he's assigned and keep track of those
3 payments.

4 PRICE: Okay. And so, when you say process payment
5 to vendors, I mean, can you explain a little bit what that
6 means?

7 FLANNIGAN: When we receive invoices, we have
8 requisitions that have the approvals on them that are required
9 to process the payment that they enter. His position is a PIN
10 III approval in the Advantage System. And they also PIN III
11 approve the requisitions, which forwards them to me for PIN IV
12 approval.

13 PRICE: Okay. So, you said that Mr. Demrow's
14 responsibilities are -- is to pay invoices that are sent to
15 the department. So, you -- can you please briefly describe for
16 the committee, um, what he is supposed to do to process the
17 invoices that, um, come through?

18 FLANNIGAN: When he receives an invoice, he is to
19 look up the requisition, make sure the requisition has the
20 proper documentation and approvals attached, and then process
21 the payment.

22 PRICE: Okay. And then you said that he is also
23 responsible, excuse me, for reconciling his budget account.
24 Can you explain what you mean by that?

25 FLANNIGAN: Yes. The admin -- Department of

1 Administration has what's called an IBR report that we balance
2 our transactions logs to.

3 PRICE: Okay. Um, and so when -- when the
4 Department receives an invoice, um, do the invoices go
5 directly to Mr. Demrow or do they go to someone first? Explain
6 for the committee how all that works?

7 FLANNIGAN: Um, if they come in the mail, they're
8 opened by a receptionist and given to me and I distribute them
9 to the Accounting Assistant III that handles the budget for
10 them. And then we also have a finance email that most vendors
11 send their invoices and our statements directly to. And all 3
12 of the Accounting Assistant IIIs have access to that. And Mr.
13 Demrow himself asked to be set up that he received a copy of
14 every email to that email box to his personal e -- his email
15 so that he receives actually 2 copies of every email.

16 PRICE: Okay. So, you have 3 Accounting Assistant
17 IIIs. I'm guessing -- I mean, does the Department receive a
18 number of invoices from a large variety of different vendors?

19 FLANNIGAN: Yes.

20 PRICE: And so, is the way it's set up is each
21 Accounting Assistant III is responsible for certain accounts
22 for paying those invoices?

23 FLANNIGAN: Yes. They're assigned budgets.

24 PRICE: Okay.

25 FLANNIGAN: And that they're responsible for.

1 PRICE: All right. And so, Mr. Demrow has an
2 assigned budget in which certain vendors send invoices to him?

3 FLANNIGAN: Yes.

4 PRICE: He is responsible for ensuring those
5 invoices get paid in a timely manner. And he is also
6 responsible for reconciling his budget account.

7 FLANNIGAN: Yes.

8 PRICE: Okay. Um, and is Mr. Demrow aware of, you
9 know, what job responsibilities he has, in terms of paying
10 invoices for the department?

11 FLANNIGAN: Yes, he is. He's signed his work
12 performance standards and he performs that duty.

13 PRICE: All right. And has he received training on
14 how to properly, um, pay invoices in a timely manner?

15 FLANNIGAN: Yes.

16 PRICE: And process invoices?

17 FLANNIGAN: Both from the Controller's Office and
18 State Purchasing Office.

19 PRICE: Okay.

20 FLANNIGAN: They're assigned trainings for this,
21 to be authorized to process bills.

22 PRICE: All right. And have you provided personal
23 training to Mr. Demrow --

24 FLANNIGAN; Yes.

25 PRICE: -- with respect to how to process

1 invoices?

2 FLANNIGAN: Myself and his previous supervisor
3 both trained him on the requisition system.

4 PRICE: All right. Uh, do you recall, uh, giving
5 Mr. Demrow a task of reconciling his budget account in March
6 of 2021?

7 FLANNIGAN: Yes, I do.

8 PRICE: All right. And how did you communicate
9 that assignment to him?

10 FLANNIGAN: I addressed it in an email to him.

11 PRICE: All right. If you can turn to Exhibit E
12 and, uh, page NDVS66 at the bottom. Um, do you see that email
13 from -- that's an email dated of March 30th at 8:24 AM from
14 you to Mr. Demrow. Is that the email in which you assigned, um
15 -- made that assignment to Mr. Demrow?

16 FLANNIGAN: Yes, it is.

17 PRICE: Okay. Um, did you give him a deadline to
18 complete the reconciliation task?

19 FLANNIGAN: Yes, I asked him to have it
20 reconciled by Monday.

21 PRICE: All right. And did he work in the days
22 following that assignment?

23 FLANNIGAN: Yes, he did.

24 PRICE: Okay. And can you, uh, explain for the
25 committee in a little more detail, uh, what exactly the

1 assignment was and what that entailed?

2 FLANNIGAN: The assignment basically was to
3 match, to take the requisition, look at the requisitions that
4 are in our transaction log, and the ones that are paid, which
5 you can -- which would be from the IBR report -- to mark them
6 as paid in the transaction log.

7 PRICE: Okay. And is, uh -- was part of the rec-
8 conciliation process all we -- also, um, did it involve, uh,
9 recognizing when invoices had not been paid and -- and
10 tracking those?

11 FLANNIGAN: Yes. That's one of the main reasons
12 to reconcile is to make and -- to catch any missed payments.

13 PRICE: Okay. And when you gave Mr. Demrow the
14 assignment, how did he respond to it?

15 FLANNIGAN: Um, his email says, "I will do my
16 absolute best. I will give 101%."

17 PRICE: All right. And then he -- he says that he
18 did not believe the task was possible. He told you that too,
19 right?

20 FLANNIGAN: Yes, he does.

21 PRICE: Um, was the task possible to complete by
22 the deadline that you provided to him?

23 FLANNIGAN: Yes, it was.

24 PRICE: Can you explain why -- why he would --
25 should be able to do that in the time provided?

1 FLANNIGAN: Um, it's not a very difficult thing
2 to do. It's very easy to sort -- I create an IBR that's
3 sortable. They can do it by budget. There are categories and
4 see every single payment made. And all he had to do was open
5 that up and compare it to his transaction log and he could see
6 which ones needed to be processed.

7 PRICE: Right. Okay. Uh, did Mr. Demrow at any
8 point ask for assistance to -- um, for anyone to perform his
9 other job duties so he could get this assignment done?

10 FLANNIGAN: No, he did not.

11 PRICE: All right. Um, could he have received some
12 assistance from a coworker if he needed it?

13 FLANNIGAN: Yes.

14 PRICE: All right. Did Mr. Demrow complete the
15 assignment within the deadline that you provided to him?

16 FLANNICAN: No, he did not.

17 PRICE: All right. And at one point, did you
18 follow up, um, to see if he had completed the assignment?

19 FLANNIGAN: I followed up with him via email.
20 It's not in this, but yes, I did.

21 PRICE: All right. And when was that?

22 FLANNIGAN: Um, the following Monday afternoon.

23 PRICE: Okay. And so that was the deadline that
24 you gave to him to --

25 FLANNIGAN: Yes.

1 PRICE: -- complete the project? All right.

2 FLANNIGAN: On a day --

3 PRICE: And then -- sorry.

4 FLANNIGAN: I was -- on a daily basis during the
5 next 2 days, I emailed him also showing him how much progress
6 he had made.

7 PRICE: Okay. So, let's talk about that. You sent
8 him an email showing him how much progress he had made. Do you
9 remember, uh, when you checked on the status at the deadline
10 that you gave to him, how much progress he had made on the
11 project at that time?

12 FLANNIGAN: Um, I think a copy of the spreadsheet
13 I was keeping was on here, and he'd completed 56% -- well, he
14 completed 4 -- yeah, 44% was completed.

15 PRICE: All right. It looks like you're looking at
16 a document.

17 FLANNIGAN: Yes, I'm looking at page NDVS68.

18 PRICE: Okay. And this document's titled
19 Requisition Reconciliation Tracking Budget 2560. So, what is
20 this document?

21 FLANNIGAN: This was how I was keeping track of
22 how -- what his progress was and how much of the transaction
23 log was not reconciled.

24 PRICE: Okay. And so, on that Monday when you
25 checked, you determined that he had reconciled how much of his

1 budget?

2 FLANNIGAN: Um, 56% was unreconciled, so that
3 would be 44% was not reconciled --

4 PRICE: Okay.

5 FLANNIGAN: Was reconciled.

6 PRICE: Um, did you have any communications, uh,
7 with Mr. Demrow about him not completing the assignment at
8 that point?

9 FLANNIGAN: Yes, I did. And I asked him to keep
10 working on it.

11 PRICE: Okay. So, you gave him additional time to
12 work on the assignment?

13 FLANNIGAN: Yes, I did.

14 PRICE: All right. And, uh, when did you check on
15 the status of the assignment again?

16 FLANNIGAN: I was checking on it weekly. Those
17 aren't included in this. But the final check was on May 13th
18 and his transaction log for those categories was only 52% was
19 -- 52% unreconciled. So that would -- it increased to 48% rec
20 -- was reconciled, I mean, <laugh>.

21 PRICE: Right.

22 FLANNIGAN: The -- yeah.

23 PRICE: Okay. So --

24 FLANNIGAN: I'm sorry.

25 PRICE: The second time that you checked on the

1 status of the assignment, that was May 13th, 2021. Well, I
2 guess you said you --

3 FLANNIGAN: That was the final time I --

4 PRICE: You checked on it weekly, but you noted
5 how much he had completed by May 13th, 2021.

6 FLANNIGAN: Yes.

7 PRICE: And how much -- and you said you
8 discovered that 52% of his budget account was reconciled?

9 FLANNIGAN: Unreconciled.

10 PRICE: Unreconciled. And so, the progress
11 actually went backwards?

12 FLANNIGAN: Yes, because --

13 PRICE: It appears, which when I first looked at
14 it didn't make any sense to me. So, can you explain to the
15 committee how he could be working on an assign -- an
16 assignment, but the progress -- he wa -- he was losing
17 progress as he -- as more time went on instead of gaining
18 progress on the assignment?

19 FLANNIGAN: Because there was more payments still
20 being made and not reconciled.

21 PRICE: And so -- so he received this assignment
22 to reconcile the budget, and as he was doing that, more
23 invoices were coming in. So, he then had more, I guess,
24 information to reconcile?

25 FLANNIGAN: Yes.

1 PRICE: Because as he was doing the assignment,
2 more invoices were coming through?

3 FLANNIGAN: Yes.

4 PRICE: Okay. But he wasn't keeping up with the
5 task. And on that May 13th date, had he com -- he obviously
6 didn't complete the assignment, correct?

7 FLANNIGAN: No, he did not.

8 PRICE: All right. Um, did he give you any valid
9 excuse as to why he didn't complete the assignment?

10 FLANNIGAN: He said that he was too busy with
11 problems.

12 PRICE: Okay. Was he too busy at work to get -- so
13 that he couldn't complete the assignment?

14 FLANNIGAN: Not from what I observed, no.

15 PRICE: Uh, all right. Let -- let's talk about the
16 audit that you conducted in May, uh, of 2021. Um, so can you
17 explain to the EMC what that audit was about and why you
18 conducted that?

19 FLANNIGAN: Um, Mr. Demrow was out of the office
20 for a while, so, um, his team members and I had to gather in
21 invoices from his desk to process because we were getting
22 multiple vendors contacting us daily about payments that are
23 past due. So, I was asked to do a small audit quickly to see
24 what the problems were and to try and note which vendors we --
25 were critical in getting to -- needing to be paid.

1 PRICE: All right. So, when you say you were
2 trying to determine which invoices were critical, I mean, what
3 -- what exactly are you referring to?

4 FLANNIGAN: Um, vendors refusing to ship product
5 -- medical products, um, services being shut down. Those type
6 of items were the most critical.

7 PRICE: Okay. So, you were looking at what
8 invoices he had received and what invoices had not been
9 processed or paid in a timely manner?

10 FLANNIGAN: Yes. And which,

11 PRICE: Okay. And can you please take a look at
12 Exhibit F as in Frank?

13 FLANNIGAN: Okay.

14 PRICE: Do you recognize this document?

15 FLANNIGAN: Yes. This was a quick, um,
16 spreadsheet I created from -- after his team members
17 alphabetized all the invoices they found in his desk that I
18 was trying to -- that I needed to -- was asked by my
19 supervisor to provide, to see how bad we needed to work to get
20 things caught up.

21 PRICE: Okay. And so, this is a spreadsheet you
22 created as part of the audit. What exactly does the
23 spreadsheet show?

24 FLANNIGAN: It shows, um, the vendor's name,
25 their account number, invoice numbers, um, when we received

1 the invoice or the statement, and the amount we owed. And I
2 tried to mark in there which ones were paid, and which ones
3 weren't paid. But I didn't have enough time because we all
4 needed to help start paying these vendors.

5 PRICE: All right. But in the course of your
6 audit, you discovered there were several invoices that had not
7 been paid?

8 FLANNIGAN: Yes.

9 PRICE: By Mr. Demrow. All right. How many vendors
10 had issues with respect to invoices that they had sent the
11 Department?

12 FLANNIGAN: More than 20.

13 PRICE: More than --

14 FLANNIGAN: I just did a quick synopsis for -- so
15 that my supervisors could see.

16 PRICE: Okay. Um, Mr. Demrow, uh, testified
17 earlier about stale claims. He said there was nothing -- I
18 mean, I-I believe he said there was nothing he could do with
19 respect to stale claims if they were older invoices. Is that
20 true? Is there --

21 FLANNIGAN: There is something they can do. They
22 can bring it to my attention and bring me the invoices so that
23 I can file for -- with the Governor's Finance Office to get
24 them paid.

25 PRICE: Okay. Did Mr. Demrow ever approach you

1 with respect to any of the stale claims that you found in your
2 audit, um, in order to correct them and get them paid?

3 FLANNIGAN: No, he did not.

4 PRICE: Okay. Uh, when you conducted your audit,
5 do you know how far back in time some of these invoices went
6 that had gone unpaid?

7 FLANNIGAN: Um, just from some of these, I mean,
8 some of them went back a year or more.

9 PRICE: Okay.

10 FLANNIGAN: That these vendors had been waiting
11 for payment.

12 PRICE: All right. Uh, please take a look at
13 Exhibit D, um, page NDVS10. Uh, do you recognize this
14 document?

15 FLANNIGAN: Yes, I do.

16 PRICE: All right. What is it?

17 FLANNIGAN: Um, this was a log of some of the
18 vendors that we'd found that were the most critical.

19 PRICE: So, when you say vendors that we found
20 that were most critical, what do you mean by that?

21 FLANNIGAN: By looking through the documents that
22 we found and reviewing Mr. Demrow's budget, these were the
23 most critical payments we needed to get done. And I was asked
24 to document them.

25 PRICE: Okay. Um, please look at Exhibit D, page

1 NDVS 13.

2 FLANNIGAN: This document is a notice we received
3 from Fernley False Alarm Reduction Program.

4 PRICE: All right. And is that an invoice that Mr.
5 Demrow is responsible for ensuring that it gets processed and
6 paid correctly?

7 FLANNIGAN: Yes, it is.

8 PRICE: All right. And what is the bill from
9 Fernley False Alarm Reduction Program showing?

10 FLANNIGAN: Uh, this was a 60 day delinquent
11 notice and a notice that our -- any alarms from our alarm
12 system would not be forwarded to the Sheriff's Department.

13 PRICE: All right.

14 FLANNIGAN: Because of nonpayment.

15 PRICE: And I believe in the second paragraph, it
16 says, "due to the delinquency of your alarm account, this
17 address is now in a suspended status"?

18 FLANNIGAN: Yes.

19 PRICE: All right. And so, was, uh, the alarm
20 service for the Department placed in an -- in a suspended
21 status as a result of Mr. Demrow's failure to perform his job
22 duties?

23 FLANNIGAN: Yes, it was.

24 PRICE: Okay. And can, um -- and that's just
25 simply because he didn't ensure that the, uh, invoice was paid

1 in a timely manner?

2 FLANNIGAN: Um, he did pay this invoice, but he
3 did not put the invoice number on the check. So, when the
4 vendor received it, they did not know what to apply it to. So
5 it was sent back to the treasurer's office, and then we were
6 notified of it.

7 PRICE: Okay. So, the -- as a result of Mr. Demrow
8 providing inaccurate information, the process was delayed. And
9 then what happened after that?

10 FLANNIGAN: Uh, after that I requested that he
11 reissue the payment several times, and he did not do it.
12 Another team member had to do it.

13 PRICE: Okay. Um, if you can please look at
14 Exhibit D, page NDVS 14 to 15. Uh, do you recognize this
15 document?

16 FLANNIGAN: Uh, yes. This was a past due invoice
17 that Mr. Demrow received on March 16th.

18 PRICE: And what was the company for -- that sent
19 the invoice?

20 FLANNIGAN: It's great -- Great Basin Monuments
21 and Engraving.

22 PRICE: And can you explain to the committee what
23 kind of, uh, services or products they provide to the
24 department?

25 FLANNIGAN: They provide us with engraved bricks

1 and plaques for the cemeteries for the grave markers and such.

2 PRICE: All right. And what does this bill show --
3 or this invoice show?

4 FLANNIGAN: Uh, that there was items on it that
5 did not get paid.

6 PRICE: All right. And did -- did this account
7 fall within Mr. Demrow's budget?

8 FLANNIGAN: Yes, it was.

9 PRICE: And it was Mr. Demrow's responsibility to
10 make sure that this invoice was paid properly?

11 FLANNIGAN: Yes.

12 PRICE: And did he make sure that the invoice was
13 paid properly in a timely manner?

14 FLANNIGAN: No. One of his team members had to
15 process the payment.

16 PRICE: Um, all right. Please take a look at
17 Exhibit D, page 24. Uh, do you recognize this document?

18 FLANNIGAN: Yes. This was an email that was
19 forwarded to me from a vendor, High Desert Internet Service.

20 PRICE: And what is High -- what service does High
21 Desert Internet Service provide for the Department?

22 FLANNIGAN: Uh, they provide internet service for
23 one of the veteran service officers offices.

24 PRICE: All right. And what does this invoice
25 show?

1 FLANNIGAN: It shows that we were late. The --
2 that the -- they hadn't been paid since February and that our
3 service was cut off.

4 PRICE: Okay. So, the failure to ensure that this
5 invoice was paid actually resulted in internet service being
6 cut off for the Department?

