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STATE OF NEVADA  
EMPLOYEE-MANAGEMENT COMMITTEE  
MEETING TRANSCRIPT  
SEPTEMBER 8, 2022

SCOTT: You guys get to see my secret? I have grab  
(inaudible). Uh-oh. You're sitting behind.

GEYER: Okay. I'm ready.

SCOTT: Are you ready?

GEYER: Yes.

SCOTT: Hey Todd, is everybody down there?

WEISS: Yes, we are. We're waiting for, uh, Irene  
has left room to go get Monique. Um, all right. And we're  
good.

GEYER: Perfect. Madam Chair is ready as well.

PARKER: Awesome. Okay, we're gonna call to order  
Thur -- uh, the EMC meeting, Employee Management Committee  
meeting this Thursday, August 8th, 2022.

WEISS: September.

PARKER: Huh?

WEISS: September 8th.

PARKER: September. I'm sorry.

GEYER: I don't wanna do August over.

PARKER: Oh my gosh. September 8, 2022. It is  
9:40 a.m. Thank you, everyone for being patient as we work

1 through these issue. These, uh, technical issues. Uh, we are  
2 in, uh, two different locations. Nevada State Library and  
3 Archives in Carson City in the Grant Sawyer building in Las  
4 Vegas. Sites are connected by video conference now and, um,  
5 microphones and cameras. Um, just make sure that we talk into  
6 the cameras and, um, uh, just real quick evacuations in Carson  
7 City. We'll follow staff out either to the front of the  
8 building or into the quad, depending on what the issue is in  
9 case of an emergency in Las Vegas. Ivory are, uh, or can  
10 somebody.

11           WRIGHT:           We -- we just would go straight back out  
12 the door, we came in and turn left and go all the way down the  
13 hall and go outside into the parking lot.

14           PARKER:           Okay. Thank you so much. Um --

15           WRIGHT:           You're welcome.

16           PARKER:           -- and we're gonna go ahead and open up  
17 with public comment here, September 8th. Public comment, um,  
18 no vote or action may be taken upon a matter raised during  
19 public comment until the matter itself has been specifically  
20 included on an agenda as an item upon which action may be  
21 taken. Comments will be limited to five minutes per person,  
22 and persons commenting will be asked to begin by stating their  
23 name for the record. Do we have public comment in Southern  
24 Nevada in Las Vegas?

25           WRIGHT:           We do not.

1 PARKER: Okay. And then we'll move up to Northern  
2 Nevada.

3 ANDERSON: Good morning, uh, Madam Chair and  
4 committee members. For the record, Kristen Anderson,  
5 supervisory personal analyst for DHRM overseeing consultation  
6 and accountability is my pleasure. Finally, to formally  
7 introduce, uh, the consultation and accountabilities and  
8 administrative assistant three, who has the task of being the  
9 EMC coordinator. Um, Roxanne Hardy. Um, she comes, uh, as  
10 she continues to complete her training with the ultimate  
11 subject matter expert Nora Johnson. Um, uh, I would just like  
12 to remind committee to, um, if you can send any and all  
13 correspondence to the EMC coordinator email address during  
14 this training period, and try not to do one-offs to either  
15 Nora or to Roxanne, if you can. That way they're both seeing  
16 the email at the same time. Um, I truly appreciate Nora for  
17 all of her knowledge, um, and her patience while we were  
18 trying to fill the position. And I hope it stays filled for a  
19 very, very, very long time. Thank you for your time. Sorry  
20 for the inconvenience this morning.

21 PARKER: No, thank you. Thank you. And we welcome  
22 Roxanne.

23 HARDY: Thank you.

24 PARKER: Okay. Then we'll go ahead and start with  
25 committee introductions. Um, and we'll start in Las Vegas.

1 SCOTT: Mary Jo Scott with the OPM. March 21  
2 Human Resource Manager.

3 RUSSELL: Teresa Russell University, Nevada Las  
4 Vegas.

5 WEISS: Todd Weiss, Deputy Attorney General.

6 PARKER: Thanks. And we'll come up North. Member  
7 Geyer.

8 GEYER: Uh, Sandy Geyer, uh, attorney General's  
9 office.

10 MERRILL: Michelle Merrill Deter Vocational  
11 Rehabilitation.

12 DUPREE: Tracy Dupree, Deter, uh, employment  
13 Security.

14 PARKER: Stephanie Parker, uh, office of the  
15 Attorney, general and Chair. Okay. All righty. And staff  
16 has been introduced already, but, um, did you say your name  
17 for the record?

18 HARDY: Mm-hm.

19 PARKER: Okay, awesome. And then, um, Nora is  
20 still your room. It is still, uh, getting us set up and --  
21 and finalized in this room. So, um, we're gonna go ahead and  
22 move on to adoption of the agenda.

23 DUPREE: Madam Chair for the record. Tracy Dupree,  
24 I move for the adoption of the agenda.

25 PARKER: Got a motion. Do we have a second?

1           RUSSELL:           Teresa Russell. I'll second.

2           PARKER:           Any discussion? All those in favor?

3           WEISS:            Aye.

4           PARKER:            Aye.

5           GEYER:            Aye.

6           RUSSELL:           Aye.

7           PARKER:           Any opposed? So moved. Um, first on the  
8 agenda is, um, let's see. First I'm gonna do a little ex --  
9 explanation of the Grievance process before I move on. What  
10 we're gonna do is, um, we'll call the Grievance. We'll do,  
11 um, the swearing in. We'll ask if there's any opposition to  
12 the packets that have been submitted. Then the Grievance will  
13 present, uh, opening, uh, statement, uh, then the agency  
14 representative opening statement, then presentation of the  
15 case by the employee presentation of the case by the agency.  
16 Then closing statement by the employee and closing statement  
17 by the agency. Um, at the conclusion of each grievance, the  
18 committee will deliberate, take about 45, or, uh, take a  
19 little bit of time, um, and make a decision. Decisions will  
20 be provided within 45 days upon completion of the hearing  
21 today. Um, everyone is instructed that you're not -- the only  
22 persons that you can contact would be EMC staff. So, um, that  
23 would mean no members of the -- the committee. Um, so, um,  
24 let's see here. Okay, so first on the list is Annette Gatlin.  
25 Uh, I hope I said that right. Uh, Grievance number 7948 is