7 FLANNIGAN: Yes.

8 PRICE: All right. And did this invoice fall under
9 Mr. Demrow's budget account?

10 FLANNIGAN: Yes, it did.

11 PRICE: And so, was Mr. Demrow responsible for
12 ensuring that that invoice was paid in a timely manner?

13 FLANNIGAN: Yes, it is.

14 PRICE: And did he do that?

15 FLANNIGAN: No, he did not.

16 PRICE: All right. Please take a look at Exhibit
17 D, page 51. Do you recognize that document?

18 FLANNIGAN: Yes, it is -- this is a delinquency
19 notice from the City of Fernley for the water service to the
20 Veteran's Cemetery.

21 PRICE: All right. And, um, what does this invoice
22 show?

23 FLANNIGAN: Um, it shows that we have a shutoff
24 date and that they need to receive payment.

25 PRICE: All right. So, the depart --

1 FLANNIGAN: Before then.

2 PRICE: So, the department was in delinquent
3 status because invoices hadn't been paid in a timely manner?

4 FLANNIGAN: Yes.

5 PRICE: And does -- did this invoice fall under
6 Mr. Demrow's budget account?

7 FLANNIGAN: Yes, it does.

8 PRICE: And was Mr. Demrow responsible for
9 ensuring that this invoice was paid in a timely manner?

10 FLANNIGAN: Yes, it does.

11 PRICE: And did he do that?

12 FLANNIGAN: No, he did not. A team member had to
13 process this payment.

14 PRICE: Okay. Um, please take a look at Exhibit D,
15 page 64. And at the bottom of page 64, that's an email from --
16 that we discussed earlier from Dawn Sellers to Mr. Demrow. Um,
17 can you explain what kind of company Alsco is?

18 FLANNIGAN: Um, they provide weekly, um, garment
19 and rugs to the cemeteries.

20 PRICE: All right.

21 FLANNIGAN: And we were billed weekly and with
22 <inaudible>. And generally the cemetery superintendent would
23 send all the invoices at once at the end of the month to be
24 processed for payment.

25 PRICE: Okay. And, and what happened with these

1 invoices?

2 FLANNIGAN: Uh, Mr. Demrow did not pay them.

3 PRICE: All right. Um, if you could turn to the
4 bottom of page 62. That's email correspondence between Mr.
5 Demrow and it looks like Dawn Sellers, who's a rep of Alsco.
6 Um, and he mentions here that, um -- he said he had a
7 discussion with my boss, I'm assuming that's you, about these
8 Alsco invoices. Do you recall having a discussion with him
9 about those invoices?

10 FLANNIGAN: Uh, I don't actually.

11 PRICE: Okay.

12 FLANNIGAN: 'Cause it was well over a year ago.

13 PRICE: Okay. And so, he says in this email that,
14 um, "things have slowed down to a very slow pace, and a big
15 part of that is my fault for trying to cut corners and then
16 having to go back and correct things, thereby taking more time
17 instead of less." Do you know anything about that?

18 FLANNIGAN: I know that Mr. Demrow frequently
19 doesn't complete the requisition so that it moves forward to
20 the PIN VI status, so that I see it and note that there's a
21 payment to approve.

22 PRICE: Okay. And so, uh, do you know if that's
23 what he's referring to about cutting corners? Or, I mean --

24 FLANNIGAN: It could be also, um, failing to make
25 corrections when I asked him to -- to payments, whether it's

1 the tr -- uh, coding error or anything like that.

2 PRICE: Okay. And then other than the invoices
3 that we discussed, I mean, during your audit, were there more
4 invoices than just these, uh, that were past due and hadn't
5 been paid, um, that Mr. Demrow was responsible for paying?

6 FLANNIGAN: Yes, there is.

7 PRICE: Okay. Um, I mean, were there a lot more
8 invoices or a few more invoices?

9 FLANNIGAN: Well, over a hundred.

10 PRICE: How many?

11 FLANNIGAN: Well over a hundred.

12 PRICE: Okay. All right. Uh, um, so it sounds like
13 Mr. Demrow was having problems performing his job duties. Did
14 you at some point make a determination as to what the reasons
15 could possibly be for why he couldn't perform his job duties
16 in a timely manner?

17 FLANNIGAN: Yes, I did. Just from observances and
18 from frequent reports and emails sent to me that Mr. Demrow
19 seemed to spend a lot of other time on matters that didn't
20 have anything to do with his job duties and liked to expend
21 excessive time working in programs that did not have to do
22 with his job duties.

23 PRICE: Okay.

24 FLANNIGAN: Um, finding extra uses for programs
25 and stuff.

1 PRICE: Okay. And so, when you concluded that, did
2 you attempt to take any action to hopefully correct that
3 issue?

4 FLANNIGAN: Yes. I tried to keep Mr. Demrow
5 focused on his job duties and not extracurricular activities.

6 PRICE: All right. Did you provide him with
7 additional training?

8 FLANNIGAN: Yes, I did.

9 PRICE: All right. And then to address those
10 issues, did you also issue a letter of instruction in April of
11 2021?

12 FLANNIGAN: Yes, I did. And just to try and keep
13 him from expressing his views to -- sending out mass emails to
14 multiple team members concerning his views on things, or how
15 he thinks something should be, or exaggerating a problem that
16 was easily fixed into a major discussion.

17 PRICE: All right. And what did Mr. Demrow do
18 after you issued him a letter of instruction?

19 FLANNIGAN: He responded with an email
20 threatening me and claiming that I was bullying him and
21 telling lies and restricting his First Amendment rights.

22 PRICE: Okay. So, is that the email that's in
23 Exhibit C?

24 FLANNIGAN: Yes. Then he also followed up on that
25 email the next day by rewriting my letter of instruction and

1 forging my signature onto it.

2 PRICE: Okay. So, you issued him a letter of
3 instruction. He sends you this email. He rewrote the letter of
4 instruction and then provided it to you with your signature on
5 it?

6 FLANNIGAN: Yes.

7 PRICE: So, he changed the wording of the letter
8 of instruction. And then you -- this is the email that he sent
9 you. He called -- he said you were bullying him, right?

10 FLANNIGAN: Yes.

11 PRICE: Um, he said you were trying to intimidate
12 him. Uh, were you bullying or intimidating him?

13 FLANNIGAN: No, I was not.

14 PRICE: Uh, what were you trying to do?

15 FLANNIGAN: I was trying to follow up on trying
16 to keep him focused on his job duties.

17 PRICE: And, uh, in this email, he also says that
18 you were creating an adversarial relationship. Is that what
19 you were doing?

20 FLANNIGAN: No, it was not.

21 PRICE: Okay. And then if you look at the third
22 paragraph of his email, he says, "now, if you insist on
23 continuing the adversarial relationship, I can assure you,
24 regardless of your authority, you'll find me to be a much more
25 than a worthy adversary." How did you interpret that

1 statement?

2 FLANNIGAN: I was scared.

3 PRICE: Why?

4 FLANNIGAN: I've never been approached that way
5 before. I've worked in OTR Tire business, I've been a
6 construction project manager, and I've never received such a
7 threat.

8 PRICE: Okay. Um, in your opinion, was the email
9 professional?

10 FLANNIGAN: Not at all.

11 PRICE: Was it courteous?

12 FLANNIGAN: No.

13 PRICE: And so, it sounds like you took that
14 statement to be a threatening statement, right?

15 FLANNIGAN: Yes, I did.

16 PRICE: All right. Um, how did that email make you
17 feel being a brand-new supervisor at the department?

18 FLANNIGAN: I had a lot of anxiety issues after
19 that. I sought a lot of guidance from my supervisors in HR on
20 how to address this. Because after that, just little comments
21 were constantly put into emails that were degrading and
22 insulting, and I did not want to -- I could not work under
23 this.

24 PRICE: All right. And so, after you received this
25 email, what did you do?

1 FLANNIGAN: I went to HR and my supervisor, and
2 we discussed that it didn't seem that Mr. Demrow was taking my
3 instructions seriously and that we needed to proceed in the
4 progressive discipline and do a written reprimand.

5 PRICE: Okay. So, you met with hr. Uh, who did you
6 meet with at HR to discuss it?

7 FLANNIGAN: Corey and, um, Mr. Green -- Kurt
8 Green.

9 PRICE: Okay. So, you guys decided to issue the
10 written reprimand. That's the written reprimand that's on page
11 B?

12 FLANNIGAN: Yes.

13 PRICE: All right. And what was the basis,
14 generally, for the written reprimand?

15 FLANNIGAN: Mr. Demrow's behavioral issues, um,
16 affecting his job completions.

17 PRICE: Okay. What about the assignment that you
18 gave him, uh, in March to reconcile his budget?

19 FLANNIGAN: That was also part of this because he
20 did not take me assigning him duties seriously.

21 PRICE: Okay. And, uh -- and was it also, uh,
22 issued because of the, uh, discourteous email that he sent to
23 you?

24 FLANNIGAN: Yes.

25 PRICE: On April 21st, 2021?

1 FLANNIGAN: Yes.

2 PRICE: All right. That's, um -- so did you
3 determine that -- in failing to reconcile his budget within
4 the deadline you told him to, in sending the email, um, and in
5 failing to pay invoices that, uh, were under his budget
6 account, did you determine that all those things violated
7 department policy?

8 FLANNIGAN: Yes, I did.

9 PRICE: Okay. And that's what justified the
10 issuance of the formal discipline?

11 FLANNIGAN: Yes.

12 PRICE: Okay. Um, at some point, did you become
13 aware that Mr. Demrow filed a grievance to contest this
14 written reprimand?

15 FLANNIGAN: Yes, I was notified by an email from
16 NEATS.

17 PRICE: Okay. And, um, did you have any
18 involvement in the grievance process?

19 FLANNIGAN: Yes. I responded to the first step of
20 it.

21 PRICE: So, you responded to the Step 1 -- at the
22 Step 1 level?

23 FLANNIGAN: Yes.

24 PRICE: All right. Uh, in the grievance, Mr.
25 Demrow states the written reprimand is misleading. Is there

1 anything in the written reprimand that's misleading?

2 FLANNIGAN: No.

3 PRICE: In the grievance, he states that it's full
4 of exaggerations. Is there anything in the written reprimand
5 that was, uh, full -- an exaggeration?

6 FLANNIGAN: No.

7 PRICE: Uh, he states that the, uh, facts
8 contained in the written rec -- reprimand are inaccurate. Um,
9 is there anything in there that's not accurate?

10 FLANNIGAN: No.

11 PRICE: All right. Uh, he also states in his
12 grievance that the written reprimand -- reprimand contains
13 half-truths. Do you agree with that statement?

14 FLANNIGAN: No, I do not.

15 PRICE: All right. He also says in his grievance
16 that the written reprimand contains outright lies. Do you
17 agree with that statement?

18 FLANNIGAN: No, I do not.

19 PRICE: So, there's nothing in the written
20 reprimand that constituted an outright lie?

21 FLANNIGAN: No.

22 PRICE: All right. And you said you provided a
23 response. How did you respond to his grievance?

24 FLANNIGAN: On Page NDVS 2, my response was "the
25 information and the reprimand -- written reprimand is stated

1 accurately. As such, it will not be removed."

2 PRICE: Um, you heard Mr. Demrow, during his oral
3 argument, accuse the Department of having a mob mentality and
4 trying to gang up on him. Were you ever trying to gang up on
5 Mr. Demrow?

6 FLANNIGAN: Not at all.

7 PRICE: And were you guys ever trying to attack
8 Mr. Demrow?

9 FLANNIGAN: No.

10 PRICE: As a department? And, um, I mean, what is
11 it that you were trying to do in issuing this written
12 reprimand?

13 FLANNIGAN: We were trying to get him to
14 concentrate on his job duties and be a part and help the
15 department.

16 PRICE: All right. I pass the witness.

17 DUPREE: The witness has been passed, sir.

18 DEMROW: I -- can I cross.

19 DUPREE: Yeah.

20 DEMROW: Okay. Um, the first thing I want to talk
21 about is, uh, what is required for me to pay. When an invoice
22 comes in, what do I need to pay the invoice?

23 FLANNIGAN: You need --

24 DEMROW: Like what do I -- what do I -- what do I
25 have to have? I can't just write a check once the invoice

1 comes, right?

2 FLANNIGAN: No, you cannot write a check. You
3 have to have proper backup that the service or items were
4 received. You have to have proper authorization to spend that
5 money.

6 DEMROW: So basically, I have to have the --
7 someone has to have signed off they have ordered the product.
8 Someone has to signed off they receive the product. Someone
9 has to have signed off that they confirmed the receipt of the
10 received product before I can pay it.

11 FLANNIGAN: If it's a product, yes.

12 DEMROW: Okay. And if it's a service, I -- so there
13 could potentially be 3 different people, but there's usually
14 only 2 -- but potentially 3 different people before I can pay
15 it. Right? All right. So just 'cause there's an invoice, that
16 doesn't mean that I can pay it if there's got -- that invoice
17 has to have those 3 approvals, right?

18 FLANNIGAN: Yes. And we usually receive the
19 invoice about a week after we've received item -- items.

20 DEMROW: Uh, right. You would -- you -- you -- that
21 would usually be -- because they would sign off on ordering it
22 when they ordered it, right? And then they would -- so that
23 should be signed off when we get the invoice, right?

24 FLANNIGAN: No ordering would happen when the
25 person places the order.

1 DEMROW: I didn't say that? Okay, sorry. I must
2 have misspoke. So, they would -- they would order it and then
3 they would, uh -- then they would sign off as ordered when
4 they ordered it. So, it should be done before the invoice even
5 gets to me, right?

6 FLANNIGAN: Yes.

7 DEMROW: Right. And then when the product gets
8 there, someone will sign off because we have a -- a system
9 that keeps track of these approvals. And now -- so those 3
10 things have to be done before the invoice can be paid, right?

11 FLANNIGAN: Yes.

12 DEMROW: Now, the 2 superintendents of the
13 cemetery, they didn't have a reputation for being difficult on
14 getting those approvals?

15 FLANNIGAN: Not at all.

16 DEMROW: Not at all?

17 FLANNIGAN: No. I frequently contacted them and
18 asked them to receive requisition and had no problem.

19 DEMROW: You -- you frequently contacted them?

20 FLANNIGAN: Yes.

21 DEMROW: Oh. Why didn't I?

22 FLANNIGAN: I don't know.

23 DEMROW: So -- so if you frequently contacted them,
24 then why -- why would you have to contact them if they already

25 --

1 FLANNIGAN: While you were out, I had to help pay
2 your bills.

3 DEMROW: But they didn't do those things by
4 themselves? You had to call them and tell 'em to do 'em?

5 FLANNIGAN: On a couple occasions, yes.

6 DEMROW: Yes, on a couple occasions. Probably more
7 than a couple. Um, now, uh, let's take a look at page 66 of
8 the Exhibit, I want to say -- I'm sorry, let me -- Exhibit 66
9 of Exhibit E. Now, you had said that, um, I didn't ask for any
10 help and that, um, I -- can -- can you look at that email? Uh,
11 can you just read that first paragraph there?

12 FLANNIGAN: Yes.

13 DEMROW: Um, that this -- starts out at "but I told
14 Chris"?

15 FLANNIGAN: Uh-huh. <affirmative>.

16 DEMROW: Can you read that?

17 FLANNIGAN: You want me to read it out loud?

18 DEMROW: Do you mind?

19 FLANNIGAN: "But I told Chris a long time ago
20 that until both cemeteries are completely on board doing their
21 recs, receiving their orders, et cetera, and the payments are
22 caught up, I will not be able to handle the workload of
23 Interments and paying the bills and reconciling and
24 miscellaneous. Karen and yourself might be capable of it
25 because you both have much more experience in payables than I

1 do. But I have been clear about this matter. It is too much,
2 and it has been too much since the first time I suggested the
3 interments be given to Aaron many, many months ago."

4 DEMROW: Okay. When are the interments?

5 FLANNIGAN: That's keeping track of documents on
6 a spreadsheet.

7 DEMROW: Okay, so that's another job.

8 FLANNIGAN: It's a job duty, yes.

9 DEMROW: So, I did more than just paid the bills. I
10 also --

11 FLANNIGAN: You helped track the interments.

12 DEMROW: Right.

13 FLANNIGAN: That was --

14 DEMROW: So that -- how much time did that take
15 them?

16 FLANNIGAN: How much time did what take them?

17 DEMROW: For me to do the interments.

18 FLANNIGAN: That was maybe a half an hour a week.

19 DEMROW: A half an hour a week, you say?

20 FLANNIGAN: Yes, I've done 'em.

21 DEMROW: Okay. Did it vary though, from week to
22 week?

23 FLANNIGAN: Depending on how much. Sometimes
24 there would be a month where none came in.

25 DEMROW: Okay. So, I had more than one job?

1 FLANNIGAN: Yes.

2 DEMROW: Okay, um.

3 FLANNIGAN: That was keeping track of the
4 revenue.

5 DEMROW: Okay. So, now the other thing I wanted to
6 ask about, my 2 jobs, you said were, um, paying the invoices
7 and reconciling, right?

8 FLANNIGAN: Yes.

9 DEMROW: Which one's more important?

10 FLANNIGAN: Paying the bills.

11 DEMROW: Paying the bills, right. So, have you ever
12 instructed to me to not worry about reconciliation, get the
13 bills paid?

14 FLANNIGAN: With past dues, yes.

15 DEMROW: Yes. Yes. Okay. Um, now -- and I'm sorry,
16 I should ask, do you want to get something to drink? I know
17 you get thirsty.

18 FLANNIGAN: No, I'm fine.

19 DEMROW: Okay. Now, after I have those 3 things to
20 pay the invoice, can I just pay the invoice then?

21 FLANNIGAN: Yes.

22 DEMROW: I can? You don't have to approve it?

23 FLANNIGAN: Well, you have to enter it in first
24 before I can approve it.

25 DEMROW: So then before any invoice gets paid, you

1 have to approve it. I can't just pay the invoice by myself.

2 FLANNIGAN: Your part is just to enter it in
3 Advantage and apply your approval.

4 DEMROW: So nothing could -- gets paid until it
5 goes through you first.

6 FLANNIGAN: We have 3 other PIN IVs in the
7 agency.

8 DEMROW: Well, that -- that's true. So -- so
9 someone else above me would have to pay it. So, in theory, if
10 I paid everything, it wouldn't show until someone else
11 approved it, right?