1 Annette Gatlin. Oh, she's not available. And I did receive  
2 this communication, um, this morning, and the Grievant had a  
3 family emergency came up. And so I'm actually gonna defer to  
4 you, Todd, on this one. Um, for our DAG, um, she's not able  
5 to, uh, attend due to this emergency. She says she knows this  
6 may affect the outcome, but unfortunately she has no other  
7 options. She's requesting that it -- the Department of Public  
8 and Behavioral Health representatives still be heard on this  
9 matter. Um, her hope is to help verbiage and NAC 284.182  
10 update be updated to make it clear for state employees who  
11 choose to take a voluntary demotion in light of the Grievant  
12 not being here, um, I can't swear anybody in. Um, and so I  
13 don't know if we want to, um, in light of the emergency move  
14 this to be rescheduled.

15 WEISS: That's at your discretion, Madam Chair. I  
16 mean, typically, I mean, continuance requests have to be made  
17 a certain number of days before the hearing. But you know, I  
18 mean, emergencies come up. There's not -- there's not really  
19 a mechanism for -- for dealing with an emergency on the day of  
20 the hearing. So if your -- your discretion, if you would like  
21 to push this back to a different agenda calendar, we can do  
22 that.

23 PARKER: Okay. Is the agency here? Oh, uh, I --  
24 the chair does recognize you 'cause I think you're here from  
25 the agency.

1 GATLIN: Yes.

2 PARKER: Okay.

3 GATLIN: Um, for the record, my name's Annette  
4 Gatlin, HR, uh, officer for TPBH. Um, this is kind of an  
5 interesting grievance 'cause we are not on opposite sides.  
6 Um, we -- we agree that the, uh, regulation, um, is -- it's  
7 clear in what it says, but it's inconsistent in the fact that  
8 an employee who promote, or, um, yeah who promotes and fails  
9 to attain permanent status when reverted is restored whole to  
10 that prior position, including pay progression date, an  
11 employee who promotes, and I'm sorry.

12 PARKER: Well, I would just say I -- and forgive me  
13 for doing this, but I -- I think you're pleading a case. Uh,  
14 would you have an issue if this was pushed to another date?  
15 Because without the Grievance, the person who was wrong --

16 GATLIN: I do have an issue just because we're  
17 busy. We -- it's a lot of time that we took to be here and we  
18 agree with the employee. So we're not -- anything that's  
19 decided we're all gonna just go with because we're -- we're  
20 not opposed. It's not opposite sides, if that makes sense.

21 WEISS: Would the agents be open to mediating with  
22 the, since there's not really a disagreement?

23 GATLIN: Um, no, because there's nothing we can do.  
24 The regulation says what it says, it's been interpreted by  
25 DHRM to be applied the way it was applied. But we all

1 disagree with the REG. We, we don't think that it's -- it's  
2 fair how the REG is written. Um, so we would happily, uh,  
3 give her what she wants in her grievance, but we can't.

4 PARKER: So I don't wanna make any interpretations,  
5 but I don't think this body has the ability or the authority  
6 to change regulations. And I think that's a different venue.

7 WEISS: No, you're correct, Madam Chair. We don't  
8 -- we don't have that authority even if we heard it. So, um  
9 --

10 DUPREE: I think it'd be more for the personnel  
11 commission that's Tracy Dupree for the record. But that's  
12 sounds like personal commission to me.

13 GATLIN: It would be nice if a body like this could  
14 make a recommendation to those that have the power to propose  
15 those changes do so, I mean --

16 JOHNSON: Nora --

17 GATLIN: -- that would be, go ahead.

18 JOHNSON: Sorry Nora Johnson for the record. Um, an  
19 agency or an employee can actually make the request for a  
20 regulation review to go through the pre and post adoption  
21 process and go to the PC and I would happily send you all the  
22 information and as well as Ms. Gatlin the information to maybe  
23 make that suggestion to the administration.

24 PARKER: Yeah.

25 GATLIN: That'd be great if I had that time.

1           JOHNSON:           I know -- I know in your free time.

2           GATLIN:            Yes.

3           JOHNSON:           But I can, again --

4           GATLIN:            I'll get right on that.

5           JOHNSON:           It can be employee or agency.

6           GATLIN:            Sure.

7           JOHNSON:           Ms. Gatlin can make that recommendation as  
8 well.

9           PARKER:            Yeah. Unfortunately our hands are tied if  
10 there's not a Grievance present. And the only other  
11 alternative we would have is to push this out to another date.

12          GATLIN:            Well, I would propose that you -- that it  
13 not be heard. I mean, I don't see that -- we don't see any  
14 need to come again.

15          GEYER:            Madam Chair, Sandy Geyer for the record.  
16 Um, I agree with, uh, Nora Johnson, that that is your correct  
17 venue, that you will need to go through personnel commission.  
18 Uh, it's a fairly streamlined process, if you will. Um, it --  
19 it does -- it will take a little bit of time and it will not  
20 be something that will be done overnight. Um, but it is --  
21 that is the process. If -- if the intent is that you want to  
22 have somebody with some type of authority, take a look at this  
23 regulation. Um, and I -- and I think that, um, because as I  
24 had read it as well, um, I think that there is -- it can be a  
25 little bit questionable. Um, but I -- I think that it can

1 also be defined a little bit better. So, um, I -- I don't see  
2 the harm in moving forward on your part. Should you want to  
3 see if, you know, you can have a positive impact in, um,  
4 providing some additional language that you feel is though a  
5 little bit more on the layman terms.