12 FLANNIGAN: Yes.

13 DEMROW: So, okay. Okay. So, there's the 3 things I
14 need before, and then there's the one thing I need after. And
15 without all those, that invoice is gonna show unpaid, right?

16 FLANNIGAN: It's not gonna show up on the IBR.

17 DEMROW: Right. Okay. Um, before you started at
18 NDVS, did I send you an email?

19 FLANNIGAN: I don't recall.

20 DEMROW: You don't remember? Okay, fair enough. Um,
21 uh, thank you. I'm done with this witness. I don't have
22 anymore cross.

23 DUPREE: Okay, um.

24 PRICE: Uh, Chair, Brandon Price for the
25 Department. I have some, uh, redirect questions, please.

1 DUPREE: Okay.

2 PRICE: Um, so Mr. Demrow asked you questions
3 about a -- a 3 step process for paying invoices for products.
4 Is there a different process for him to pay invoices for
5 services?

6 FLANNIGAN: Yes.

7 PRICE: Um, and can you explain to the committee
8 what the different -- the differences between the two --

9 FLANNIGAN: Services, like utilities and such,
10 are due upon receipt. They do not require anyone else's,
11 besides the ASO's, approval to spend the money. There's no
12 other approval process. There's no receiving or verifying. If
13 the lights turn on, you have electricity, you're paying for
14 it. It's a simpler process.

15 PRICE: And as part of Mr. Demrow's budget, did he
16 receive a large number of invoices that pertained to services
17 and not products?

18 FLANNIGAN: Yes.

19 PRICE: Okay. And when you conducted your audit,
20 did you find that many of the invoices that went unpaid
21 involved services and not products?

22 FLANNIGAN: Yes.

23 PRICE: And those invoices, uh, did not require
24 the 3-step process that Mr. Demrow just asked about?

25 FLANNIGAN: No, they did not.

1 PRICE: Okay. Um, when you conducted the audit and
2 discovered a large number of invoices that hadn't been paid
3 under Mr. Demrow's budget, um, were those, uh, invoices not
4 paid because they were awaiting your approval?

5 FLANNIGAN: No.

6 PRICE: Okay. So, none of those invoices had --
7 had gone unpaid because you didn't approve the payment of the
8 invoice?

9 FLANNIGAN: No, they did not.

10 PRICE: Uh, who -- who -- when -- when a
11 technician receives an invoice for a product and they, uh,
12 need to obtain backup information, whose responsibility is it
13 to ensure that they do actually get the backup information to
14 ensure that the invoices are paid?

15 FLANNIGAN: It's the Accounting Assistant III's
16 position.

17 PRICE: Okay. And so that would be Mr. Demrow's
18 position?

19 FLANNIGAN: Yes.

20 PRICE: Okay. And with respect to the, uh,
21 invoices that had not been paid, if there were any issues with
22 respect to the authorizations that he needed, uh, did you find
23 that he regularly followed up in order to obtain the necessary
24 authorizations?

25 FLANNIGAN: No, it does not seem that he would

1 continue -- he would follow up with people.

2 PRICE: All right. Mr. Demrow asked you questions
3 about Interments and you said that he had other job duties
4 other than paying invoices. Did other employees in Mr.
5 Demrow's same position, um -- did they have other duties other
6 than just paying invoices?

7 FLANNIGAN: Yes, they do.

8 PRICE: Okay. And are those other employees able
9 to perform all their job duties satisfactorily, and are they
10 able to pay invoices within a timely manner?

11 FLANNIGAN: Yes, they are.

12 PRICE: That's all the questions I have.

13 DUPREE: Okay. Um, with that, um, I-I think we should
14 probably go to closing statements. Uh, Mr. Demrow your --

15 PRICE: Uh, Chair, this is Brandon Price for the
16 Department. I still have 2 more witnesses and I need to call.

17 DUPREE: I'm sorry. I thought you were done. Go
18 ahead with your next witness. Sorry.

19 PRICE: All right. Uh, thank you, uh, Chair.

20 DEMROW: Can we take a quick bathroom break?

21 DUPREE: Yeah.

22 DEMROW: Is that possible?

23 DUPREE: Let's do a, uh -- it's 11:05 now. Let's go
24 ahead and come back in at 11:15. Okay? So, 10-minute recess.

25 PRICE: Thank you.

1 UNIDENTIFIED: Especially since the DAG said --

2 DUPREE: The joys of public meeting, following the
3 rules. It is, that way everybody gets their chances to say
4 something. I would rather listen to any number of comment, but
5 -- than not have anybody have a chance to say something they
6 need to say.

7 UNIDENTIFIED: It keeps you out of trouble.

8 DUPREE: Yeah. Well, I don't usually need any help
9 getting into trouble myself, so. Appreciate that. Thank you.
10 <inaudible>.

11 UNIDENTIFIED: Hello? <crosstalk>.

12 DUPREE: Okay, Now that <inaudible> has joined us.
13 We're gonna work on calling this meeting back -- call this
14 meeting back in order. Is everybody in place down south?

15 UNIDENTIFIED: Yes, we are.

16 DUPREE: All right. Let's get this show back on the
17 road. We are back in order, the EMC on September 22, '22. It
18 is 11:18 and we're left off with the state, um, presenting its
19 case, your witness had just finished, and you were gonna call
20 another one.

21 PRICE: Uh, yes. Thank you, Chair. Brandon Price
22 for the Department of Veterans Services. Uh, we call, uh,
23 Donald Kurt Green as a witness.

24 DUPREE: Mr. Kim, were you here when I swore in the
25 other witness -- or when I made everybody take an oath

1 <inaudible>?

2 GREEN: I swear.

3 DUPREE: Okay. You're swearing to tell the truth,
4 the whole truth and all that?

5 GREEN: Yes, absolutely.

6 DUPREE: Okay. Could I get you please sign the, um
7 -- the

8 GREEN: I've signed.

9 DUPREE: Oh, you did?

10 GREEN: Yes, I -- yeah.

11 DUPREE: Have a seat then.

12 PRICE: Mr. Green, can you please state and spell
13 your name?

14 GREEN: Um, Donald Kurt Green. D-O-N-A-L-D K-U-R-T
15 G-R-E-E-N.

16 PRICE: And then, if you can, when you're
17 testifying, just remember to keep your voice up so everybody
18 can hear you. I'd appreciate it. Uh, where do you work?

19 GREEN: Um, at the, at the time this -- this
20 reprimand was given, I-I worked at Nevada Department of
21 Veteran Services as their Executive Officer.

22 PRICE: Okay. Uh, but you're no longer employed
23 there?

24 GREEN: I am not.

25 PRICE: Okay. Where do you work now?

1 GREEN: Um, Washoe County Sheriff's office.

2 PRICE: Okay. But at the time of this grievance,
3 you worked for the Department. Uh, do you, um -- what dates
4 did you work for the Department of Veterans Services?

5 GREEN: Uh, I was, uh, there from June of 2020
6 until January of '22.

7 PRICE: Okay. Um, and then you said you were an
8 Executive Officer. Can you explain what your job duties are as
9 an Executive Officer?

10 GREEN: Uh, job duties were to oversee, uh, the
11 financial staff, um, HR, and IT.

12 PRICE: Okay. And so, the financial staff, would
13 that include, uh, Ms. Flannigan who testified earlier and then
14 Mr. Demrow and their whole team?

15 GREEN: Yes.

16 PRICE: Okay. And then, um -- I mean, what kind
17 of, uh, job duties did it entail to, uh, supervise the
18 financial staff?

19 GREEN: Um, monitoring their-their-their progress,
20 what-what was paid, what wasn't paid. Um, go-going into our
21 reporting system to see the-the status of-of-of payments and
22 where our budget was at.

23 PRICE: Okay.

24 GREEN: And following up on that, if I noticed
25 anything.

1 PRICE: All right. And then as the Executive
2 Officer, were you involved in the disciplinary process if
3 there was grounds to discipline an employee?

4 GREEN: Yes.

5 PRICE: Okay. Um, and when you were employed as
6 the Executive Officer overseeing, uh, the Financial Services
7 Division, I guess, uh, Mr. Demrow was under your chain of
8 command?

9 GREEN: Yes.

10 PRICE: Okay. Um, did you have, uh, any
11 involvement with a written reprimand that was issued, um, in
12 June of 2021 to Mr. Demrow?

13 GREEN: Yes.

14 PRICE: All right. And what was your involvement
15 in that?

16 GREEN: Uh, my involvement was, uh, on Laurie
17 coming to me with-with the problem she was having, um, and-
18 and, uh, um, involving HR and-and, uh, evaluating the
19 situation and coming up with the, uh, proper response to that.

20 PRICE: All right. And what -- so Laurie came to
21 you with a problem and the problem was with Mr. Demrow?

22 GREEN: Yes.

23 PRICE: And what specifically was the problem that
24 she was having?

25 GREEN: Um, he, uh, basically, uh, wasn't doing

1 his job, wasn't paying the bills on time, and there were --
2 there were some consequences to that.

3 PRICE: Okay.

4 GREEN: Where we -- we had internet shut off and
5 about had water shut off and --

6 PRICE: All right. And did she also approach you
7 about an email that he had written to her?

8 GREEN: Yes.

9 PRICE: Okay. And that's the email in Exhibit B --
10 or excuse -- excuse me, C, dated April 21st, 2021?

11 GREEN: Yes.

12 PRICE: Um, and, uh, so Ms. Flannigan came to you
13 with the issues. Did you review -- or did Ms. Flannigan
14 provide you and HR with any, like, documentation or, um, any
15 other materials that would assist you in asi -- um, in
16 determining, uh, whether uh, misconduct had occurred and
17 whether discipline was appropriate?

18 GREEN: Yes. Yeah, the-the-there would -- there
19 was quite a bit of back material that we reviewed before we
20 proceed.

21 PRICE: All right. And what kind of material did
22 you review?

23 GREEN: Um, the -- most of what's in this packet
24 here.

25 PRICE: Okay.

1 GREEN: The e-emails and audit.

2 PRICE: Okay. The audit documents, emails. The e -
3 - uh, did you review the email that Mr. Demrow sent to, uh,
4 Ms. Flannigan?

5 GREEN: Yes.

6 PRICE: All right. Uh, if you can, please take a
7 look at Exhibit J.

8 GREEN: Okay.

9 PRICE: Do you recognize this document?

10 GREEN: Yes.

11 PRICE: What is it?

12 GREEN: This is, uh, the Prohibitions and
13 Penalties of Th-The Nevada Office of Veteran Services.

14 PRICE: Okay. So, uh, the prohibitions and
15 penalties, what is the purpose of that policy?

16 GREEN: Purpose of that is to have a, uh, standard
17 framework for, uh, dealing with, uh, um, performance and
18 behavioral problems so it's consistent across the agency.

19 PRICE: All right. Um, what about other forms of
20 misconduct?

21 GREENS: Um, other forms too, yes.

22 PRICE: All right. So basically, this is the
23 department's disciplinary policy?

24 GREEN: Yes.

25 PRICE: And so, it allows the department to

1 discipline employees if they violate provisions of the policy?

2 GREEN: Yes.

3 PRICE: Okay. Um, please take a look at page 96.

4 Um, I'd like to draw your attention to Section B4. Um, under
5 the policy, uh, it's a disciplinary offense to -- for failure
6 to prepare, maintain, or willfully falsifying prescribed
7 reports or records. Um, can you explain to the EMC, um, kind
8 of in your own words, like what this policy pertains to? Like,
9 what kind of misconduct?

10 GREEN: Well, in this case here, i-i-in the case
11 of, um, Mr., uh, Demrow, um, i-it was a failure to prepare,
12 maintain, uh, um, records an-an-and reports. Um, f-f-for
13 example, um, if -- if yo-you aren't reconciled, if you don't
14 know what bills are paid or not paid, and you're-you're
15 running a cemetery, you don't know how much money you have
16 left. You don't know how much is out there. And so, you can't
17 make good decisions. If it comes time to like -- hey, can we
18 afford a new piece of equipment? Can we afford that? Um, you
19 really don't know where you are. And so, th-they had no idea
20 where they were and how much money they could spend. They
21 didn't know what was out there. They didn't realize their
22 water was about to be shut off.

23 PRICE: Okay. And so, under this policy, uh,
24 employees are required to maintain accurate records. And did
25 you determine that Mr. Demrow violated the policy?

1 GREEN: Yes.

2 PRICE: All right. How did he violate it?

3 GREEN: By not maintaining accurate records to --
4 to make decisions with.

5 PRICE: Okay. Uh, was Mr. -- uh, you heard earlier
6 that Mr. Demrow was responsible for the accounting of state
7 funds in the terms of, you know, reconciling his budget. Um,
8 so that was an integral part of a j -- of his job duties,
9 correct?

10 GREEN: Yes.

11 PRICE: Um, did you -- did you determine that he,
12 uh, failed to properly, um, I guess, keep an accurate
13 accounting of his budgets?

14 GREEN: Yes.

15 PRICE: Okay. Uh, please take a look at page 99.

16 UNIDENTIFIED: 99

17 PRICE: And I'm directing your attention to policy
18 C1, and that's the negligence in performing official duties,
19 including failing to follow instructions or regulations. Um,
20 did you determine that Mr. Demrow violated that policy?

21 GREEN: Yes.

22 PRICE: And how did he violate that policy?

23 GREEN: Uh, the unpaid past due bills, uh, th-th-
24 the same things we-we've been discussing. There's a lot of
25 overlap in this, to where th-the same lack of activity, um,

1 has multiple repercussions.

2 PRICE: All right. Did he also violate this policy
3 when he failed to complete the assignment that Ms. Flannigan
4 gave him, uh, in March of 2021?

5 GREEN: Yes.

6 PRICE: All right. Uh, please take a look at page,
7 uh, 102. And specifically, I'd like to direct your attention
8 to Policy E3. Uh, this policy prohibits discourteous treatment
9 of the public or a fellow employee. Uh, can you just briefly
10 describe, uh, what that policy means? I mean, what -- what
11 kind of conduct does that policy prohibit in the workplace?

12 GREEN: Uh, there there's a wide variety of stuff
13 there. There's a lot of things tha-that can actually affect,
14 uh, morale and create discord.

15 PRICE: Okay. So, did you determine that Mr.
16 Demrow violated this provision?

17 GREEN: Yes.

18 PRICE: And how did you determine he did that?

19 GREEN: Um, there, there was quite an impact. The
20 cemetery operations went in and didn't realize how much money
21 they had. It's kind of hard to make those decisions and make
22 choices and -- and, uh, um, if the bills aren't paid, tha-that
23 has quite an effect on it. And, uh, also the, uh, email tha-
24 that h-he, uh, sent where he rewrote his, uh, um, discipline.

25 PRICE: Okay. And so, you determined that the

1 email that he sent that's in Exhibit C, um -- that Mr. Demrow
2 had been discourteous to his supervisor?

3 GREEN: Yes.

4 PRICE: Okay. Um, what specifically was
5 discourteous about it? Just the fact that he rewrote the
6 letter of instruction, or was there anything else about it
7 that was discourteous?

8 GREEN: Well, I think it went way past
9 discourteous, and -- and in my personal opinion, um, i-it
10 warranted a higher level of discipline.

11 PRICE: Why is that?

12 GREEN: Um, I-I've been in the workplace for
13 almost 40 years. I-I've -- I've never seen an email like that.

14 PRICE: All right. Um, and if you can please turn
15 to p-page NDVS102.

16 GREEN: Th-the one what?

17 PRICE: 102.

18 GREEN: I think I'm already there.

19 PRICE: Oh, okay. Uh, look at E1.

20 GREEN: Okay.

21 PRICE: Uh, this policy prohibits insubordination.

22 Did you determine that Mr. Demrow was insubordinate?

23 GREEN: Yes.

24 PRICE: And, uh, why was he insubordinate? Or how
25 was he insubordinate?

1 GREEN: Um, the reaction to discipline. Normally,
2 the intent of discipline is to improve behavior and get on the
3 same page. And I've never seen anyone rewrite their discipline
4 before, and then suggest an adversarial relationship is a
5 positive thing. I'd never seen that.

6 PRICE: Okay. Uh, so obviously when you guys
7 discussed the level of discipline, um, that Mr., uh, Demrow
8 would receive as a result of his, uh, misconduct, you
9 determined that a written reprimand was appropriate. Um, do
10 you think that the written reprimand was a reasonable degree
11 of discipline under the circumstances of this case?

12 GREEN: My personal opinion is it didn't go far
13 enough, but the -- the intent was to correct the behavior.

14 PRICE: Okay.

15 GREEN: That -- that was the intent. Um, there's -
16 - there's, uh, um, very little positive i-in, uh, turnover at
17 the state. You have to hire new people. You have to train new
18 people. There's a lot of work involved with that. So, you
19 wanna do everything you can to keep the people that you have.
20 And so, the-the intent with that discipline was to go with a
21 lower level to improve the behavior.

22 PRICE: All right. But in your opinion, you -- the
23 conduct certainly could have warranted more severe?

24 GREEN: Absolutely.

25 PRICE: All right. Um, so at some point, did you

1 become aware that Mr. Demrow filed a grievance in relation to
2 the written reprimand?

3 GREEN: Yes.

4 PRICE: And how'd you become aware of it?

5 GREEN: Uh, that came through NEATS as something I
6 needed to respond to.

7 PRICE: Okay. And so, you did provide a response
8 to his grievance?

9 GREEN: Yes.

10 PRICE: Uh, what step did you provide the response
11 to?

12 GREEN: Uh, my response was that I'd reviewed the
13 documentation and I-I believed it to be accurate.

14 PRICE: Okay. Um, so in Mr. Demrow's grievance, he
15 states that the written reprimand is so misleading. Is there
16 anything in there that was misleading?

17 GREEN: No.

18 PRICE: In your opinion? Uh, he states that the
19 written reprimand is full of exaggerations. Was there anything
20 in there that was an exaggeration?

21 GREEN: No.

22 PRICE: Um, the written reprimand states that, uh,
23 there are factual inaccuracies. Um, did you determine there
24 was anything factually inaccurate about the written reprimand?

25 GREEN: No.

1 PRICE: Um, Mr. Grim -- Demrow alleges in his
2 grievance that the written reprimand was full of half-truths.
3 Do you agree with that statement?