6 PARKER: Thanks for clarification. Okay. All  
7 right. So do we need a motion for that? Yes. So, um, I  
8 think what we're proposing is that we have decided that this  
9 is not the proper venue and in light of the employee not being  
10 here, we are advising the agency. Are you making a motion?  
11 No. 'Cause I'm the chair. I'm helping somebody though.  
12 Okay. Um, advise the agency and we'll, um, also notify the  
13 employee the proper venue for this, um, issue.

14 DUPREE: Madam Chair, Tracy Dupree for the record,  
15 I move that we advise the agreement and the agency to, um, go  
16 forward with the process of resolving this issue to the  
17 personnel commission as they're the proper venue to handle it.

18 GEYER: Madam Chair, Sandy Geyer for the record,  
19 also to amend a little bit of, um, uh, Tracy's, uh, motion  
20 that, uh, as previously stated, Nora Johnson will provide  
21 information with regards to how the process for the personnel  
22 commission, um, is worked on how to, um, go ahead and move  
23 forward with, uh, as a team that -- that maybe you can move  
24 forward in -- in trying to get, uh, a little bit clearer  
25 language with regards to NAC 284.182.

1 DUPREE: What she said, I want that letter.

2 PARKER: So you accept her amendment?

3 DUPREE: I do. Absolutely.

4 PARKER: Uh, so we have, uh, an amended motion. Do  
5 we have a second?

6 MERRILL: Michelle Merrill for the record. I'll  
7 second.

8 WEISS: Chair -- Chair Parker, put that written  
9 down and repeat it. That was kind of a long one.

10 PARKER: Of course. He wants to -- he wants  
11 somebody to put it in writing and then kinda re -- re --  
12 reread it.

13 GEYER: Okay.

14 WEISS: Stand by.

15 PARKER: Stand by. Roxanne, do you have that?

16 WEISS: Chair Parker. The other thing is -- is  
17 the -- the included in the motion would've to be a denial of  
18 the Grievance.

19 PARKER: Oh, okay. Thank you. Okay.

20 DUPREE: Start out with, I move that we deny this  
21 grievance as this is on the proper venue and instruction. And  
22 instruct Nora Johnson.

23 PARKER: What?

24 DUPREE: Instruct staff, sorry, instructs staff to  
25 provide the Grievance and Grievance in the agency with inform

1 as to how to bring this before the personal information.

2 LISA: May I ask? I'm sorry, Lisa (inaudible),  
3 is that a directive that we have to go to the personnel  
4 commission now or?

5 PARKER: It -- what we're doing is we're -- we're  
6 denying the grievance here for this body. The recommendation  
7 will be made that to pursue resolution of clarifying that  
8 language would need to go through the personnel commission.

9 LISA: But not --

10 PARKER: So that you'll get a letter, or the  
11 agreement will get a letter on that. So, and the agency.

12 JOHNSON: Yeah. Everyone, Nora Johnson for the  
13 record, everyone will proceed a copy of decision.

14 PARKER: Okay.

15 GEYER: Madam Chair, Sandy Geyer for the record,  
16 um, I propose this amended motion that in, uh, where, uh,  
17 Tracy, uh, Dupree has, um, made his first motion denying the  
18 Grievance and ask EMC staff to, uh, provide the Grievance and  
19 the agency reps as to how to contact the personnel commission  
20 for the consideration of the proposed language to NAC 284.182,  
21 should the parties choose to pursue the appropriate, uh -- uh,  
22 venue going forward.

23 PARKER: Is that any better, Todd? Or do you want  
24 me to do something else?

25 WEISS: I -- I mean, I think we just keep -- keep

1 it a little more simple. Um, I, you know, I -- I mean, I -- I  
2 can't propose the language myself, but I understand that, um,  
3 you know, recommend that the -- the parties, um --

4 LISA: Find the appropriate venue.

5 WEISS: Yeah. Find the appropriate venue through  
6 the personnel commission to --

7 PARKER: Yeah.

8 WEISS: -- change the -- change the law or the --  
9 the regulation. I don't know. I -- I just, I think she could  
10 be looking at me a little more simple than that. This -- this  
11 is kind of wordy and it doesn't, it gets confusing.

12 JOHNSON: Nora Johnson for the record, um, DAG  
13 Weiss, you can correct me if I'm wrong. We do, again, we  
14 can't compose language as we are staffed. We do have the  
15 template letters that go out, which are a very basic but  
16 concise, um, move to deny the Grievance based on lack of  
17 jurisdiction with the recommendations that the agency, um,  
18 with the recommendation that the agency research pre and post  
19 adoption venue with the PC.

20 PARKER: Perfect.

21 JOHNSON: Uh, something along those things.

22 PARKER: Okay.

23 WEISS: Agreement or both?

24 JOHNSON: It can be either one. The agency or  
25 agreement, both parties can request for review through the

1 personnel commission process.

2 WEISS: Well -- well done. I like that.

3 GEYER: Madam Chair. Sandy Geyer for the record.  
4 I agree with Nora Johnson. That language sounds more  
5 appropriate for us going forward.

6 PARKER: Okay.

7 WEISS: Sounds good to me. Thank you. All right.  
8 Do we have a second?

9 WEISS: I'll second it if I can. I'll second it.

10 PARKER: No, Merrill. Uh, Michelle you seconded it  
11 already. I'm sorry. It was -- it's already been seconded.  
12 Do you second with the rewording?

13 MERRILL: Yes. Michelle Merrill for the record. I  
14 second the rewording.

15 PARKER: All those in favor or any discussion? All  
16 those in favor?

17 MULTIPLE: Aye.

18 PARKER: Any opposed? It passes. Next on the  
19 agenda. And -- and you guys don't have to stay here 'cause I  
20 know you're busy. Thank you. And thank you for your  
21 patience. Thank you again for your patience. Next on the  
22 agenda is adjustment of Grievance of Stephanie Cantor. Number  
23 8346 is the Grievance present. Okay. Without agreement we  
24 don't have a hearing.