4 GREEN: I do not.

5 PRICE: Why not?

6 GREEN: Um, th-the information was accurate.

7 PRICE: All right. And then Mr. Demrow states that
8 the written reprimand is, uh -- contained outright lies. Did
9 you agree with that statement?

10 GREEN: I do not.

11 PRICE: All right. Um, after you reviewed all the
12 documents and the facts, uh, pertaining to the situation, um,
13 did you determine that anything in there was a lie?

14 GREEN: No.

15 PRICE: Okay. Uh, I pass a witness.

16 DEMROW: Okay. Um, all right.

17 GEYER: Chair, Sandie Geyer for the record.

18 <inaudible>.

19 DEMROW: Frank Demrow for the record. Um, you --
20 where did you sit when you, uh, were at NVS?

21 GREEN: Uh, my office was right across from your
22 cubicle.

23 DEMROW: Right. So, you could, you could see right
24 into my cubicle and what I was doing.

25 GREEN: Um, sort of. It was kind of off at an

1 angle, but I-I could see when you were in there. Yes.

2 DEMROW: Um, did it -- did it -- did I ever appear
3 to be doing something that seemed unorthodox or -- or not --
4 inappropriate or sleeping or anything like that?

5 GREEN: Um, the screen I could see had -- had like
6 a picture on there, so all I could see was -- was a-a, uh,
7 picture on your screen. I couldn't see --

8 DEMROW: So, it's possible.

9 GREEN: I couldn't see what you're actually doing.

10 DEMROW: But -- but -- but I was at least doing
11 something, though.

12 GREEN: You -- you were physically present.

13 DEMROW: Yeah. Okay. Um, now isn't it true what
14 you, um -- a big part of what you did, um, at the time you
15 were at NVS was implement a new system?

16 GREEN: Mm-hmm. <affirmative>.

17 DEMROW: Uh, new software?

18 GREEN: Yes.

19 DEMROW: And so, um, it was a -- kind of a big
20 change for, um, the NDVS finance team.

21 GREEN: Well, uh, basically it made it paperless
22 and made easier electronic steps, but the process itself
23 didn't really change.

24 DEMROW: Right, the process didn't change at all.

25 GREEN: Yes.

1 DEMROW: It was exactly the same, but -- but it was
2 a big, uh, technological change for everyone really.

3 GREEN: It could be viewed that way.

4 DEMROW: Um, and isn't it true that there was a
5 little bit of pushback on that system? Like, um, largely from
6 the cemeteries?

7 GREEN: Um, I can recall them a-at first, um, not,
8 not going in and looking at their stuff as frequently as they
9 did. But w-we worked with them and got them on board, so they
10 understood the importance of that. Because --

11 DEMROW: But at one point

12 GREEN: It's in their best interest to make sure
13 their bills are paid.

14 DEMROW: Right, right. Do you recall a meeting
15 though, um, that was necessary with the, um -- Fred Wagner and
16 -- and, uh, superintendents of the two cemeteries in order to
17 kind of facilitate? Do you remember that meeting?

18 GREEN: Possibly. I-I-I don't have any direct
19 recollection of that.

20 DEMROW: No?

21 GREEN: It may have happened though.

22 DEMROW: Okay, fair enough. Fair enough. Um, you
23 spoke about turnover. Um, do you have any theories why you've
24 had, uh, 9 people leave the department in the last 2 years?

25 GREEN: Um --

1 DEMROW: It's a department of 7 at headquarters.
2 That's kind of high turn over, right? And it sounds like you
3 had mentioned earlier that you made a conscious effort to keep
4 people.

5 GREEN: Mm-hmm. <affirmative>.

6 DEMROW: Um, but it doesn't seem like it was doing
7 very good -- much good, um, after -- including you, it was 9 -
8 -

9 GREEN: Right.

10 DEMROW: -- people who'd left the department in a
11 very short time.

12 GREEN: So, a lot of that -- if you have people
13 that move on to bigger and better things, you don't wanna
14 begrudge a promotion, you wanna be excited for them. They've
15 prepared themselves the next step and off they go. So not all
16 that turnover is -- is -- is negative.

17 DEMROW: Right. Not all, but 9 people out of 7
18 positions, that's a lot of people. Um, the last thing I wanted
19 to ask you, um, are you aware of anyone -- anyone in the
20 leadership role suggesting to subordinates that if they
21 communicated with me that there could be repercussions,
22 including the jeopardy of their job?

23 PRICE: I would just object as to lack of
24 relevance to the grievance.

25 DUPREE: Yeah. <inaudible>.

1 DEMROW: Fair enough. <inaudible> I'll -- I'll
2 withdraw that question, I guess. Um, that's all I have for Mr.
3 Green. Uh, thank you very much. I know I appreciate you taking
4 the time. I know it was ordered, but I know it's not easy to
5 get out of work and be down here.

6 GREEN: Yep. Thank you.

7 DUPREE: Okay. Unless the state has a redirect,
8 <inaudible>.

9 PRICE: Uh, Chair, I have a brief -- very brief
10 redirect. Uh, Brandon Price for the Department. Um, so Mr.
11 Demrow asked you, Mr. Green, about the implementation of new
12 software. Um, did the implementation of new software excuse
13 accounting technicians from performing their job duties?

14 GREEN: For the record, uh, Kurt Green. No.

15 PRICE: Okay. And so, employees were still
16 expected to process invoices despite the fact that new
17 software was used, uh, for the process?

18 GREEN: Correct.

19 PRICE: All right. And was it important for
20 accounting technicians to ensure that invoices were paid in a
21 timely manner?

22 GREEN: Absolutely. I-i-it's really embarrassing
23 when the state doesn't pay its bills.

24 PRICE: Okay. Those are all the questions I have.

25 DUPREE: With that, the witness is excused.

1 RUSSELL: Chair?

2 DUPREE: Yes.

3 RUSSELL: Turessa Russell for the record. When was
4 the new system implemented?

5 GREEN: Uh, Kurt Green for the record. It was, uh,
6 implemented almost immediately. So, it started in, uh, June
7 of, uh, 2020. And the -- the intent was to have that thing up
8 and -- up and running in a month or so. So, i-i-it's -- it's
9 pretty intuitive, but it does take a little bit of getting
10 used to. But, uh, right out of the gate when I got there.

11 RUSSELL: Turessa for the record again. Was this the
12 new accounting system or a new communication system?

13 GREEN: Um, Kurt Green for the record. It would be
14 more like an accounting system. I-i-it basically just, uh,
15 took a paper PO and made it in electronic form. And then each
16 field on that form became a-a column in a database. You can
17 run reports and s-see where your money was a lot easier. It
18 allowed you to put in, uh, um, projections so you could kind
19 of see where you'd be at end the fiscal year. So, it was
20 easier to manage your money.

21 RUSSELL: So that I have an accurate understanding,
22 it didn't replace the Advantage System. It was kind of in
23 supplement to the Advantage System.

24 GREEN: Uh, Kurt Green for the record. Yes. It --
25 it's, uh, um -- the, uh, state has various, what they would

1 call, uh, budget tracking system. Um, the Advantage System
2 just shows your stuff that-that's paid. Um, a-and so paid --
3 y-y-your paid bills only show part of your picture. You wanna
4 project where you're gonna be by the end of th-th-the fiscal
5 year. If you've got problems where you're gonna be short on
6 funds, you need to move something around, you need to address
7 it, you wanna know as soon as possible in the beginning of the
8 fiscal year where you're gonna be. And so, each agency kind
9 has their own version of a budget tracking system ranging from
10 an Excel spreadsheet to an access database. Um, this one
11 happened to be, uh, a, uh, SharePoint list with an InfoPath
12 form.

13 RUSSELL: So, was there a period of, like, a
14 learning curve where the staff would have a slower response
15 time? Or was this a simple, straightforward process that
16 didn't take much learning curve or adjustment time?

17 GREEN: Uh, Kurt Green for the record. I-it was
18 pretty intuitive where you would, uh, um, click, uh -- click a
19 link on your desktop. It would open it up and you'd see a form
20 very familiar. Uh, it looked just like the paper PO process.
21 And, uh, rather than it sitting on someone's desk and
22 wondering where it was at, um, at each stage of the process
23 when it was approved, it would send an email to the next --
24 next level. And so, if-if-if you're a supervisor that needs to
25 approve a purchase, it would send you email with a link. You

1 would open it. You would review the document and click a
2 button to approve it, and it would go on to the next step. And
3 so, uh, um, it was different, but if anything, it would speed
4 things up. If you've got paper moving around an office, um, i-
5 i-it could be anywhere at any time. It's hard to track down.
6 You don't know who's sitting on it. You see a date when they
7 signed it, but you don't know the time. This would actually
8 capture the date and time that they'd actually approved that.
9 And so, i-i-it was actually quicker. It was just different.

10 RUSSELL: Thank you. You help me understand better.

11 GREEN: Okay.

12 PRICE: Uh, Chair, Brandon Price for the
13 Department. Based on those questions, I do have a couple more
14 follow-up questions for Mr. Green regarding the software. Um,
15 did the accounting technicians, including Mr. Demrow, receive
16 training on how to use the software system?

17 GREEN: Uh, Kurt Green for the record. Yes.

18 PRICE: Okay. And at any point did Mr. Demrow, uh,
19 tell you or his supervisor that he was unable to perform his
20 job duties in terms of processing invoices or reconciling his
21 budget because he didn't know how to use that software system?

22 GREEN: No, he was actually pretty excited when
23 we, uh, first started it.

24 DEMROW: It's brilliant, Kurt. It's genius what you
25 did.

1 GREEN: Thank you. Thank you.

2 PRICE: Um, and then were all the other, uh,
3 accounting technicians able to, uh, use the processes -- or
4 the new software, uh, in performing their job duties after it
5 was implemented?

6 GREEN: Yes.

7 PRICE: Okay. That's all the questions I have.

8 DEMROW: I have -- I have follow-up questions.

9 DUPREE: Okay, regarding <inaudible>.

10 DEMROW: Real quick.

11 DUPREE: Sure.

12 DEMROW: Um, Frank Demrow for the record. Um, Kurt,
13 uh, just real quick, you said it speeds up the process, which
14 it absolutely does. But, um, is it true you have to be on a
15 computer in order to do what you do? And so, guys that spend
16 all their time out working in a cemetery may not -- it may not
17 speed it up for them because they're not with -- on their
18 computer all the time, or all -- ever, in some instances.

19 GREEN: Well, uh, um --

20 DEMROW: You do need to -- let me rephrase it. You
21 do need to be at your computer to do what you need to do in
22 the system, right?

23 GREEN: Um, Kurt Green for record. Correct. But if
24 you have paper and a paper PO, you'd have to mail it to the
25 cemetery.

1 DEMROW: Right, right. So -- no, it's definitely an
2 improvement.

3 GREEN: Yeah.

4 DEMROW: But you do have to have a computer?

5 GREEN: Yes, you -- you do. That's correct. Yeah,
6 absolutely.

7 DEMROW: All right. Yeah, that's all I have then.

8 PRICE: Uh, that's all the questions I have,
9 Chair.

10 DUPREE: Okay. With that, the witness is excused.

11 PRICE: Thank you. Uh, the state calls Corrine
12 Cosentino as a witness, and I do not believe she was here when
13 you, uh, swore everybody in.

14 COSENTINO: I have not sworn in, and I didn't
15 sign.

16 DUPREE: Please raise -- you need sign that sign-in
17 sheet right there. Do you swear to provide -- do you promise
18 to provide the truth when you testify?

19 COSENTINO: Yes, I do.

20 DUPREE: Have a seat and state your name for the
21 record, please.

22 COSENTINO: All right. Corrine Cosentino.

23 DUPREE: Spell that for us.

24 COSENTINO: C-O-R-R-I-N-E C-O-S-E-N-T-I-N-O.

25 DUPREE: Thank you.

1 PRICE: Uh, good morning, Ms. Cosentino. Uh, where
2 do you work?

3 COSENTINO: Uh, the Division of Human Resource
4 Management.

5 PRICE: All right, and where did you work before
6 that?

7 COSENTINO: Nevada Department of Veterans
8 Services.

9 PRICE: All right. And when did you work for the
10 Department of Veterans Services?

11 COSENTINO: From May 2020 until December of 2021.

12 PRICE: All right. And what was your title at, uh,
13 Department of Veteran Services?

14 COSENTINO: I was the personnel officer.

15 PRICE: All right. And what were your j-job duties
16 as the personnel officer?

17 COSENTINO: I was managing, um, human resources
18 and payroll. Um, my duties were to provide guidance to the
19 supervisors and managers and, um, oversee, you know, um, all
20 aspects of human resources and payroll.

21 PRICE: Okay. And so, did your job duties involve,
22 uh, your participation in disciplinary issues that would come
23 up in the department?

24 COSENTINO: Yes, it did.

25 PRICE: All right. Um, we are here today for a

1 grievance that was filed by Mr. Demrow contesting a written
2 reprimand that you received in June of 2021. Did you have any
3 involvement, uh, in that matter?

4 COSENTINO: I did.

5 PRICE: All right. And how did you first become
6 aware of, uh, the circumstances surrounding the written
7 reprimand?

8 COSENTINO: Well, initially, um, when Laurie
9 Flannigan, his direct supervisor, started, she was a brand-new
10 supervisor to the state. So, I-I definitely provided her a lot
11 of guidance in, um, areas where she needed to address an
12 employee's performance. And there were issues, um, with Mr.
13 Demrow, uh, when she started. And so, she, uh, came to me for
14 guidance and recommendations on how to address those. Um, I
15 recommended, uh, coaching, shadowing, sitting down, um, with
16 him to get an understanding of where his, um, abilities were
17 in pertaining to his job, um, a lot of open communication.
18 And, um, there were just multiple issues that came up that,
19 um, I recommended, um, letters of instruction, a documented
20 oral warning. And, uh, when the email was sent, uh, with the -
21 - the threat, she -- you know, she contacted me -- Laurie
22 Flannigan contacted me and said, um, you know, I felt
23 threatened by this email. And so, um --

24 PRICE: Okay, so I'm gonna stop you right there.

25 COSENTINO: Okay.

1 PRICE: So, when Ms. Flannigan first started, um,
2 you guys had discussed some performance issues that Mr. Demrow
3 was -- was having, and you made some recommendations. Did she
4 follow your recommendations with how to address some of those
5 performance issues?

6 COSENTINO: She did.

7 PRICE: Okay. And so, at some point, it sounds
8 like in April of 2021, she approached you about a written
9 reprimand -- or I'm sorry, an email that she received from Mr.
10 Demrow?

11 COSENTINO: Yes, she did.

12 PRICE: Okay. So that's how you first, uh, really
13 became aware in -- in this matter?

14 COSENTINO: Yes.

15 PRICE: Or involved, I should say. Um, so, um --
16 so explain to me what you guys did from there. When she came
17 to you and she, you know, had concerns about the email that he
18 sent, um, did she, um, tell you what -- what other concerns
19 she had with respect to Mr. Demrow and his behavior?

20 COSENTINO: Um, his performance issues.

21 PRICE: Okay.

22 COSENTINO: He -- he wasn't -- he was sending
23 emails about opinions of things that had nothing to do with
24 work, um, to the team, and, uh, just wasn't staying on task.
25 And so, we reviewed his, um, supervisor file and looked at

1 past performance issues and, um, made a determination to, uh,
2 write a written reprimand.

3 PRICE: Okay. And when you say we, who are you
4 referring to?

5 COSENTINO: Uh, Kurt Green, Laurie Flannigan, and
6 myself, Corrine Cosentino.

7 PRICE: Okay. So, you reviewed his, uh,
8 supervisory file. Um, you, uh -- did you review any other
9 documents, um, before you guys decided to issue the written
10 reprimand?

11 COSENTINO: Um, his oral warning, his letters of
12 instruction, um, all the emails that had been addressed
13 because there were coachings via email, um, from his
14 supervisor. So, we reviewed all of those documents.

15 PRICE: Did you review the documents related to
16 Ms. Flannigan's audit and all the invoices that were unpaid?

17 COSENTINO: We did.

18 PRICE: Okay. Um, so you mentioned that Mr. Demrow
19 had been disciplined before receiving this written reprimand.
20 Um, can you please take a look at Exhibit G, page 71. Uh, do
21 you recognize this document?

22 COSENTINO: I do.

23 PRICE: What is it?

24 COSENTINO: It is a written reprimand issued to
25 Frank Demrow on August 28th, 2018.

1 PRICE: All right. And did he receive this written
2 reprimand in part because he was having performance problems?

3 COSENTINO: Yes.

4 PRICE: Okay. At the bottom of the written
5 reprimand, under the heading titled Issue Substandard Work
6 Performance, um, what does it state?

7 COSENTINO: "Frank, you are failing to perform your
8 work performance standards written June 26th, 2018, and signed
9 July 2nd, 2018, regarding the assigned duties of collections
10 and filing new resident folders."

11 PRICE: All right. Uh, please take a look at
12 Exhibit G, page 73.

13 DEMROW: Uh, I'm sorry, can we go backwards? Where
14 -- what were we just looking at? What page?

15 PRICE: It was the -- it's the bottom of page 71.

16 DEMROW: What was she reading from? Oh, it's -- oh,
17 it does actually say in -- okay. My apologies.

18 PRICE: All right. And, uh, Ms. Cosentino, can you
19 please turn to page 73? Do you recognize this document?

20 COSENTINO: Yes.

21 PRICE: What is it?

22 COSENTINO: A written reprimand issued to Frank
23 Demrow on November 6th, 2018.

24 PRICE: All right. And did he receive this written
25 reprimand in part because he was having performance problems?

1 COSENTINO: Yes.

2 PRICE: All right. And, um, under the third
3 paragraph of the written reprimand, um, can you read the first
4 sentence -- or the -- yeah, the heading, uh, where it says
5 issue, and then the first sentence?

6 COSENTINO: "Frank is failing to perform his work
7 performance standards written June 26th, 2018, and signed July
8 2018 regarding the assigned duties of collections and filing
9 new resident folders."

10 PRICE: All right. Now, can you turn to page 74,
11 please? Uh, do you recognize this document?

12 COSENTINO: I do.

13 PRICE: Uh, what is it?

14 COSENTINO: A documented oral warning issued to
15 Frank Demrow on December 14th, 2018.

16 PRICE: All right. And did he receive, uh, this
17 oral warning due to performance problems?

18 COSENTINO: Yes.

19 PRICE: Um, Mr. Demrow pointed out before -- I-I
20 didn't notice this before, but there's -- it stated December
21 14th, 2018, but their letterhead says Governor Steve Sisolak.
22 Um, do you know when Governor Sisolak was elected?

23 COSENTINO: November of 2018.

24 PRICE: Okay. And this was dated December 14th,
25 2018. Is it possible that the department may have been

1 changing over its letterhead after the governor had been
2 elected?

3 COSENTINO: It is very possible.

4 PRICE: All right. But do you really know why this
5 document is on that letterhead?

6 COSENTINO: I do not.

7 PRICE: Okay. Um, please take a look at Exhibit G,
8 page 75. Do you recognize this?

9 COSENTINO: I do.

10 PRICE: And what is it?

11 COSENTINO: It is a documented oral warning
12 issued to Frank Demrow on January 25th, 2021.

13 PRICE: Okay. And did he receive this oral
14 warning, uh, due to performance problems?

15 COSENTINO: He did.

16 PRICE: Okay. So, prior to, uh, receiving the
17 written reprimand that's at issue in this case, he had
18 received formal discipline at least 3 prior times, correct?

19 COSENTINO: Correct.

20 PRICE: All right. Uh, at some point, did you
21 become aware that Mr. Demrow filed a grievance in connection
22 with his written reprimand?

23 COSENTINO: I did.

24 PRICE: And what was your involvement, uh, with,
25 uh, respect to the grievance process?

1 COSENTINO: Uh, well, I was notified through
2 NEATS and, um, I, um, provided guidance for, uh, Laurie
3 Flannigan, his supervisor, because she was new to the state
4 and hadn't dealt with these kind of, um, issues. So, I
5 assisted her in drafting her response.

6 PRICE: Okay. And based on your review of the mat
7 -- relevant materials to this matter, did you determine that
8 all the information contained in the written reprimand was
9 accurate?

10 COSENTINO: Absolutely.

11 PRICE: Okay. Uh, please turn to Exhibit K,
12 please. Do you recognize this document?

13 COSENTINO: I do.

14 PRICE: What is it?

15 COSENTINO: It's NDVS, the Nevada Department of
16 Veteran Services, Policies and Procedures Acknowledgement
17 Form.

18 PRICE: And so, what does this form show?

19 COSENTINO: It shows that Frank Demrow, on
20 February 16th, 2016, um, acknowledged, received, and reviewed,
21 uh, the discipline policy among other policies.

22 PRICE: Okay. And he signed it February 16th,
23 2016?

24 COSENTINO: Correct.

25 PRICE: All right. Please take a look at Exhibit

1 J. Uh, is this the state's -- or the department's disciplinary
2 policy that you were just referring to?

3 COSENTINO: It is.

4 PRICE: Okay. And was this the policy that was in
5 effect at the time that Mr., uh, Demrow, uh, engaged in the
6 misconduct that led to the written reprimand?

7 COSENTINO: Yes, it is.

8 PRICE: All right. And if you can please turn to
9 page J -- uh, or, sorry, Exhibit J, page NDVS 99. All right.
10 And specifically, I wanna direct your attention to section C1.
11 Um, you previously testified that Mr. Demrow, um, had been
12 disciplined for performance issues at least 3 times previously
13 before the written reprimand. Um, under section C1, what is
14 the level of discipline that is authorized by the department's
15 disciplinary manual for when an employee neglects their
16 duties, uh, for the third offense?

17 COSENTINO: Suspension, demo-demotion, or
18 dismissal.

19 PRICE: Okay. So based on, uh, Mr. Demrow's past
20 disciplinary history, um, the depart -- the minimum level of
21 discipline that was authorized by the policy was a suspension
22 without pay.

23 COSENTINO: Correct.

24 PRICE: But you guys didn't give him a suspension
25 without pay?

1 COSENTINO: We did not.

2 PRICE: All right. You gave him a written
3 reprimand. Right? Um, uh, in your opinion, did the department
4 follow, uh, the pri-principles of progressive discipline?

5 COSENTINO: Yes, absolutely.

6 PRICE: And why is that?

7 COSENTINO: Why is that?

8 PRICE: Yeah.

9 COSENTINO: Because, um, that's our duty to
10 follow the policy.

11 PRICE: Excuse me, sorry. How -- how did they
12 engage in progressive discipline?

13 COSENTINO: Um, we reviewed his, uh, previous
14 discipline and coachings and, um, made a determination to, uh,
15 be a little more lenient and issue the written reprimand and
16 give him an opportunity to improve.

17 PRICE: All right. And if you can please turn to
18 page 102. Uh, Section E3 is, uh -- covers discourteous
19 treatment. Uh, what is the level of discipline that is
20 authorized under the policy for an offense of discourteous
21 treatment?

22 COSENTINO: Sorry. Um, anywhere from a -- an oral
23 warning to dismissal.

24 PRICE: Okay. And because if it's -- because it's
25 a wide range of offenses, um, it -- does it depend on the

1 serious nature of the offense, uh, which warrants the specific
2 level of discipline.

3 COSENTINO: Yes.

4 PRICE: All right. And in this case, um, did you
5 determine that Mr. Demrow had been discourteous to his
6 supervisor?

7 COSENTINO: Yes.

8 PRICE: And why was he discourteous to his
9 supervisor?

10 COSENTINO: Uh, he sent an email with threatening
11 language to her.

12 PRICE: Okay. And in your opinion, was that
13 misconduct serious enough to warrant at least a written
14 reprimand?

15 COSENTINO: At least a written reprimand, yes.

16 PRICE: I pass the witness.

17 DEMROW: Frank Demrow for the record. Um, when did
18 you start at NDVS? May of 2020?

19 COSENTINO: Yes.

20 DEMROW: Okay. So, you weren't involved in this
21 written reprimand at all?

22 COSENTINO: Uh, 2018?

23 DEMROW: Yeah.

24 COSENTINO: No.

25 DEMROW: No. And so as -- as far as you know, it

1 was just in my file. You don't know that -- any of the
2 circumstances surrounding it. You don't -- probably don't even
3 know the people involved. Right?

4 COSENTINO: Um, well, I know you.

5 DEMROW: You know me, yeah. But, um, the names --
6 so this was just in my file. That's the only thing you know,
7 right?

8 COSENTINO: Yes.

9 DEMROW: Okay. Um, do you know what administrative
10 code says about how long a reprimand can be in a person's file
11 before it has to be taken out and destroyed?

12 COSENTINO: Um, I don't know off the top of my
13 head.

14 DEMROW: Is there a number? Do you know?

15 SCOTT: Mary Jo Scott for the record. There is no
16 determination date for a written reprimand to be removed from
17 the file. It stays in the personnel file unless it was
18 appealed.

19 DEMROW: Okay. So -- so a written reprimand will be
20 in there forever.

21 SCOTT: That is --

22 DEMROW: Is that -- they're not taken out after 3
23 years or 5 years, or destroyed or anything like that?

24 GEYER: Sandie Geyer for the record. That is
25 correct. Unless it is appealed and the grievance on the

1 written reprimand is in favor of the grievant. At that point,
2 then it would be removed. However, if it's not, and it's
3 denied, it stays in the personnel.

4 DEMROW: Okay. So, once they get in there, you
5 can't get 'em out, basically.

6 DUPREE: Unless you appeal that at the time.

7 DEMROW: Right. Okay. Now -- which you wouldn't be
8 able to do if you didn't know about it, right? So now let me
9 ask you this. Did I ever ask you for a copy of my record?

10 COSENTINO: I don't recall you asking me for a
11 copy.

12 DEMROW: You don't recall getting an email, uh,
13 about it and what you said? No?

14 COSENTINO: I don't recall.

15 DEMROW: Okay. All right. Um, okay. Let me -- I
16 want to go to the letter that I, um, sent that -- that, uh,
17 was threatening. Now that was -- the letter that I -- that
18 supposedly was threatening to, um, Ms. Flannigan. Do you know
19 what that was in response to?

20 COSENTINO: It was in response to a letter of
21 instruction.

22 DEMROW: Right. And what was that letter of
23 instruction about? Do you remember?

24 COSENTINO: I mean, I can't remember everything
25 that was in that letter of instruction.

1 DEMROW: Right. No, I don't expect you to. I just
2 was curious if you remember what that letter of instruction
3 was about, um, 'cause -- do you remember the email that I sent
4 when -- after that, didn't the letter you -- no, you probably
5 -- it was a long time ago. I get it. It's been a year and
6 several months, so I wouldn't -- I-I imagine you probably
7 don't remember. But I had done something to-to-to-to warrant a
8 letter of instruction, and then I was responding to that
9 letter of instruction. Right? Okay. Um, you know, if I were to
10 ask you today to see my file, do you know -- what would you
11 tell me?

12 COSENTINO: I would let you see your file.

13 DEMROW: You would?

14 COSENTINO: Yeah. If an employee asked to see
15 their file, you have to let them see their file.

16 DEMROW: Yeah, you do. It's, uh -- yes, that's
17 true. Okay. Thank you very much. Um, I don't -- I guess I
18 don't have any more questions. I wasn't expecting those
19 answers.

20 PRICE: Chair, uh, Brandon, for the department. I
21 just have a couple of brief follow up questions. Um, Ms.
22 Cosentino, as the HR manager, you have access to employee
23 personnel files, correct?

24 COSENTINO: Yes.

25 PRICE: And when you're making recommendations to

1 a supervisor on how to handle a disciplinary matter, uh, you
2 review the disciplinary file to determine an employee's past
3 history, correct?

4 COSENTINO: Correct.

5 PRICE: And if you didn't do that, then you
6 wouldn't be doing your job, correct?

7 COSENTINO: Correct.

8 PRICE: All right. That's all the questions I
9 have.

10 DUPREE: Okay. If there's nothing further, the
11 witness is excused.

12 COSENTINO: Thank you.

13 PRICE: And, uh, the state rests its case.

14 DUPREE: Okay. Um, after the state has rested, it
15 would come time for your closing statement.

16 DEMROW: Um, I am not really that -- I haven't been
17 that prepared for this. Um, I-I don't -- I don't have, uh, any
18 of the supporting documents. I didn't turn in a pre-hearing
19 statement. But the reason, and -- and -- and it is a reason.
20 It's not an excuse, it is a reason. It's because this is one
21 thing that occurred a year and 3 months ago. And if this goes,
22 you know -- what I'm trying to do is keep it out of my record.
23 But if it goes into my record, it is not gonna be the end of
24 the world. But I do have other things that won't necessarily
25 dictate the end of the world for me, but they will be life-

1 changing events that occurred that, um -- that involve work.
2 Um, and, uh, for example, I'm just coming off a 30 day
3 suspension, um, which I'm trying to -- which I was trying to
4 fight, um, among other things. But that's not your problem.
5 That's not anything you need to worry about. But it has taken
6 a lot of my time and I have had -- had to prioritize. And so,
7 I want to say, I did not mean any disrespect. I know this is
8 an important issue and I -- and I -- and I -- and I wanted to,
9 uh, do more, so to speak. But I just -- I-I had to put my
10 focus on more important things, and I apologize for that. Um,
11 and I've got my hands full with things of this nature. It's --
12 it's very frustrating, but it's, uh, just how it is. It is
13 what it is. Um, and that's why I don't have, um -- I'm as
14 poorly prepared as I am. Um, <inaudible> no issue, so -- and
15 that's why I-I came today because I filed -- I filed the
16 grievance and I needed to follow it through. And that's why
17 I'm here. And, um -- and I thank you for the opportunity to do
18 so. I know you probably weren't expecting to stay this long,
19 but, uh, uh, thank you. Um, that's all I have for closing.

20 PRICE: Um, yes, I'll proceed. Um, Mr. Demrow
21 simply has failed to satisfy his burden of proof in order for
22 his grievance to be granted. Um, he was issued the written
23 reprimand, um, for neglecting his job duties, for discourteous
24 treatment, for making threatening statements. Um, the
25 testimony, uh, that you heard here today clearly establishes

1 that Mr. Demrow did, um, fail to properly perform his job
2 duties. It resulted in a large number of invoices not, uh,
3 being paid in a timely manner. It resulted in an internet
4 service being shut off for the department. Uh, it resulted in
5 embarrassment to the department. Um, and quite simply, the
6 department was attempting to correct his behavior. And instead
7 of doing that, Mr. Demrow refused to take responsibility for
8 his actions. He went on an email tirade in which he, uh,
9 accused his supervisor of being a bully. He accused her of
10 being adversarial. And then he made a veiled or implied threat
11 in that email. And that kind of conduct simply cannot be
12 tolerated. Um, you heard testimony, um, that under the
13 disciplinary policy, uh, the department actually gave him a
14 less degree of discipline than what was warranted in this
15 case. Even if he didn't have all the prior discipline in his
16 record and none of that existed, uh, due to the serious nature
17 of the misconduct, uh, with respect to both neglecting his job
18 duties, uh, his insubordination, and the discourteous
19 treatment of his supervisor, uh, the written reprimand was
20 warranted. Uh, in order to demonstrate that he did suffer an
21 injustice, he would've had to prove that he either didn't
22 commit the offenses he was alleged to have committed, or that
23 the discipline was unreasonable. And we didn't hear any
24 evidence here today, um, that would establish, uh, those 2
25 prongs. And so, uh, with that, uh, the department, uh,

1 requests that Mr. Grim -- uh, Demrow's, grievance, uh, be
2 denied, and that the written reprimand remain in his file.

3 DUPREE: Thank you. Mr. Demrow, you talked about
4 not really being prepared for this grievance today. Does that
5 mean you're not prepared for the next item on the agenda,
6 grievance number 8887 as well? Or --

7 DEMROW: I-I-I am equally unprepared. I-I still do
8 want to proceed, um, because there is the -- the -- the
9 foundation of my arguments are in that grievance. But that is
10 -- that is correct, yes. I am not --

11 DUPREE: I wonder, 'cause, you know, we're gonna
12 proceed with that one when this one was -- when this one ends.

13 DEMROW: Yes, yes. And, uh --

14 DUPREE: I just want clarify that. All right. Um,
15 I'd like to open -- if everybody's done, um, this is the part
16 where the committee wants -- I want to entertain deliberation
17 on the part of the committee. And your cases are done in
18 chief, so there's no arguments with them now. Your arguments
19 are in, so anybody want to start deliberations? I'll start.
20 Um, I know that it doesn't feel good to, um, get anything like
21 a reprimand like this, but, um, as somebody who pays state
22 bills a lot and deals with state supervisors a lot, um, I
23 don't see anything in the reprimand that was out of line. And
24 I, um -- I'm in favor of -- of deny -- I-I-I-I haven't seen
25 anything that says that this grievance should be, um,

1 sustained. It should be denied, I think. Anybody?

2 SCOTT: Chair, Mary Jo Scott for the record. I
3 agree. I don't see that there's anything in the written
4 reprimand, the oral written warning, any of that, that, um, is
5 out of line. I believe that the state has provided evidence
6 for the employee failure to perform his responsibilities as
7 assigned. And the previous discipline is to be used to
8 identify patterns of misconduct or performance. And I believe
9 that's what was done in this case. So, I-I believe that the
10 written reprimand should stand as it is, and the grievance
11 should be denied.

12 DUPREE: Member Geyer, you had a comment.

13 GEYER: Sandie Geyer for the record. I concur with
14 my colleagues, both in the North and the South, that the
15 grievant has not proved beyond any doubt that there was any
16 part of the written reprimand that was not just. I vote in
17 favor of denying the grievance and let it stand as is.

18 DUPREE: Okay. Um, can I get a motion? Because we
19 can't vote until we get a motion.

20 RUSSELL: Turessa Russell for the record?

21 DUPREE: Yes Member Russell?

22 RUSSELL: I make a motion to deny grievance 7892 for
23 grievant Frank Demrow as grievant failed to show cause for
24 removal of the written reprimand from his personnel file.

25 DUPREE: Do I have a second?

1 GEYER: Sandie Geyer --

2 SCOTT: Mary Jo Scott for the record. I second.

3 DUPREE: Okay. Sandie Geyer and Mary Jo Scott. --
4 Mary Jo Scott both seconded. So, um, with that, all in favor
5 of the motion, say aye.

6 MULTIPLE: Aye.

7 DUPREE: Okay. I'm hearing a unanimous vote in
8 favor of the motion. This grievance is denied. You'll get a
9 written response -- written notification of that within 45
10 days.

11 DEMROW: Thank you.

12 UNIDENTIFIED: 45 days, Chair.

13 DUPREE: <inaudible>. That's what I meant to say,
14 but I didn't say it. Oops.

15 UNIDENTIFIED: Just making sure.

16 DUPREE: Yep. With that, because it's about 12:10,
17 before we start the next grievance in this process, if
18 everybody okay with it, I'd like to do a lunch. We'll
19 reconvene at 1 -- we'll reconvene at 1:15.

20 RUSSELL: <inaudible>.

21 DUPREE: Yes, Turessa. Go ahead.

22 RUSSELL: Thank you.

23 DUPREE: You're welcome. See everybody in an hour.

24 *** END OF MEETING ***

25

1 STATE OF NEVADA

2 EMPLOYEE-MANAGEMENT COMMITTEE

3 MEETING TRANSCRIPT

4 SEPTEMBER 22, 2022

5
6 DUPREE: Sir, <inaudible>.