25 WEISS: Without agreement. We don't have a

1 Grievance.

2 PARKER: Right. So --

3 JOHNSON: Uh, Nora Johnson, for the record, again,  
4 we do have a template, uh, for an employee who does not show  
5 up to a hearing, which is basically moved to deny the  
6 Grievance. Um --

7 PARKER: But we have to make the motion too.

8 JOHNSON: Right. But, uh, what I'm saying is,  
9 without in inserting language into anybody's mouth, we do have  
10 a template language for a no-show.

11 WEISS: I move that we deny this grievance using  
12 the template of no-show language.

13 RUSSELL: Teresa Russell.

14 PARKER: I was just gonna say. Um, but -- but why  
15 are we denying it? Because of the no-show?

16 WEISS: Because of the no-show.

17 PARKER: Okay.

18 WEISS: Because the client, uh, the grievance has  
19 not shown for there.

20 RUSSELL: Teresa Russell. I second.

21 PARKER: I have a motion. I have a second. Any  
22 discussion? All those in favor?

23 MULTIPLE: Aye.

24 PARKER: Any opposed?

25 WEISS: Aye.

1 PARKER: Passed. Okay. Moving on to item number  
2 eight, discussion and possible action related to grievance  
3 number 8964. Jason Jones, Department of Wildlife. Is the  
4 Grievance present? Oh, go ahead.

5 JOHNSON: Madam Chair.

6 PARKER: I'm sorry.

7 JOHNSON: This isn't -- isn't Taylor policy, isn't  
8 it?

9 PARKER: Oh, I'm sorry. Did I miss one first? Oh,  
10 I checked the wrong one. Sorry. Uh, going back. Um,  
11 correction next on the agenda number seven, discussion of  
12 possible action related to Grievance number 8648. Taylor  
13 Pappas, Department of Public Safety. Uh, the Grievance  
14 present. Okay. Hearing none. Do we have a motion?

15 RUSSELL: Um --

16 PARKER: Oh.

17 RUSSELL: Madam chair for the record.

18 PARKER: Oh, wait, never mind. I'm sorry. We're  
19 deciding whether or not we're hearing it. Yeah, sorry --  
20 sorry -- sorry -- sorry. Thank you. Okay. Um, so let's talk  
21 about this one. Taylor. I was trying to get us outta here,  
22 huh? Let's see. So compensation, personal conflict.

23 WEISS: A Grievance doesn't need to be present for  
24 this one.

25 PARKER: No, they don't.

1 MERRILL: Okay. So this is, uh, issue, Michelle  
2 Merrill for the record. This is an issue of an individual who  
3 didn't get a job. They applied for going through the process  
4 and feeling that they are entitled to the year's compensation  
5 for working out of class. Correct?

6 WEISS: That's how I read it.

7 PARKER: Correct.

8 MERRILL: That's how I read it too.

9 WEISS: Yeah.

10 PARKER: And there's a -- yep letter. There's a  
11 letter that was pretty impactful, um, from Tom Lawson, the  
12 chief, that pretty much goes through everything about this  
13 addressing each point.

14 PARKER: So you think we go ahead and move this to  
15 hearing? That's what we're gonna make a determination.

16 MERRILL: Do we have the authority to grant a  
17 year's? Well, it would be a five -- it would be a five  
18 percent for working out a class.

19 PARKER: But here's the thing. We don't decide if  
20 we're gonna go to a hearing based on what we can give.

21 WEISS: Right. Yeah.

22 MERRILL: I'm asking do we have the jurisdiction.

23 PARKER: Well, what I'm saying is -- is that --

24 WEISS: Get back to thinking that this is a  
25 personnel commission jurisdiction, I think that's, yes.

1 MERRILL: No, it's not personnel commission, I don't  
2 believe, but I do believe that, um, we do have the authority.

3 JOHNSON: That's what I was saying. Do we have the  
4 authority to do that?

5 MERRILL: We do have the authority to -- to hear it.

6 WEISS: Okay.

7 JOHNSON: And then we do have the authority to -- to  
8 make the recommendation that the agency go back and, um, and  
9 compensate for an individual working in our class if that's  
10 what we found. If -- if that ends up being the, uh, the  
11 decision of the body.

12 MERRILL: Okay. So I mean, if that's the question  
13 at hand is do we have the authority to hear that being that  
14 that's the issue.

15 PARKER: Right. Is it a Grievance and do we have  
16 the authority? Yeah, exactly. In Las Vegas, you guys have  
17 any comments?

18 RUSSELL: Teresa Russell, for the record. I think  
19 we've heard these issues before and we have acted on them.

20 MERRILL: So it sounds like if the answer is whether  
21 or not we have jurisdiction.

22 PARKER: Yeah.

23 MERRILL: Sounds like we do.

24 WEISS: We do. And should we then hear it?

25 PARKER: Yes.

1 WEISS: Because it is spirit and I think we move  
2 forward with it.

3 PARKER: Okay. Do we have a motion?

4 RUSSELL: Teresa Russell for the record?

5 PARKER: Yes.

6 RUSSELL: I move that we -- I motion that we move  
7 grievance 8648 for Taylor Pappas forward for a full hearing.

8 PARKER: Okay. We got a motion. Do we have a  
9 second?

10 DUPREE: Tracy Dupree for the record. I'll second  
11 it.

12 PARKER: Any discussion? All those in favor?

13 MULTIPLE: Aye.

14 PARKER: Any opposed?

15 GEYER: Aye.

16 PARKER: Any opposed? Moves forward. Awesome. Now  
17 we will move on to item number eight, discussion and possible  
18 action related to grievance number 8964, Jason Jones,  
19 Department of Wildlife.