7 DEMROW: I am. I am.

8 DUPREE: Okay.

9 DEMROW: Uh, for the record, Frank Demrow. Um, now
10 this -- this grievance has to do with my, uh, performance
11 review and, um, I'm going to keep it very simple and get right
12 to point. Um, th-there are several nit-picky things that I
13 could argue but I don't wanna get into all that. The main
14 thing is, I-I want to show that what I did in the time period
15 -- because I was out the office for an extended period of
16 time. So, my review really broke down to a period of the end
17 of September until the beginning of January -- is really what
18 it was reviewing, in essence, because I had been out at the
19 office for 6 months before that. Um, and my -- what I -- my
20 main point, really -- the bulk of it is I did the same number
21 of transactions, or paid same number of bills or whatever --
22 however you wanna phrase it, as the person handling the
23 account the previous year in the same time period. And -- and
24 -- and the bulk of my argument is gonna be this chart. Now,
25 there's several different ways that you would measure

1 productivity in what's done. Um, and if -- there's a natural
2 inclination to -- to want to use, uh, how many bills did you
3 pay. But the problem is, I-I can't issue payment. I can
4 prepare everything, but then someone else has to put the
5 approval on it before it can be paid. So, a better measure of
6 that is the system that was mentioned in the previous thing.
7 Um, there's a way that we can see where -- when it gets up to
8 that point where it needs approval, and this -- this page, uh,
9 14 of the packet has the chart that shows what I did each day
10 getting those payments up and ready for approval. Um, now you
11 might make the case that, hey, all right, well we got
12 approval. Well, what if you did them poorly and they get
13 rejected? Well, that happens all the time that they get
14 rejected and they need to be corrected. But what I want noted
15 is that of all these that were approved, when I checked to see
16 how many of 'em had been processed and paid when I filed --
17 when I originally filed this grievance, I-I want to say it's -
18 - the number's in here somewhere, but I wanna say 98% of them
19 had been paid. So, even if they had been rejected, they had
20 been corrected and sent back now. And I just wanna -- that
21 number's in here somewhere. But -- so that would -- that's
22 gonna be the bulk of my argument about -- regarding this, is
23 that in, uh, the previous year in the exact same period, the
24 person that had the account did 4,025 and I did 4,600 -- 125.
25 So, um -- um, excuse me, those are the daily averages. I'm

1 misreading this. Let me rephrase that. I did 322 over -- in
2 the fiscal year '21, there was 322, um, processed, um, and I
3 did 369 in -- in the next fiscal. So those 2 are comparing
4 apples to apples, so to speak. Same period. The average was
5 4.025 the previous fiscal year. My average was 4.6. And that's
6 -- that's really the point I really want to make. And, uh,
7 that's it.

8 DUPREE: Okay. And I noticed that your counsel is
9 not here with you. <crosstalk>

10 TAN: Hi, Chair. Uh, this is, uh, Deputy
11 Attorney General Gerald Tan here in Las Vegas.

12 DUPREE: Okay. As long as we're good with that. All
13 right. Does that cover your opening?

14 DEMROW: Yeah, that's my opening. I'll pass that
15 to, uh, Deputy Attorney General Tan.

16 DUPREE: Okay. Your case now, please?

17 TAN: Um, hi. Uh, DAG Tan, Chair, um, and people
18 here in Las Vegas. Good to see you. Um, I-I suppose it
19 deserves a little bit of explanation why, uh, the agency has 2
20 attorneys on this case. Um, the, the DAGs in our division, um,
21 are assigned certain agencies to represent and there was a
22 reassignment of agencies last year. So, uh, DAG Price was
23 handling an old grievance, uh, today. And I'm handling this
24 one and then any grievances going forward.

25 DUPREE: Got it.

1 TAN: Um, would we like to go through evidence
2 before we, um, proceed to my opening or, um, have, uh, we
3 resolved that?

4 UNIDENTIFIED: Chair, we got to leave opening for --

5 DUPREE: I'm sorry. I keep screwing that up. Does
6 any -- before we get started -- I'll put a hold on your
7 statement there <inaudible>. Does anybody have any objections
8 to the packet?

9 DEMROW: I'm -- I'm not going to object to anything
10 in here. This is done.

11 DUPREE: All right. Do you have any objections to this --
12 it's your packet.

13 TAN: No.

14 UNIDENTIFIED: Gerald, no objections?

15 TAN: No. No objections from us for the agency.

16 DUPREE: Go ahead with whatever -- wherever you
17 wanna start, sir.

18 TAN: Okay. Um, I-I'll just start with the --
19 with an opening. Um, you know, uh, I guess a little bit of
20 housekeeping. I-I don't want -- a lot of this information's
21 gonna be redundant, uh, from grievance 7892, and I-I think I'd
22 request that, um, at least the oral record be incorporated
23 into this case so that we don't have to cover the same
24 materials.

25 DUPREE: Okay. All right.

1 TAN: Um, so with that, um, Your Honor, like,
2 uh, Mr. Demrow said, uh, we're here on the -- a grievance
3 regarding some of his, uh, substandard, uh, work evaluations.
4 And we -- we heard a little bit about, um, this agency back in
5 the -- the hearing on grievance number 7892. Um, the
6 Department of Veteran Services provides services to veterans
7 throughout the state. They operate 2 cemeteries, 2 veterans
8 homes. They, uh, provide services throughout, uh -- uh,
9 throughout the state for, um -- uh, for veterans. Now, despite
10 the breadth of this agency, um, the fiscal team, um, of -- of
11 which Mr. Demrow is a part, is actually quite small. It is a
12 small group of people. <inaudible> in Reno. And this, uh,
13 small group is, uh, tasked with handling all of the
14 transactions throughout the state regarding the agency. They
15 maintain accounts, they process, uh, payments from vendors
16 and, uh, really are entrusted to handle public funds on a
17 daily basis. So, as you can imagine, the quality of work is
18 important, the quantity of work is important, uh, the
19 relationships with other people, uh, whether they be employees
20 or vendors, that's important. All of these job elements are --
21 are crucial to -- to his job. Now, the, uh, reports on
22 performance today that, um, are an issue, they were -- they --
23 they were proper. They were, uh, based in fact. And, um -- and
24 they found that, um, Mr. Demrow was not meeting his work
25 performance standards. Um, Mr. Demrow's not gonna be able to,

1 uh, provide any evidence to rebut the evaluations. Um, and a
2 lot of the arguments that he's -- that he is making today are
3 not based in fact. So, at the end of this hearing, I-I'd
4 request that the grievance, uh, uh, grievance number 8887, be
5 denied.

6 DUPREE: Okay. Does that conclude your opening,
7 sir?

8 TAN: That -- that's it. Thank you, Your Honor.

9 DUPREE: All right. Mr. Demrow, let's move on to --

10 DEMROW: Well, um, I-I -- since I-I'm not gonna --
11 I'm gonna be calling any witnesses, um, um, and I'm not gonna
12 be introducing any evidence, I-I-I would or -- really I would
13 hinge the largest part of my thing on that, uh -- this page 14
14 in, uh, the, uh, evidence packet that -- these are -- now
15 these are the numbers that I have just stated that I am
16 hinging my argument on. And these numbers are not based out of
17 Advantage because, as you know, Advantage is how bills are
18 paid. But as I said before, I can only take it so far before
19 it has to get someone's approval. So, if -- and -- and the way
20 our -- our internal agency policy is, they can sit and wait
21 for them indefinitely. There's no limit to time. So -- so in
22 theory -- and -- and that's fine, but it kind of presupposes
23 that they're gonna work through 'em. And what -- what -- what
24 could potentially happen is, I could do everything right. It
25 could sit there for months and not get that last approval. And

1 then because it's gone over an accounting period, it -- it's -
2 - it's not gonna go through. And then -- so there's all
3 different things. And it'd be one thing if they're rejected
4 right away. As long as they're rejected right away, I can fix
5 them. But if they're not rejected right away, I can't fix 'em.
6 There's nothing I can do but wait. And so that is not a fair
7 measure of what I'm doing. So, the only fair measure would be
8 to go into this other system where it shows I've got it up to
9 this point and now I'm waiting for it to either correct it or
10 for it to go through. And that's what these numbers are, uh,
11 taken out of that -- that other system that -- that, uh,
12 subsidiary system, uh, that's -- kinda goes in conjunction
13 with Advantage to <inaudible> those payments and keep track of
14 our records. And, uh, that's really gonna be -- now there --
15 there -- there's a -- I think there are 5 categories, uh, um,
16 in the, uh, performance review. And without going too much
17 into detail, my previous performance review, I was
18 satisfactory in all categories. And it's very hard for me to
19 accept that I went from satisfactory in every category to
20 unsatisfactory in every single category. So really, I-I should
21 be making a better case for -- for all those. But I really
22 feel like this is the lion's share of my argument. And since I
23 am so poorly prepared, I don't wanna be scrambling to try to
24 put anything together. And this really, I feel like is --
25 'cause my job is to pay the bills or prepare the bills to be

1 paid, and this represents that, I feel. Uh, this chart on page
2 14, comparing my performance to the performance of the same
3 accounts in the fiscal year before. And that's all I would
4 say.

5 DUPREE: All right. Is that <inaudible> your case?

6 DEMROW: Um, yeah. Yeah.

7 DUPREE: Okay.

8 DEMROW: That's -- that's -- that is, uh --

9 DUPREE: Does the state have a case?

10 TAN: Yeah, this is, uh, DAG Gerald Tan. Uh, I
11 just have a few questions for, uh, Mr. Demrow before we
12 proceed to our case.

13 DUPREE: Okay. Okay.

14 TAN: Uh, hi, Frank. Good to see you again.

15 DEMROW: Good to see you.

16 TAN: Um, you have our evidence packet in front
17 of you. Is that right?

18 DEMROW: That's correct.

19 TAN: Could you turn to NDVS 0001? That's

20 Exhibit A.

21 DEMROW: Okay.

22 TAN: Uh, and -- and you -- are you there?

23 DEMROW: Yeah, I am.

24 TAN: Okay. Now, NDVS 0001 is your, uh, work
25 performance standards form. Is that right?

1 DEMROW: That's correct.

2 TAN: And you signed this on June 16th, 2021?

3 DEMROW: Yes, that's correct.

4 TAN: And, uh, by signing does you agree to be
5 bound by these work performance standards, right?

6 DEMROW: Yes.

7 TAN: Um, let's turn to, um, Exhibit B, NDVS
8 0011.

9 DEMROW: Okay.

10 TAN: Um, and from NDVS 0011 to 0017, um, this
11 is your written response to the, uh, evaluation you received
12 on February 11th, 2022. Is that right?

13 DEMROW: Um, that's -- you said Exhibit C 001?

14 TAN: No, Exhibit B.

15 DEMROW: I'm sorry, de -- uh, Deputy Attorney, uh,
16 General Tan, uh, what am I looking -- what am I looking for?
17 Exhibit C you said?

18 TAN: Exhibit B as in boy. And you're looking at
19 NDVS -- NDVS 0011 to 0017.

20 DEMROW: Okay. All right, I got you. I'm there.

21 TAN: And, uh, that document is your written
22 response to the February, um, 11, 2022 evaluation, right?

23 DEMROW: No, it's not. Not that I -- oh, I pulled
24 it out. Yeah, I'm sorry. I'm sorry I pulled it out. Yeah, I do
25 have that. Yes.

1 TAN: And that's your written response to the
2 February of 2022 evaluation?

3 DEMROW: Yes. Yes, it is.

4 TAN: And you were being truthful in that
5 written response, right?

6 DEMROW: Yes. Yeah.

7 TAN: And everything in that response is correct
8 to the best of your knowledge?

9 DEMROW: To the best of my knowledge, it is.

10 TAN: Okay. Now, you were mentioning, um,
11 earlier about this data that we find on NDVS 0014.

12 DEMROW: Yeah.

13 TAN: This data is not taken from Advantage, is
14 that right?

15 DEMROW: That's right. It is not taken from
16 Advantage. And I'd also like to add that I -- before -- I-I've
17 been out of work again for, uh, 30 days, but I went to
18 reconfirm these numbers and they've changed. And I don't know
19 why that is or how that is, but they've changed. They won't
20 match what's in the system now, and I don't know why or how,
21 if that's possible. I pulled these out, but they -- they've
22 been changed. I -- and I suppose that there are some things
23 that might change 'em, but I don't know why. There's a few
24 accounting things that could be done, but I don't know.

25 TAN: Okay. So, these numbers that you pulled

1 from some program that the agency doesn't use is now different
2 from --

3 DEMROW: Yeah, yeah. It was --

4 TAN: -- what we see now?

5 DEMROW: It was alarming to say the least, um,
6 because I had prepared this so long ago and, um -- 'cause
7 again, this -- this time get to -- go through the whole
8 process, but, um, they -- I wouldn't say they changed
9 radically, but they are different though. For sure they are.

10 TAN: And what program did you take this
11 information from?

12 DEMROW: Um, from the one that, uh, uh, uh, Kurt
13 Green was talking about -- from the, uh, the, uh, SharePoint
14 list, um, program that he put together to, uh, aid in the
15 record keeping for, um, accounts payable.

16 TAN: Now this, um -- the -- the February 11th,
17 2022 evaluation that you received, that was reviewed by, um,
18 uh, members of upper management as well. Is that right?

19 DEMROW: That's correct. It was, yes.

20 TAN: Okay. And that's, uh, Amy Garland and, uh,
21 Katherine Miller who reviewed that, right?

22 DEMROW: That's correct.

23 TAN: And then Amy Garland, do you -- do you
24 know, um, Amy's, uh -- Amy Garland's title at that time?

25 DEMROW: Yeah, I know her. Uh, she -- actually, she

1 hired me, and I worked for her for quite a while. And, uh --
2 yes. And -- and it -- I-I'd like to say this, it was almost as
3 if this section had fallen out or something. 'Cause Amy's
4 review of the review addressed every issue. But this one, she
5 -- was just -- she left it blank and didn't -- and it was
6 almost like she didn't see what I had put in there. I-I
7 thought that's what really happened 'cause she just didn't --
8 she didn't say anything about the chart or the numbers or the
9 figures. And it was almost as if, like, when it got handed off
10 to her that this wasn't in there at all because she addressed
11 every other point, uh, very clearly and very eloquently. And,
12 uh, I-I don't -- I can't say that I just necessarily disagree
13 with what she said necessarily, but there's just nothing in
14 her, uh, review of the review about that particular part,
15 which is I -- the lion's share of my argument.

16 TAN: Well, um, Amy Garland did review data from
17 Advantage, correct?

18 DEMROW: Yeah, she did. She did review the, um --
19 she did review the -- the data from Advantage. Yeah. Which was
20 in the original -- yeah. But -- and -- and I'm trying to make
21 the case that is -- doesn't tell the whole story 'cause of --
22 but yeah, she did, for sure.

23 TAN: And this, uh, February 11th, 2022
24 evaluation that you received, it's -- it's attached as Exhibit
25 B. You disagreed with that evaluation, right?

1 DEMROW: Yes.

2 TAN: All right. Uh, let's turn to Exhibit E,
3 and this is NDVS 0054.

4 DEMROW: Okay.

5 TAN: Um, and the document that starts on NDVS
6 0054 is an evaluation you received in March of 2022. Is that
7 right?

8 DEMROW: Yes.

9 TAN: And you disagreed with this evaluation as
10 well, correct?

11 DEMROW: I did.

12 TAN: Now go ahead and turn to NDVS 0060 in that
13 same exhibit.

14 DEMROW: You said 0060?

15 TAN: Yeah.

16 DEMROW: Okay.

17 TAN: Are you there?

18 DEMROW: Yeah.

19 TAN: Um, and this is your written response to
20 the Marc, 2022 evaluation. Is that right?

21 DEMROW: Um, yeah. Yeah -- It, it -- yeah.

22 TAN: And you were -- and you wrote this, uh,
23 truthfully and accurately, correct?

24 DEMROW: I wrote this what?

25 TAN: Truthfully and accurately?

1 DEMROW: Uh, to the best of my knowledge. He, um --
2 and just for -- for clarity's sake, it's not really meant to
3 be a standalone independent, um -- it's -- because they --
4 they -- they build on each other. Um, I-I come back to it
5 several times, and so -- but yeah. Yeah, it is true to the
6 best of my knowledge.

7 TAN: Okay. And -- and so it is true, uh, you --
8 you acknowledge that your error rate is, uh --

9 DEMROW: I do acknowledge that.

10 TAN: -- at least 49%. Is that correct?

11 DEMROW: Yes, I -- yes.

12 TAN: All right.

13 DEMROW: Yes, very high.

14 TAN: And you talk about an instance in this
15 written, uh -- written response where there was a day where
16 you had 3 hours left in the workday, and you were able to
17 process 16 invoices. Is that right?

18 DEMROW: Um, I-I-I do -- I think I remember that
19 section. Yeah.

20 TAN: Now, um, this evaluation -- the March 2022
21 evaluation was also reviewed by upper management, correct?

22 DEMROW: I think so, yes. Yes.

23 TAN: And they, uh, agreed with, uh, your
24 evaluation that you were not meeting standards, right?

25 DEMROW: The upper management did, yes.

1 TAN: All right. Now let's look at Exhibit H,
2 and this is NDVS 0088.

3 DEMROW: Okay.

4 TAN: Are you there?

5 DEMROW: <inaudible>. All right, now I am.

6 TAN: Uh, now NDVS -- are the documents starting
7 on NDVS 0088 is a -- an evaluation that you received in May --
8 May 11th, 2022. Is that right?

9 DEMROW: That's correct.

10 TAN: And it shows that you did not meet
11 standards in each of the job elements, correct?

12 DEMROW: That's correct. It does show that.

13 TAN: Now, could you turn to NDVS 0091 on that
14 same document?

15 DEMROW: Yes.

16 TAN: Is that your signature on NDVS 0091?

17 DEMROW: Um, yes. This -- I pointed this out to the
18 -- the current HR, uh, person, 'cause it -- um, this -- this
19 statement here is a check mark box agreed. And when we went
20 over these, I said, I didn't -- I -- that's a mistake. I
21 didn't agree with this. Uh, that should be --

22 TAN: Okay.

23 DEMROW: Um, see what the difference was, I had
24 requested a review on every one but this one, because I was
25 kind of going crazy for these. I-I, my intent was to check, I

1 disagreed, but not to check. I wanted to review 'cause I-I
2 didn't want to review them.

3 TAN: Oh, okay. So, you're -- you're changing
4 your answer today. You're -- you're changing your answer that
5 you put on this document. You're changing that today?

6 DEMROW: Well, no. I changed it all quite a while
7 ago when I told, uh, that -- the HR director I -- and I didn't
8 -- I never intended to check that box. I intended to check
9 disagree and not -- but I was so used to checking the one on
10 the right. But I've never agreed with this. And I -- and I
11 mentioned it the second I did it. I-I don't even actually
12 think I did check that box to tell you the truth. But -- but
13 yeah. Um, if I -- I do not agree with that and I never have.
14 And -- and that -- I don't know how that box got checked, but
15 I-I must have done it. I must have checked it and I apologize
16 for that. I meant to check I disagree with this, but not the
17 review box.

18 TAN: Okay. So, you -- you acknowledged that
19 this is possibly -- you signed this. You were just somehow
20 mistaken?

21 DEMROW: Yeah. Uh, yeah, it's very possible that I
22 -- I checked that box thinking that that was the disagree box
23 'cause I was in a hurry or something. Yeah.

24 TAN: You were in a hurry. Is that why this is -
25 - this is wrong?

1 DEMROW: Yeah. Well, I get a lot of these, so I-I
2 have to, you know -- I have to get through them. But, uh, I --
3 yeah, I don't --

4 TAN: So, it's -- it's --

5 DEMROW: And I made that abundantly clear.

6 TAN: All right. So, it's -- it is your
7 testimony that it's -- you -- you could have not done it and
8 someone else did. You could have done it and it was a mistake.
9 Um, you could have left it blank, and someone forged it. Are
10 these all your answers today?

11 DEMROW: My answer is, I don't know.

12 TAN: All right. That's all I have, uh, for you,
13 sir. No more questions for me, uh, Chair. This is, uh, DAG Tan
14 for the record.

15 DUPREE: Okay. Um, so state is your case rested?

16 TAN: Uh, no. I-I'm -- we're -- we-we're

17 DUPREE: Do you have other witnesses? 'Cause, uh,
18 you were just questioning the -- the grievant. Okay. So, do
19 you have anything further in your case, sir?

20 DEMROW: Um, no. No.

21 DUPREE: Okay. So, do you rest your case?

22 DEMROW: Um, are we at closing statements? I'll
23 keep my -- no? No, okay. Yeah, I do rest my case. Yes, I do.
24 Yes, I do rest I said.

25 DUPREE: All right. Is the state prepared to go on

1 with its case?

2 TAN: Yeah, we're ready, Your Honor. This is DAG
3 Tan. Um, right now we -- uh, this is DAG Tan for the record.
4 Uh, we call Laurie Flannigan.

5 DUPREE: Ms. Flannigan, I'm sure you remember.
6 You're still under oath from earlier this morning. So, um,
7 have seat. Ms. Flannigan, can you speak up for the
8 microphones? It's kinda hard to hear you.

9 FLANNIGAN: Yes.

10 DUPREE: All right.

11 TAN: Hi, Ms. Flannigan, this is, uh, Gerald
12 Tan, uh, uh, for the agency. Um, could you just, uh, state
13 your name for this record?

14 FLANNIGAN: Laurie Flannigan.

15 TAN: And, uh, Ms. Flannigan, you were, um --
16 you currently are, uh, Mr. Demrow's, uh, supervisor. Is that
17 right?

18 FLANNIGAN: Yes.

19 TAN: And when did you start supervising Mr.
20 Demrow?

21 FLANNIGAN: March 8th, 2021.

22 TAN: Now, how many people, um, does, uh, the
23 agency have on their fiscal team?

24 FLANNIGAN: Uh, 3 -- I'd say 8.

25 TAN: And that team of 8 people handles all of

1 the transactions for the agency throughout the state, correct?

2 FLANNIGAN: Yes.

3 TAN: Okay. Um, do you have our, uh, exhibit
4 packet in front of you?

5 FLANNIGAN: Yes, I do.

6 TAN: Can you turn to Exhibit A? Uh, this is
7 NDVS 0001.

8 FLANNIGAN: Okay.

9 TAN: And what do you recognize this document
10 being?

11 FLANNIGAN: Uh, this was a employee work
12 performance form that I completed for Mr. Demrow.

13 TAN: And is, um -- are these the work
14 performance standards that you used to evaluate, uh, Mr.
15 Demrow in February of 2022, in March of 2022, and then again
16 in May 2022?

17 FLANNIGAN: Yes.

18 TAN: All right. All right. And do these job
19 performance -- or job, uh, work performance standards, do they
20 apply to all Accounting Assistant, uh -- Assistant IIIs?

21 FLANNIGAN: Yes.

22 TAN: Could you turn to, um, NDVS 0004?

23 FLANNIGAN: Okay.

24 TAN: And, uh, these are some of the duties, um,
25 of an Accounting Assistant III. Is that right?

1 FLANNIGAN: Yes.

2 TAN: Um, under number 9, um, on that list, uh,
3 could you read that for us?

4 FLANNIGAN: Pay invoices within 15 business days
5 of receipt, or monthly when applicabl-applicable, as all the
6 support supporting documents are presented.

7 TAN: So, the expectation of an Accounting
8 Assistant III is to pay these invoices, or at least process
9 them, within 15 days. Is that right?

10 FLANNIGAN: Yes.

11 TAN: And then under, uh, number 17, uh, on that
12 same list, um, Accounting Assistants are expected --
13 Accounting Assistant IIIs are expected to have an error rate
14 of 2% or less. Is that correct?

15 FLANNIGAN: Yes.

16 TAN: Let's turn to the next Exhibit, Exhibit B.
17 This is NDVS 0005.

18 FLANNIGAN: Okay.

19 TAN: Um, and what do you recognize this
20 document to be?

21 FLANNIGAN: Uh, this is the Employee Report of
22 Performance that I issued to Mr. Demrow on February 16th.

23 TAN: Of 2022?

24 FLANNIGAN: Yes.

25 TAN: Okay. And it looks like here that you, um,

1 identified that he did not meet standards in each of the 7 job
2 levels. Is that correct?

3 FLANNIGAN: Yes.

4 TAN: All right. Let's just, uh, briefly go
5 through then. Um, the first one is quality of work. You rated
6 him as does not meet standards. Can you briefly explain why
7 you did that?

8 FLANNIGAN: He has frequent errors. He does not
9 double check his work. Items are sometimes missing from his
10 payments. And he doesn't produce the quantity of work needed
11 for his budget.

12 TAN: Now, it mentions on -- on, um -- under
13 this quality of work section on NDVS 0005, at, um -- on
14 September 27th, 2021, that you sat down with Frank -- uh, with
15 Mr. Demrow to, um, refresh his memory about, uh, uh, his job
16 duties. Do you recall doing that?

17 FLANNIGAN: Yes.

18 TAN: Okay. Did that, um, uh, training session
19 that he had with you -- did that, uh, increase his
20 productivity at all?

21 FLANNIGAN: No. Well, it seemed like for a couple
22 days he concentrated on his job and improved his performance,
23 but then it went down again.

24 TAN: And it looks like under quality of work
25 again, that, um, Mr. Demrow was assigned to 3 classes, uh -- 3

1 training classes.

2 FLANNIGAN: Yes.

3 TAN: As of the date of this report, did he
4 complete those trainings?

5 FLANNIGAN: Let's see. On this report, no he
6 didn't.

7 TAN: All right. Let's just go to the next
8 section, the Quantity of Work section. You marked him as also
9 not meeting standards for this job, right?

10 FLANNIGAN: Yes.

11 TAN: Um, now I'll -- I won't have you read the
12 -- the entire explanation, but this section does explain your
13 reasoning behind that, correct?

14 FLANNIGAN: Yes, it does. I kept track, when I
15 could, of his payments being processed. We'd asked him to
16 complete at least 20 payments a day to catch his budget -- the
17 past due invoices up for his budget, and he was not meeting
18 that.

19 TAN: And now it says in here that his, uh,
20 daily job duties were reduced from 15, uh, to 4, um, to help
21 him, uh, meet this goal of 20 transactions per day. Could you
22 just briefly explain what you mean by that?

23 FLANNIGAN: Um, well, each of the team members
24 help with multiple stuff in the office, like answering the
25 door that -- we have a finance phone line, and helping with

1 travel payments, and just -- there's utility logs that they're
2 supposed to keep for their budget and travel logs that are
3 kept for their budget.

4 TAN: And so, these duties, um, that would
5 usually belong to Mr. Demrow, you assigned these to other
6 people. Is that right?

7 FLANNIGAN: Yes.

8 TAN: Okay. And so other team members were
9 handling duties that Mr. Demrow was supposed to be doing?

10 FLANNIGAN: Yes.

11 TAN: Now, even after reassigning those duties
12 and minimizing some of the other duties that Mr. Demrow had to
13 do, was he able to meet this 20, uh, transaction a day, um,
14 benchmark?

15 FLANNIGAN: No, he wasn't.

16 TAN: Okay. Now, um -- and you have some numbers
17 here, um, on your evaluation. In October of 2021, what was he
18 expected to have, um, completed?

19 FLANNIGAN: Um, it would've been 120 entries in 6
20 days.

21 TAN: And how many did he actually complete?

22 FLANNIGAN: 27.

23 TAN: Now, in November there was a, uh, 16 day
24 period and he was expected to have 320 transactions completed.
25 Is that right?

1 FLANNIGAN: Yes. It was possible to have 320
2 transactions and he did 51.

3 TAN: And then for December of 2020 -- 2021, uh,
4 it looks like he was expected during this 18 and 3/4
5 consecutive days, uh, 375 transactions. Is that right?

6 FLANNIGAN: Yes.

7 TAN: And what did he actually perform?

8 FLANNIGAN: He -- he completed 98 transactions.

9 TAN: Now, in your opinion, um, is 20
10 transactions a day a reasonable and, uh -- a reasonable number
11 to assign to Mr. Demrow?

12 FLANNIGAN: Yes.

13 TAN: Uh, in the next section under Work Habits,
14 again you marked him as does not meet standards. Could you
15 just briefly explain, uh, why you did this?

16 FLANNIGAN: Um, he still doesn't follow the
17 policies and regulations. Um, he requires direction to return
18 to his job duties when he gets distracted. Um, he require --
19 he fails to process payments until they're sent to him a
20 second time, asking him to process them. He didn't want to
21 implement any of the suggestions I showed him to increase his
22 productivity. Um, I took the scanner off my desk to help him
23 not have to get up and go to the copier all the time to scan
24 documents. He refused to use it. And he just -- he didn't
25 wanna organize his work or didn't implement any of the

1 suggestions I offered.

2 TAN: Now, you used some words like, um,
3 distracted. Um, he would distract and disrupt other team
4 members, um, poor use of time. Could you give us some examples
5 of how Mr. Demrow was, uh, distracting or disruptive to other
6 team members?

7 FLANNIGAN: Um, he would like to make up flyers
8 about different facts and post them around the office. Um, one
9 that comes to mind is one concerning Sherlock Holmes.

10 DEMROW: I --

11 FLANNIGAN: Um, he also liked to walk around the
12 office juggling stress balls, going up and down the hallways
13 with those. Um, he frequently was Teams meeting people from
14 other agencies about non-work related issues. Um, he was
15 composing lengthy emails still to team members and blind
16 copying everyone. So, nobody knew who all these emails were
17 being sent to. Those were on the top of my head.

18 TAN: And he was doing all this, uh, disruptive
19 and, uh, distracting activities all while not completing his
20 20 transactions a day. Is that right?

21 FLANNIGAN: Yes.

22 TAN: Let's go to the next section,
23 Relationships with Other Persons. Again, you rated him as does
24 not meet standards. Um, wha --t we have an explanation here.
25 The committee can read it themselves. But if you just give us

1 just a brief overview of why you -- why you gave him that
2 rating.

3 FLANNIGAN: I would frequently have team members
4 coming to me complaining about stuff he was doing during work
5 hours of disrupting them and rude behaviors. Um, he was
6 continuing to use work time for non-work-related activities.
7 And it was causing a lot of resentment in the office that
8 people were covering his job duties and he was not
9 concentrating on his job duties that he still had.

10 TAN: The next section is Taking Action
11 Independently. Um, again, you're rating him as does not meet
12 standards. Could you, um, give us a brief explanation of why
13 you did that?

14 FLANNIGAN: Um, he would frequently email me
15 multiple times a day asking me questions that are covered in
16 trainings that he's had. I'd asked him to take some tr-
17 trainings again. He did not complete that task. Um, he
18 frequently had to be directed to complete job duties. He
19 didn't seem to mind that accounts were -- vendors were not
20 shipping materials and supplies needed by the agency. And he
21 was frequently needed by me and another sup, um -- not -- the
22 person who's not his supervisor, but is in charge of the
23 Southern Homes budget also. And that person was daily having
24 to email him to remind him to process payments to certain
25 vendors that he had sent him previously.

1 TAN: Now, the committee has heard this in the
2 prior grievance, but because of his failure to, uh, complete
3 these transactions, or process these transactions, some
4 accounts were, um -- became past due. Some utilities were
5 frozen or shut off. Is that correct?

6 FLANNIGAN: Uh, we frequently received, um,
7 notices that our services were being suspended, and frequently
8 got notices from the southern home that order -- vendors
9 refused to process orders until we got our payments caught up.

10 TAN: Um, now the next section -- this is NDVS
11 0007. Um, this is Meeting Work Commitments. And again, you
12 rated him as does not meet standards. Could you give us a
13 brief explanation of why you did that?

14 FLANNIGAN: Um, I had reduced his job duties,
15 assigning them to other team members, so that he could work on
16 getting his budget -- past due invoices caught up. And he was
17 not focusing on that job duty. He was still distracting team
18 members and himself. And the status of our accounts were --
19 with vendors was still not improving.

20 TAN: Now the last one here is analyzing
21 situations and materials. Uh, you rated him as does not meet
22 standards. Could you give us a brief explanation for that?

23 FLANNIGAN: Um, a lot of the payments that I
24 needed to reject back to him for corrections were because of
25 simple errors. He wasn't double checking his work. Um, he's --

1 was daily needing guidance and help on processing payments and
2 not using the tools given to him or the resources to correct
3 problems on his own. He wanted constant direction be -- to be
4 given to him.

5 TAN: Now, Mr. Demrow has been working on the,
6 uh -- on the fiscal team at the Department of Veteran Services
7 since 2016. Is that, um -- is that correct?

8 FLANNIGAN: That's my understanding, yes.

9 TAN: Now, if someone who's been working with
10 the agency since 2016, would you expect them to have the
11 knowledge and ability to handle these um, uh, processes on
12 their own?

13 FLANNIGAN: Yes. He's had more trainings than
14 some of his counterparts, and so I would expect him to know a
15 little more of what's required.

16 TAN: And do his counterparts come to you as
17 frequently as Mr. Demrow does?

18 FLANNIGAN: No, they do not.

19 TAN: Um, on this second half of NDVS 0007, uh,
20 you list some goals and objectives there. Do you see that?

21 FLANNIGAN: Yes.

22 TAN: And included in here, um, um, is, again,
23 an instruction to complete 20 payment entries per day,
24 correct?

25 FLANNIGAN: Yes. Yes, it is.

1 TAN: And there was a follow up reeva -- uh,
2 follow up evaluation completed in March of 2022. Is that
3 right?

4 FLANNIGAN: Yes.

5 TAN: Let's turn to that one. This is Exhibit E.
6 Um, this is NDVS 0054. Are you there, Ms. Flannigan?

7 FLANNIGAN: Yes, I am.

8 TAN: Okay. Now what do you recognize Exhibit E,
9 um, to be?

10 FLANNIGAN: This is the evaluation I gave Mr.
11 Demrow on March 11th.

12 TAN: On March 11th, 2022?

13 FLANNIGAN: Yes. Actu -- yeah.

14 TAN: Okay. And this is the follow-up evaluation
15 that you, um, mentioned in the February, um, evaluation,
16 correct?

17 FLANNIGAN: Yes.

18 TAN: And you again marked him as does not meet
19 standards in each of the job elements, right?

20 FLANNIGAN: Yes.

21 TAN: Um, did you see any improvement in any of
22 the job elements, um, listed here?

23 FLANNIGAN: No.

24 TAN: Was he, uh, completing 20 payments per day
25 as -- as instructed?

1 FLANNIGAN: No, he wasn't. I believe his average
2 payments per day came out to 3.17.

3 TAN: Um, you scheduled a, um -- you follow up -
4 - another follow up evaluation for May of, uh -- May of 2022,
5 right?

6 FLANNIGAN: Yes.

7 TAN: Now, let's turn to that. Um, this is
8 Exhibit H, NDVS 0088. And let me know when you're there.

9 FLANNIGAN: I'm there.

10 TAN: Okay. And then, um, Exhibit H, NDVS 0088,
11 this is the May 11th, 2022 evaluation that you did for Mr.
12 Demrow, right?

13 FLANNIGAN: Yes.

14 TAN: And again, you marked him as does not meet
15 standards in each of the job, uh -- uh, job elements, right?

16 FLANNIGAN: Yes.

17 TAN: Now I'm looking at, um, the bottom of NDVS
18 0088, under the Quality of Work section. You do mention here
19 that his error rate did improve from 49% to 34%. Is that
20 correct?

21 FLANNIGAN: Yes, it is.

22 TAN: But that's still far above the 2% that is
23 required of all the Accounting Assistant IIIs, correct?

24 FLANNIGAN: Yes.

25 TAN: In the, uh -- the period that, uh, is

1 covered by the May 11th, 2022 evaluation, um, his average
2 payments per day is 3.68. Is that correct? This is -- I'm
3 looking at NDVS 0089, quantities.

4 FLANNIGAN: Yes.

5 TAN: Okay. Again, this is not the, um -- this
6 is far below the 20 transactions per day that he was
7 instructed to do, correct?

8 FLANNIGAN: Yes, it is.

9 TAN: And were you still having issues with
10 vendors, um, withholding services or having issues because of
11 non-payment?

12 FLANNIGAN: Yes, we did.

13 TAN: And during this time period for the May
14 11th, 2022 evaluation, are you -- you still having other staff
15 assist with Mr. Demrow's other duties?

16 FLANNIGAN: Yes, I was.

17 TAN: In your opinion, Ms. Flannigan, did you
18 give Mr. Demrow an adequate explanation of what he needed to
19 work on?

20 FLANNIGAN: Yes.

21 TAN: Uh, did you give him an adequate
22 opportunity to make those improvements, uh, between those
23 evaluations?

24 FLANNIGAN: Yes.

25 TAN: And in each of those evaluations, you

1 found that he was not able to meet the work performance
2 standards, correct?

3 FLANNIGAN: Correct.

4 TAN: I think that's all I have for you, Ms.
5 Flannigan. Thank you. I'll pass the witness, Chair. Frank
6 Demrow for the record. I-I just -- I'll be real quick. I --
7 when -- when I got that evaluation, do you remember -- and
8 maybe don't, 'cause I know it was a long time ago and covered
9 a lot of different periods. But do you remember how many other
10 people did the job I did. Um, <inaudible>.