20 DUPREE: Maybe I missed it on this one, but what  
21 does Mr. Jones want us to do? He cannot bring the things back  
22 and we don't have any regulation as to any, and I think  
23 everybody would agree that this is not the department rental  
24 life's fine power, but beyond that, I don't know what we as a  
25 body can do about that.

1 PARKER: So he's -- yeah. Um, he's claiming  
2 working conditions and, uh --

3 MERRILL: Prior to reputation

4 PARKER: Yeah.

5 MERRILL: Professional reputation.

6 PARKER: Mm-hm. Work duties. And I would just  
7 throw out again, even though we can't give what they may be  
8 asking for, doesn't mean that.

9 DUPREE: Yeah. We --

10 PARKER: We don't.

11 DUPREE: We can hear his complaints. We may not be  
12 able to give him any -- any relief on it 'cause --

13 PARKER: Mm-hm.

14 DUPREE: -- we can't exactly bring the snake back  
15 and under harm reputation, because that means he's out of the  
16 bottle. But that doesn't mean we don't need to do a hearing  
17 on it. Please don't make -- don't let him make mistakes. But  
18 that's --

19 PARKER: I know.

20 RUSSELL: Okay. Well, I think part of -- part of  
21 what I read in here too was that, um, he had already made  
22 provisions for these snakes to be, um, housed at a different  
23 place. Something exactly recommended. And so I think that my  
24 question, um, kind of was more or less well then what became  
25 the urgency that while he was on annual leave, that they

1 decided that to euthanize the animals with already having a  
2 plan in place of relocating them.

3 PARKER: And they were in proper care while he was  
4 gone.

5 RUSSELL: They were, and -- and -- and -- and I, uh,  
6 I have to, um, I -- I do have concerns about, uh, harm for  
7 somebody's reputation, especially when it comes --

8 DUPREE: In a small field. Like he works in, you  
9 need --

10 RUSSELL: Exactly.

11 DUPREE: Yeah.

12 RUSSELL: Exactly. But, but I do think that the  
13 agency should be given the opportunity to, um, you know,  
14 provide their -- provide their viewpoint as to what, what  
15 exactly took place. You know? Um, there was a lot of material  
16 that was supplied with this grievance.

17 DUPREE: Oh, yeah.

18 RUSSELL: And, um, while I haven't gotten through  
19 all of it, I got through a lot of it.

20 DUPREE: Yes.

21 RUSSELL: And -- and I was, um, you know, I -- I --  
22 I think that overall, uh, endow does a great job of -- of  
23 managing our wildlife. Um, I think that, you know, perhaps  
24 this was just one of those situations that, um, that for  
25 whatever reason was handled differently than perhaps maybe

1 some of their other policy and procedures. But again, I do  
2 think that, um, and -- and you know, I mean, it may come down  
3 to, by the time that we're able to hear this, maybe they will  
4 have an opportunity to maybe work something out, um, amongst  
5 themselves with regards to this. But, um, if you look at the  
6 second page of the original Grievance, there is proposed  
7 resolution that he's asking for, um, adherence to NRS and  
8 policy and procedure moving forward to not inhumanely  
9 euthanize animals.

10 PARKER: Mm-hm.

11 RUSSELL: To train the necessary biologists inhumane  
12 methods for euthanasia.

13 PARKER: Mm-hm.

14 RUSSELL: Follow the decision tree outlined in  
15 policy and procedure to make decisions about this at a  
16 regional level. Train division chiefs in policy and procedure  
17 and NRS. And that seems to be what he's asking for.

18 PARKER: So, yeah. So he's -- he's -- he's cited  
19 by --

20 RUSSELL: Right.

21 PARKER: -- what violations were made. So it  
22 sounds like he has a valid claim.

23 RUSSELL: Those are things that can be granted.

24 PARKER: Sure. So those are reasonable asks found  
25 to be. Um, and again, we don't wanna look at whether or not

1 what they're asking for is reasonable, but do they have a -- a  
2 claim? Have they violated a policy? And then should we hear  
3 it? They do.

4 RUSSELL: Yeah. And don't we have to ask whether or  
5 not the thing that they're asking for is something that we  
6 even have jurisdiction to agree.

7 PARKER: Jurisdiction with?

8 RUSSELL: Yes. Right. And we do.

9 DUPREE: Yeah.

10 PARKER: Yeah. Yep. I agree.

11 DUPREE: No question.

12 PARKER: Uh, go ahead, Todd.

13 WEISS: I -- Chair Parker. It is highly  
14 questionable whether this even qualifies as a grievance  
15 because of the, what we -- what we have the jurisdiction look  
16 at are adverse employment actions. What -- what -- what --  
17 and what I'm seeing, I mean, this could be this -- this  
18 complaint could have very well been posed by any member of the  
19 general public who had interest in snakes. I understand he's  
20 alleging that the -- the endowed didn't adhere to their own  
21 policies and procedures as far as euthanizing animals, but  
22 that's not an adverse employment action. You see what I'm  
23 saying? Um, I -- I'll leave the discretion up to you. I'm  
24 just bring up my concerns. Um, the -- all the other concern,  
25 obviously is that there's not a single possible resolution

1 here that we have the authority to grant. I know that's not  
2 the end all y'all, but at the end of the day, we have a three  
3 hour grievance hearing. We're not gonna be able do anything  
4 to, uh, to -- we're not gonna be able to do anything with it  
5 at the end of the day. So, just considerations to think  
6 about, um, before you take a vote.

7 PARKER: I -- well, he's saying that we don't have  
8 the authority to grant the things that -- necessarily that are  
9 on here, but we've heard grievances that we weren't able to  
10 grant what they're specifically asking for. It doesn't mean  
11 that they'll end up with what they want. Um, I -- I -- I -- I  
12 agree with Sandy in that I think it is an employee issue with  
13 his professional reputation. Um --

14 DUPREE: The guy that put this grievance package  
15 together wants to be heard. And we have let employees be  
16 heard on grounds and form. We have nothing blues by letting  
17 them do this. Um --

18 PARKER: Right.

19 MERRILL: Question, Michelle Merrill. So if we  
20 don't have, let's say that we did hear, agree to hear the  
21 grievance and let's say at the end we agreed with him that  
22 there were policy violations and things weren't done, the  
23 things that he's asked for a proposed resolution, though we  
24 can't make anybody do those things. We could certainly  
25 recommend.

1 DUPREE: We could strongly recommend and urge that  
2 they do them.

3 PARKER: Right.

4 DUPREE: Yeah.

5 PARKER: Right.

6 MERRILL: Which would give him, if nothing else, he  
7 could say for the benefit of his personal reputation -- his  
8 professional reputation, that he took it to this body that  
9 agreed with him, that these things were incorrect, that  
10 happened.

11 PARKER: Right -- right. Is that true, Todd?

12 WEISS: It is. We -- we are -- we aren't supposed  
13 to hear grievances that we can't do anything about. It's a  
14 matter of -- of efficiency. You know, we -- I understand  
15 we've done that in the past. Um --

16 PARKER: That's not right.

17 WEISS: I -- ideally we are not supposed to hear  
18 grievances that we can't do anything about.

19 MERRILL: So question if -- if what he's asking for,  
20 if we don't have the ability to tell them that they must  
21 provide the training --

22 PARKER: Yeah.

23 MERRILL: -- that he feels was missing, that led to  
24 this bad thing that happened. Who does?

25 PARKER: Yeah. And -- and you're -- if you're

1 telling me that they, if they violated a po -- their own  
2 policy. We can't tell --

3 WEISS: Chair Parker, his -- his -- I -- from a  
4 legal perspective, Mr. Jones remedy for this would be in -- in  
5 the court system.

6 PARKER: Oh.

7 WEISS: If -- if he -- if he saw Sergeant do his  
8 reputation, his business, whatever, because endow would filed  
9 their own policies, his recourse is in the courts. Because  
10 they do have the authority to award monetary damages or -- or  
11 something to that effect to try to make him whole, or whatever  
12 he's saying was done -- was done against him. We don't have  
13 that ability or authority.

14 MERRILL: But he's not asking for money.

15 WEISS: Correct. No, but you know, if someone  
16 says, I suffered a harm to my reputation, which, you know,  
17 extensively could harm my business. That's -- that's the only  
18 remedy even a court would have. Um, we don't have the  
19 authority to direct endow to do anything differently. We  
20 could make a recommendation. Um, but as we've seen in the  
21 past that it can also just completely ignore that  
22 recommendation. And that's happened in plenty of other cases.  
23 So, um, this one's tricky. Uh, I'll leave it up to you at the  
24 end of the day. But, um, I -- I wanted to raise my concerns  
25 about whether this qualifies as a Grievance and certainly that

1 we aren't gonna be able to do anything about it even after we,  
2 even if it was her --

3 MERRILL: This Michelle --

4 WEISS: -- doing that.

5 MERRILL: This Michelle Merrill. Sadly, I -- I hear  
6 what Todd's saying, and he's upset that these animals were  
7 inhumanely killed if that's what happened. And I get that.  
8 And he wants people to do better, and I get that. But can we  
9 make that happen? We can't. Right? I mean, the best we  
10 could do, like I said before, is just to go on the record  
11 saying, yes, we agree with you. If that's the way it went.  
12 So yes, we agree with you that that shouldn't have happened  
13 and training should have been there, but we can't give them  
14 anything. There's nothing to fix this.

15 PARKER: I -- yeah, I don't think it's -- it's okay  
16 to give somebody a pass for not following their -- their  
17 policy either though.

18 MERRILL: No, I totally agree.

19 PARKER: But whether or not we -- we can do  
20 anything about it or not.

21 MERRILL: But I'm not hearing where that answer  
22 could be given to them from where -- where is the -- where's  
23 the hand smack for that?

24 WEISS: How can we -- where we need that situation  
25 on this body? That's the question. And I dunno what we can.

1           JOHNSON:            Uh, Nora Johnson for the record, um, kind  
2 of piggybacking off of what Todd said, but understanding the  
3 committee's need or want for an employee to be heard. It  
4 would also come down to the way a decision was worded. Again,  
5 after a hearing, we have run into issues where the decision  
6 itself is in conflict with itself, where the committee granted  
7 a grievance with a recommendation to the agency. However,  
8 it's only a recommendation. The agency discounted that  
9 recommendation. But the employee has a decision from the EMC  
10 in their hand that says granted. So they have no teeth behind  
11 that.

12           PARKER:            Right.

13           JOHNSON:            So it would really come down to wording  
14 that a, allowing the employee to be heard and seeing that and  
15 wanting to put a recommendation for the agency on the record.  
16 The Grievance would still need to be denied at the end of the  
17 hearing. Um, in order to not --

18           PARKER:            Right

19           JOHNSON:            -- convolute that the grievance saying I  
20 won, where it's simply you've been heard with a  
21 recommendation. So that's, uh, the wording would be something  
22 to keep in mind if you opt to move this forward.

23           WEISS:             And Chair Parker.

24           PARKER:            Yes.

25           WEISS:             Another option we have for possibly

1 dealing with this is -- is we could order mediation between  
2 the agency and the employee, because this may be a matter  
3 where he just wants to be heard.

4 PARKER: I don't think we can order, I don't think  
5 -- I think we can make a recommendation, but I don't think we  
6 can order them.