11 FLANNIGAN: Which evaluation?

12 DEMROW: The -- the one that this is about. The one
13 that's stated --

14 FLANNIGAN: The first one?

15 DEMROW: Yeah.

16 FLANNIGAN: Okay.

17 DEMROW: How many -- how many people did the job
18 that I did then?

19 FLANNIGAN: 2, 2 others besides you.

20 DEMROW: <inaudible> 2 other people. Um, but, um,
21 one of them was out, right, for that -- for the entire period
22 of my -- that -- that the evaluation covers? They were out of
23 the office?

24 FLANNIGAN: I don't recall.

25 DEMROW: You don't recall? Okay. All right. Um, so

1 is being in one of the -- well, that's -- I-I have no more
2 questions. Thank you.

3 DUPREE: <inaudible> question.

4 GEYER: Sandie Geyer. I just wanted make sure that
5 he had an opportunity to cross.

6 TAN: Thank you.

7 DUPREE: Um, I have a question. Um, if a payment --
8 in the new system, can you look at a payment and tell where it
9 is and who has it? Like, a payment is in process. Can you tell
10 whose desk it's on?

11 FLANNIGAN: Yes.

12 DUPREE: Okay. And these payments were not -- I
13 mean, were -- were they -- they were all on his desk, I'm
14 assuming? Is that what it was?

15 FLANNIGAN: Well, if you -- all this is tracked
16 in a transaction log.

17 DUPREE: Okay.

18 FLANNIGAN: And the transaction log shows the
19 status of every requisition requiring payment.

20 GEYER: Sandie Geyer for the record. Um, I do have
21 a question. I -- actually, I have a couple.

22 FLANNIGAN: Okay.

23 GEYER: So, um, it appears that the last
24 evaluation for Mr. Demrow was in May of 2022?

25 FLANNIGAN: Yes.

1 GEYER: Has Mr. Demrow received any additional
2 evaluations since that date?

3 FLANNIGAN: No, he has not.

4 GEYER: You may or may not know this answer. Um,
5 just outta curiosity, how many times, according to your
6 agency's policies that, um -- that employees can have a do not
7 meets evaluation --

8 FLANNIGAN: I don't know that

9 GEYER: -- in a period of time? Do -- you don't?

10 FLANNIGAN: I don't.

11 GEYER: I didn't -- I wasn't sure if you would,
12 but I assumed you would. Thank you.

13 TAN: Hi, Chair. This is, uh, Gerald Tan for the
14 record. Can I just have a quick follow up?

15 DUPREE: Sure.

16 TAN: Um, Ms. Flannigan, can you turn to NDVS
17 0090?

18 FLANNIGAN: I'm there.

19 TAN: Um, um, under, um, goals and objectives,
20 that last box there, um, can you just read that quickly for
21 the committee?

22 FLANNIGAN: "This concludes your 90 days
23 performance improvement plans since you received your does not
24 meet standards evaluation. The goal was to bring your rating
25 to meet standards during this 90-day period. Unfortunately, we

1 continue to be unsuccessful in this effort. NRS 284.650 calls
2 for disciplinary action or corrective action for incompetence
3 or efficient -- inefficiency in work performance standards.
4 Therefore, this evaluation will be recommended further for
5 review by the appointing authority."

6 TAN: Okay. And is -- is that the reason why
7 there haven't been any evaluations since this May 2022
8 evaluation?

9 FLANNIGAN: Yes.

10 TAN: Okay. And, uh, for Member Geyer, I'll --
11 I'll just explain it. Um, under the regulations, if there's a
12 substandard evaluation, you review at least every 90 days or,
13 um -- or more frequently, until you -- they either meet
14 standards or you decide to impose this and -- which is what
15 happened here, in the latter. And Chair, that's all the, uh,
16 follow up questions that I have.

17 DUPREE: Okay. You already asked your questions of
18 this witness.

19 DEMROW: I have no questions. Frank Demrow for the
20 record, no questions. <inaudible>.

21 DUPREE: Excuse me, sir. Thank you, again.

22 TAN: All right, Chair. Um, I'm ready to call
23 our next witness.

24 DUPREE: Okay.

25 TAN: Um, it's gonna be, uh, Mr. Joe Theile,

1 who's sitting, uh -- sitting by you right now.

2 THEILE: I need to sign in and I swear to tell the
3 truth, the whole truth, and nothing but the truth.

4 DUPREE: Yes, sir. You are still under oath.

5 TAN: Hi, Joe.

6 THEILE: Hi.

7 TAN: Uh, Mr. Theile, could you just, uh, state
8 and spell your name for the record?

9 THEILE: My name is Joseph Theile, J-O-S-E-P-H
10 Thiele, T, as in Tom, H-E-I-L-E.

11 TAN: And Mr. Theile, what's your, um, current
12 job title?

13 THEILE: My current job title is Executive Officer
14 and CFO.

15 TAN: And, um, is -- is it part of your duties
16 to oversee the fiscal team at the Department of Veteran
17 Services?

18 THEILE: I oversee fiscal, HR, and IT.

19 TAN: Now, have you had interactions with Mr.
20 Demrow before?

21 THEILE: Yes.

22 TAN: And are you knowledgeable of his, um --
23 uh, his work performance and, uh, workplace issues and things
24 like that?

25 THEILE: Yes.

1 TAN: Now you -- you've sat through the
2 testimony of Ms. Flannigan. Um, have you read through the
3 evaluations that we are here to talk about today?

4 THEILE: Yes.

5 TAN: Now, do you agree with the conclusions
6 that Ms. Flannigan had, um -- had come to?

7 THEILE: Unfortunately, yes.

8 TAN: Now, could you explain to us the impact,
9 um, that Mr. Demrow's performance has had on the fiscal team,
10 on the agency as a whole, um, or even the state as a whole?

11 THEILE: The impact is across the board. Um, to --
12 to date -- if I'm allowed to say, to date, we're still getting
13 past due notices, the shutoff notices. I could not close our -
14 - that particular account, and it was closed late. Um, when I
15 did close it, I had to close it and order everybody to start
16 paying out of the next fiscal year, because we could not
17 reconcile the amount of volume that he's behind. Um, he -- we-
18 we've tried to coach him. I asked -- I've asked him
19 personally, what do you need? And I've told him it's not in
20 anybody's best interest -- his, anybody on the team's interest
21 for him to fail. And that's not the goal. Um, his other team
22 members are -- have been carrying the -- picking up all these
23 other job duties. And when he was out recently, they're taking
24 on -- had to take on all his jobs. Um, in 3 days, 160 -- they
25 processed 160 payments in that account, on top of doing their

1 own work. They were not --

2 TAN: Any other -- I'm sorry. I'm sorry, go
3 ahead.

4 THEILE: And they -- they were not happy when we
5 had the meeting explaining they were gonna have to do it, but
6 we had to close that -- the fiscal year. The problem with not
7 keeping up, you know, logs and accurate entries in -- in the
8 system for the purchase orders, I could not go in and
9 accurately assess a work program. We need a work program. Do
10 we need a work program? How much money really is there? I can
11 go into Dawn and see how much has been paid, but what's really
12 hanging out? That -- a -- the Accounting Assistants are
13 expected to pre-encumber costs. Right now, in the brand-new
14 fiscal year, you can go in and say, hmm, I've got water bills
15 for the cemetery. And it's -- looks like these are pretty much
16 the averages. Oh, it goes up here. And you can pre-encumber a
17 purchase order for that, which then pull -- pull -- will pull
18 that money out of what's available. And you can adjust when
19 the actual bill comes in, if it's higher or lower, based on
20 that, and then you show it as paid. When that is not done,
21 it's impossible for me to do the job -- and the management
22 analyst to do the job of where are we? What do we really have?
23 Do I need to go to the IFC and ask? And how do I justify it if
24 I don't know? Um, it -- it takes time -- so much time in
25 trying to make sure that you -- you train and then having

1 somebody have to document every -- everything, every day. Mr.
2 Demrow was given task -- a task sheet list saying, put down
3 the task that you have -- you've done every day. And you know,
4 this is gonna be used as a training tool to see where you're
5 effective, not effective. He wrote nonsense on so many of
6 those, and it's so disappointing.

7 TAN: Um, you mentioned interactions with the
8 IFC. What does the IFC stand for?

9 THEILE: Interim Finance Committee. It's made up of
10 members of the -- what they call the money committees, the
11 Senate, uh, Finance and the Assembly Ways and Means. They put,
12 um, members on both of them. They have a chair. And that's for
13 in the interim period of legislature. They can -- they can,
14 uh, um -- they, uh -- they can approve funds out of a
15 contingency account. If you have grants that are over a
16 certain threshold, they have to go before you can accept them.
17 Although, I understand they've always approved the grants, so.
18 If -- in one case, um, we had to do a 15-day work program to
19 close another account because we received more money, um, from
20 the VA, Veterans Administration, than was projected 2 years
21 prior. The budget's built 2 years before it actually becomes
22 into effect and changes will happen.

23 TAN: So, this budget process is -- sounds like
24 a, uh -- a complex process. Would you agree with that?

25 THEILE: Yes, I've been involved in them in the

1 past. This was the first time that I was responsible for the
2 full budget. And going in it and trying to really project
3 those shortfall areas and get those built up was -- the
4 accounts were in such a mess. Uh, there's way too many past
5 due, way too many bills that haven't -- there were some bills
6 in the stack that had been paid. So why is the invoice sitting
7 there? It's very -- it's very confusing. Everybody has to jump
8 in and try to figure it out.

9 TAN: Um, so Mr. Demrow's, uh, shortcoming with
10 his work performance, uh, made your job more difficult in
11 managing the agency's finances and things like that.

12 THEILE: It made Ms. Flannigan's job more
13 difficult, mine, which then affects the -- the Governor's
14 Finance Office and our liaisons in that office. Because what I
15 can't -- if I get it wrong, they're trying to fix it. And
16 that's something I-I don't want to have happen. The -- the --
17 his, uh, counterparts are doing more work. Um, it impacts us
18 being able to pay bills, get the items we need, um, and -- and
19 -- yeah. Well, if we're talking -- and I would just want to --
20 you -- you -- I don't know if you want me to bring you fully
21 current of, you know -- on it all, but, um, he was in the
22 Advantage System, which is our state payment system, and it
23 shows that he put his approval on an RXQ. It was not in his
24 account. And when purchasing called the vendor, the vendor
25 said it's not even shipping until after the -- the, you know -

1 - later, a period. He denies that he did it. However, the --
2 I've never -- and we confirmed with the controller's office
3 that it's him 100%. The only other scenario is that he
4 breached his duty to keep his password login in a secure
5 manner, which then is also a breach of policies, prohibitions.
6 And we have a fiduciary responsibility to every person in this
7 state to be accurate, to be truthful, and honest.

8 TAN: In that -- in that instance that you just
9 described, it -- is that an example of, uh, Mr. Demrow not
10 following agency, uh, procedures and protocols?

11 THEILE: Uh, it's -- it-it's not following agency
12 or state. Um, when you get access to the Advantage System, you
13 sign off that, you know, it's a, um -- a testament basically
14 that, you know, you -- you're gonna do -- you're not going to
15 falsify records like that.

16 TAN: I think you, um, alluded to this earlier
17 that, um -- are there certain accounts that are assigned to
18 certain Accounting Assistants on the fiscal team?

19 THEILE: Yes.

20 TAN: Is there anyone else on the fiscal team
21 who is needing the amount of assistance that Mr. Demrow is, um
22 -- is requiring?

23 THEILE: No. And the newer Accounting Assistants
24 that have come in, were not former state employees and are
25 picking up on things greatly. They're making mistakes.

1 Everybody does in the beginning, especially when you're
2 starting with the state. But I would not allow him to do the
3 training of, uh -- of the new, you know -- first new person
4 that came in because he is not meeting his work performance
5 standards. He is not following policies, procedures. I don't -
6 - I-I need somebody to be trained correctly. That was handed
7 off to a contract employee that we had -- had hired in that
8 position at that time, since made permanent, um, which was
9 another Accounting Assistant. And, you know, it doesn't make
10 anybody happy to be here today.

11 TAN: Based on your review of these evaluations
12 that, uh, Mr. Demrow had received, do you believe that Mr.
13 Demrow was given adequate notice of, uh, the areas that he
14 needed improvement on?

15 THEILE: Yes. And by far he had the chance to
16 complete his trainings, for example, Advantage
17 Recertification, which is key for his position. And he didn't
18 do it until I sent him an email saying you will get it done by
19 such date. He thanked me for actually -- him taking the class.
20 After doing that class though, he was asked to do a J -- a,
21 um, JV, a journal voucher, which is a lot of times, too. It's
22 put money in the right account that was in the wrong space,
23 um, or reverse something, all covered in Advantage, which he
24 has signed off that he's had that training. He understands
25 that training. He ended up -- instead of -- what I would've

1 done is -- is gone and looked at the invoices that we have. I
2 would've looked at a past JV, if I wasn't famil -- as
3 familiar. I would've opened the Advantage book. But he found
4 his way in SharePoint to another agency and into all their
5 materials, which I don't know how long that took, but it was
6 not helpful. And then he apologized for, oh, I didn't mean to
7 get there. It's a systemic problem. I wish it wasn't.

8 TAN: Now, do you feel like, uh, Mr. Demrow has
9 given -- been given adequate opportunity to improve his work
10 performance?

11 THEILE: At every turn, yes.

12 TAN: And his issues -- his work performance
13 issues, um, continue still to this day. Is that right?

14 THEILE: Yes, they do.

15 TAN: I think that's all the questions I have
16 for you, Mr. Theile. I'll pass the witness, Chair.

17 THEILE: Thank you.

18 DEMROW: Um, Frank Demrow for the record. I have no
19 questions for this witness.

20 DUPREE: Okay.

21 TAN: Um, and we have, uh, no other witnesses
22 for the state, Your Honor. This is DAG Tan.

23 DUPREE: All right, so, uh, <inaudible> closing --
24 closing statements, Mr. Demrow?

25 DEMROW: Very good. I'll keep it real short and

1 simple. I -- I have a bachelor's degree from the University of
2 Nevada, Reno in finance. I -- my whole life, I've never had
3 any problems with any job I've ever had. I've always excelled
4 at everything I've ever done. This is a very surreal and
5 bizarre, uh, situation where everything I do is wrong, and I
6 don't understand it. I don't get it. I don't know why it's
7 like this. And I've done a lot of research and I discovered
8 the thing that I mentioned earlier about, uh, the mobbing. Um,
9 and that's the only thing I can attribute to this too. I know
10 they have a very different narrative and a very different
11 perspective. And, uh, that's all I have say about it, so.

12 DUPREE: Okay, thank you.

13 TAN: Hi, this is, uh, DAG Tan again. Um, and I
14 thank the committee for the time for the hearing today, I-I-I
15 think it's quite telling that after all of the evidence that
16 we've seen today and the testimony that we've heard, that Mr.
17 Demrow still sees himself as the sole victim of -- of what --
18 what is transpiring. But I think what Mr. Theile has pointed
19 out, um, and what's been clear from, uh, this pattern that we
20 -- we see in the evaluations, um, his performance issues
21 really do reverberate throughout the state. Um, and they cause
22 really serious issues with the agency, um, and that really
23 spills over to other agencies as well. Overall, these are
24 evaluations that were proper. They were done by the book. They
25 were based in fact. Um, they were based on work performance

1 standards that were, um, agreed to, signed off on. They were
2 communicated to Mr. Dmerow. Uh, and we saw that -- that's
3 Exhibit A. Um, he signed off on his work performance
4 standards. And, um, they are based on very specific and
5 serious issues, um, and a pattern of issues with Mr. Demrow.
6 Um, we have not seen any credible evidence today to rebut any
7 of the conclusions in the evaluations. Um, and still to this
8 day, he's having issues with each of these job elements. Um,
9 because these evaluations were proper, because there's no, um,
10 evidence to rebut them because Mr. Demrow hasn't met his
11 burden, uh, we ask that the, uh, grievance be denied and that
12 these evaluations stand, um, as written.

13 DUPREE: Is that, um <inaudible> open the committee
14 for discussion about his grievance. Anybody -- anybody wanna
15 start?

16 GEYER: Sandie Geyer for the record. Uh, I think
17 that in light of the information that the state has provided,
18 which appears to be pretty extensive, in providing opportunity
19 for the grievant to improve, putting items in place, tools in
20 place, uh, mentoring, guidance, that type of thing, I-I-I
21 think that, for the grievant, it is a misstep on his part that
22 he hasn't taken advantage of the things that the state has
23 offered, that the agency has offered, that the supervisor has
24 offered. Uh, therefore, in my opinion, I believe that the
25 grievance should be denied, that the evaluations stand on

1 their own merits at this point in time.

2 DUPREE: Anybody else want to add to that? Uh, I'd
3 like to say I concur with Member Geyer. Uh, I know there's an
4 old adage about not being able to see the forest for the
5 trees. And Mr. Demrow, you may not be able to see it 'cause
6 it's -- the situation is very important to you and you're
7 close to it, but your agency, whether you see it or not, has
8 done everything it can to try to help you. Whether you see it
9 as that or not, that's what's going on from the 50-foot view.
10 And, um, it would be better to avail yourself -- avail
11 yourself of that <inaudible>. But I concur with Member Geyer.
12 Can we get a motion on this <inaudible>

13 RUSSELL: Turessa Russell for the record.

14 DUPREE: Yes, Member Russell?

15 RUSSELL: I motion that we deny grievance 8887 for
16 grievant Frank Demrow has failed to show cause for any changes
17 or removal of the evaluations in this grievance.

18 DUPREE: Okay. Chair Dupree for the record. I'll
19 second that motion. All in favor say aye.

20 MULTIPLE: Aye.

21 DUPREE: Okay. Motion carries unanimously. This
22 grievance is denied. Mr. Demrow, you will receive a written
23 determination within 45 days.

24 TAN: Thank you for your time.

25 UNIDENTIFIED: Thank you.

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*** END OF MEETING ***

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STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
MEETING TRANSCRIPT
SEPTEMBER 22, 2022

DUPREE:: So, since 8232 is already agreed -- the grievant and the agency made an agreement before we got here, uh, that brings us to public comment. There is no more public in the north. Are there any in -- is any member of the public present in the south?

UNIDENTIFIED: We have no public in the south anymore.

DUPREE: Hearing none, uh, barring any objection, the Chair would like to adjourn this meeting. Hearing no objections, we are adjourned in this matter at 2:30 exactly, um.

UNIDENTIFIED: Thank you.

DUPREE: Thank you all.

WEISS: Thanks guys.

*** END OF MEETING ***