7 WEISS: No, you -- you're right -- you're right.  
8 Chair Parker, we can make a recommendation. Um, I think we  
9 could do that without foreclosing his ability to bring the  
10 Grievance back if he's not satisfied with the results of the  
11 mediation. But if this is a matter where it is simply he  
12 wants to be heard and communicate his displeasure with how  
13 things were done, um, that may be a more efficient way to have  
14 that resolved in that full hearing where at the end of the  
15 day, we're not gonna be able to do anything but give toothless  
16 recommendations at most.

17 GEYER: Madam Chair, Sandy Geyer for the record,  
18 um, it -- correct me if I'm wrong, uh, Nora, but I thought  
19 that prior to going to step four, both parties are always  
20 offered mediation.

21 JOHNSON: Um, so Nora Johnson, for the record, at  
22 step one, two, and three, they can -- either party, uh, can  
23 contact the state mediation program to request mediation at  
24 step four.

25 PARKER: Mm-hm.

1           JOHNSON:           They can request a resolution conference.  
2 However, both processes are strictly voluntary. And if they  
3 haven't at this point, they may not, sometimes they do wait  
4 for, uh, a resolution conference can be requested. The second  
5 agreement hit step four.

6           PARKER:           Mm-hm.

7           JOHNSON:           Some agencies, uh, wait until they receive  
8 a set of scheduling orders. Scheduling a hearing before they  
9 take that step. Uh, but again, it's completely voluntary

10          PARKER:           Right.

11          JOHNSON:           For either side.

12          PARKER:           Yeah. Uh, y -- you know, I -- I agree  
13 with Tracy. I think the person deserves to have this venue  
14 for a hearing since policy was violated. What? Regardless of  
15 what we can do and being careful with however, ensuring Yeah.  
16 Ensuring that this is a way for them to be heard. Yeah. And  
17 ensuring that we do, ensuring that we have, um, a valid  
18 decision that is not toothless, but gets the point across. So  
19 I don't know.

20          GEYER:           Madam Chair, Sandy Geyer for the record,  
21 uh, would that then prevent them from seeking, uh, resolution  
22 after, say after the Grievance -- the Grievance was denied?  
23 Would they -- would then that be another opportunity for them  
24 to, uh, maybe go to the table and, and see if they can't work  
25 out, uh, something within their own policy?

1           PARKER:            So one thing that they -- it -- it doesn't  
2 stop them from doing that. And before they -- if we grant a  
3 hearing, if we say that we wanna grant a hearing between now  
4 and then, either party can request a resolution conference.

5           GEYER:            Right. Okay.

6           PARKER:            To resolve it before it actually comes to  
7 hearing.

8           GEYER:            I just wanna make sure that those  
9 opportunities are still available to both parties.

10          PARKER:            Yes.

11          JOHNSON:          Um, Nora Johnson, for the record, uh, off  
12 of what the Chair said, just because an issue, a -- a  
13 Grievance is in the grievance process, be it steps one through  
14 three, be it at the EMC, nothing precludes the agency and the  
15 employee for being able to sit down at a room together and --  
16 and -- and act like grownups if they feel that that would be,  
17 um, productive. It's entirely possible. And -- and in fact  
18 encourage if they feel that they can get in, uh, a room. So  
19 let's, hypothetically the committee today decides to move it  
20 to hearing, we go through the hearing process. The Grievance  
21 is denied. They can get in a room, they can sort it out just  
22 to make their working environment and dynamic more comfortable  
23 for everyone involved. For sure. Just because it's in the  
24 Grievance process doesn't stop, uh, the ability for agencies  
25 and employees to sort things out.

1 PARKER: Right. Colleagues in the south. You got  
2 -- you guys have anything, any thoughts you wanna put forward?

3 SCOTT: Mary Jo Scott, for the record, I feel like  
4 we would be providing false hope if we moved it to a hearing.  
5 And I think if we wrote it in the sense where we have lack of  
6 jurisdiction to actually grant this Grievance, but we do have  
7 these recommendations for the agency to follow their policy  
8 and for the possibility of mediation between the Grievant and  
9 the agency. And I -- because I -- I don't see that it would  
10 do the g any good. I understand that he wants to be heard  
11 it's obvious and by saying lack of jurisdiction and then by  
12 stating the recommendations it clarifies that we did hear what  
13 he brought forward. But we are not the venue to resolve this  
14 for him. He either works it out with his agency or he brings  
15 it forward in court to save his reputation, if that's what it  
16 is. That's -- that's my perspective.

17 PARKER: I'm sure. Is that something we can do  
18 when we decide to not hear this? Can we issue that with it?

19 JOHNSON: We -- we can.

20 PARKER: We can?

21 JOHNSON: Nora Johnson for the record. So when a  
22 grievance is placed on the table for agenda discussion, if a  
23 hearing is denied, then we send out a template letter that  
24 says your Grievance will not move forward to hearing. That  
25 template letter can be adjusted to reflect the committee does

1 recommend the agency, et cetera, that the employee, et cetera,  
2 uh, you know, we can make adjustments to that denial language  
3 within the template letter itself without going through the  
4 full till hearing.

5 PARKER: Including telling the agreement that what  
6 the correct course recourse would be?

7 JOHNSON: Well, we're not Nora Johnson for the  
8 record, we still can't actually give advice. Todd correct me  
9 if I'm wrong, we can't give legal advice. Uh, the language  
10 can be, um, hearing denied based on lack of jurisdiction.  
11 Your concerns may resolve be resolved in another venue. Um,  
12 and you are welcome to contact the state mediation program at,  
13 but we wouldn't direct them specifically to where they would  
14 want to go, like court or the AG's office or whatever because  
15 we don't wanna give legal advice. But we can state that it is  
16 not this venue. Other venues and, and again cite the  
17 mediation program if that were, the way the committee leaned.

18 WEISS: This is Todd Weiss for the record. Nora's  
19 correct. Um, we wouldn't direct them exactly where to go with  
20 their matter 'cause I would be giving legal advice, but we  
21 would be notifying them that this isn't the spot. We could  
22 also recommend me that they, uh, try to mediate this with the  
23 agency. Other things we can all put in the denial letter. It  
24 doesn't have to be a straight, we either grant or don't grant  
25 the hearing. And honestly, if -- if we did have a hearing and

1 at the end of the hearing, our decision on that would probably  
2 sound very similar to what we would be saying in the denial  
3 letter now, 'cause there's not anything else we can do.

4 PARKER: Teresa

5 RUSSELL: I am really ill with denying this, but  
6 acknowledge how tricky the decision, the motion at the end of  
7 the dissent -- hearing. How, I'm not sure, but there again,  
8 we haven't had the hearing, we don't have all the facts.

9 PARKER: Mm-hm.

10 RUSSELL: But I'm -- I'm conflicted on this.

11 MERRILL: Seems like it, Michelle Merrill for the  
12 record, it seems like at best all we would be giving him is an  
13 opportunity to say his peace in front of the people he's  
14 unhappy with and have them hear our opinions.

15 PARKER: Right.

16 MERRILL: But our outcome --

17 PARKER: Right.

18 MERRILL: -- is almost foregone.

19 PARKER: Yeah. I -- I would -- I would just hate  
20 for us to come to a conclusion about what our conclusion would  
21 be without having a hearing. You know what I'm saying? I --  
22 I think either we have jurisdiction or we don't, I have not  
23 heard why we don't have jurisdiction other than we can't grant  
24 him what he -- well, there -- there's nothing with teeth that  
25 we can give him. You know what I'm saying? That's kind of

1 what I'm -- I'm conflicted with. I -- I get what I get what  
2 you guys are saying.

3 WEISS: Um, since it really so conflicted about  
4 denying this Grievance, when this guy's obviously put his  
5 heart and soul into it. We have nothing to lose by having the  
6 hearing and, and, uh, explaining our concerns that --

7 PARKER: Except to Mary Jo's point, that we give  
8 him false hope.

9 WEISS: Well, there is, but at least some hope is  
10 better than, you know.

11 RUSSELL: I -- I disagree with that. I disagree  
12 with false hope. I -- I think that, you know, um, it -- it  
13 just because something is being granted does not necessarily  
14 mean you've won.

15 PARKER: True.

16 RUSSELL: So, you know, a decision can be -- it  
17 could go either way and it -- and it's true for any of these.

18 PARKER: Well then maybe rather than error on the  
19 side of not hearing it and not hearing something we might need  
20 to hear. Maybe we hear it. Our counsel doesn't.

21 RUSSELL: I know.

22 DUPREE: Tracy Dupree for the record, I move that  
23 we move grievance 8964. Jason Jones to a hearing.

24 PARKER: Okay. We got a motion. Do we have a  
25 second?

1 RUSSELL: Teresa Russell, for the record, I second.

2 PARKER: Any discussion? All those in favor?

3 WEISS: Aye.

4 PARKER: Aye.

5 DUPREE: Aye.

6 PARKER: Any opposed?

7 GEYER: Nay.

8 PARKER: Uh, it's the three one. So move three to  
9 one majority. Then we'll be moving this to hearing. We'll  
10 move on to item number nine on the agenda. Discussion and  
11 possible action related Grievance 8992. Veronica Banks  
12 Department of Corrections. Uh-oh. Last disciplinary  
13 personnel conflict shift hours and working conditions.

14 RUSSELL: Teresa Russell for the record.

15 PARKER: Yes.

16 RUSSELL: I'm inclined to move this forward to a  
17 hearing. The statement in here that punitive action is being  
18 taken without explanation or investigation is a concern for  
19 me. Either something needs to be done or let it go. So I --  
20 I believe this needs to be moved forward.

21 PARKER: All right. Anyone else?

22 MERRILL: There's several -- Michelle Merrill for  
23 the record, there's several points she's making here in her  
24 detailed description and EEO things and opportunity to  
25 overtime, things like that. So it seems like we should.

1 DUPREE: Tracy Dupree for the record, I move that  
2 we bring that, uh, Grievance 8992 forward for a hearing.

3 PARKER: Okay. We have a motion. Do we have a  
4 second?

5 RUSSELL: Teresa Russell. I'll second.

6 PARKER: Any discussion? All those in favor?

7 DUPREE: Aye.

8 PARKER: Aye.

9 RUSSELL: Aye.

10 WEISS: Aye.

11 PARKER: Any opposed? It passes. All righty. And  
12 now go to number 10. Public comment. No voter action may be  
13 taken upon a matter raised during public comment until the  
14 matter itself has been specifically included on an agenda as  
15 an item upon which action may be taken. Comments will be  
16 limited to five minutes per person. And persons com  
17 commenting will be asked to begin by stating their name for  
18 the record. Is there any public comment this time? I'll  
19 start in North Nevada. Seeing none, I'll move to Las Vegas.  
20 Any public comment?

21 RUSSELL: We have no public.

22 PARKER: Okay. And seeing none next on the agenda.  
23 Motion to adjourn. Motion to adjourn.

24 DUPREE: So moved.

25 MERRILL: Thank you all. I appreciate your patience

1 during our technical difficulties.

2 WEISS: Thank you all. Continue.

3 PARKER: Thank you all.

4 GEYER: Thank you. Trust me. You know what the  
5 delays, it's still only 10:30.

6 PARKER: 10:30. Yes. There you go. I know,  
7 right? The last one time I told them, I said, oh yeah, I'll  
8 be back. I only have a couple items on the agenda. Thank you  
9 for the pen. Oh, you're welcome. Now I can tell.

10 DUPREE: Oh, EMC is like a box of chocolates. You  
11 never know what you're gonna get.

12 PARKER: Bring oh, right there. Oh, well, what he  
13 was saying.

14 RUSSELL: Thank you Tracy.

15 \*\*\* END OF MEETING \*\*\*

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