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**STATE OF NEVADA  
EMPLOYEE-MANAGEMENT COMMITTEE**

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**Meeting Minutes of the Employee-Management Committee  
Date: August 8, 2024**

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Conference Room 110, Carson City, Nevada, and the Eureka Building, 7251 Amigo Street Suite 120, Las Vegas, Nevada, via videoconference.

**Committee Members**

Mr. Tracy DuPree - Chair	X
Mr. Sandie Geyer	X
Ms. Mary Gordon	X
Ms. Ava Case	X

**Staff Present:**

Mr. Jordan Laub, EMC Counsel, Deputy Attorney General  
Ms. Roxanne Hardy, EMC Coordinator

**I. TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS**

DUPREE: And this is the meeting of the Employee Management Committee on August 8, 2024, in Las Vegas. It's being held at the Eureka Building at 7251 Amigo Street, Suite 120, and in the -- in Carson City, it's held at the Nevada State Library Archives in 100 North Stewart. And if anybody needs to get outta this building, follow the guy in the wheelchair. I'm gonna lead you right to the front steps and wish you the best, but that's where I'm gonna wait for people. Um, if anybody needs to get out any of the other places, I'm sure you can figure it out. Uh, first item is public comment. Are there -- is there any public that wishes to comment? Hearing none. Okay.

First thing I'd like to do -- the Chair would like to move to adopt the agenda as written.

RUSSELL: So moved, Turessa for the record.

DUPREE: Okay. Turessa moved it. And do I have a second?

GEYER: I second.

DUPREE: Sandie second --

CASE: Ava Case for record. Second

DUPREE: Sand -- Sandie and Ava seconded it. All in favor say aye.

MULTIPLE: Aye.

All right. And next is approval of minutes from the meeting of April 6<sup>th</sup>, April 18<sup>th</sup>, 2024.

JOHNSON: Chair?

DUPREE: Uh, Nora, whatcha got?

JOHNSON: Could we please go back to item number three for committee introductions?

DUPREE: Oh God, I forgot about that. I'm gonna skip that whole line. Okay.

Let's go back to item number three, committee introductions. My name is Tracy DuPree. I'm the Chair of EMC for about another -- what time is it? And I've worked for the state for a little over 30 years. And I currently work and I work most of my career for the Department of Employment Training, and Rehabilitation. Who's next?

CASE: This is Ava Case. And I work, uh, with DETR. I'm a manager for, um, few offices. I've been with the state for, uh, almost 12 years. And that's it.

DUPREE: Uh, Sandie, you wanna go next? Turessa, you're up. I think

RUSSELL: Turessa Russell. I worked for UNLB, and I've been there 24 years.

GORDON: Mary Gordon, I work with the Department of Public Safety, and I've been with the state for 19 years.

LAUB: Jordan Laub on behalf of the EMC's General Counsel, Law Office of the Attorney General.

HARDY: Roxanne Hardy. I work for DHRM. I'm an EMC Coordinator. Been doing it for two years.

DUPREE: And Nora is shaking her head no. So I'm assuming Nora Johnson does not want to introduce herself. Okay, fine. I get --

JOHNSON: I'm just with the public today.

DUPREE: Oh, you're public today. I get it. You got anything you wanna get off your chest? Just --

JOHNSON: Not that anybody wants to know on record.

DUPREE: Okay. Um, with that, the Chair would like to entertain a motion to, uh, adopt the agenda as presented. And I believe we had, uh -- we had a motion by Turessa and seconded by Ava and, uh, Mary, right? You guys both did that and we voted in favor of all of it, so that's done. Sorry for getting it out of order. That brings us to approval of minutes from April 18, 2024. I looked at 'em. I didn't see anything except I have a real bad propensity for saying, uh, and Oh, <inaudible>. Okay, that's just me. If anybody, uh, would like to either -- do you want to take a few minutes to review the minutes or does anybody want to make a motion to adopt them as written? Whatever you wanna do.

RUSSELL: Turessa for the record, so moved.

DUPREE: To adopt the minutes?

RUSSELL: Correct.

DUPREE: Okay. Turessa moves to adopt the minutes as written. I will second

that. All in favor say aye.

MULTIPLE: Aye.

DUPREE: And I don't believe we would have any opposed, so motion carries. That brings us to item number five, discussion and possible action related to Grievance, uh, 10234, John Lum, Department of Health and Human Services. Uh, possible action may include reviewing the request for consideration to determine if the grievance can be, uh, answered without a hearing if the matter is based upon an EMC prior decision, or if the matter does not fall within the EMC jurisdiction. Anybody have any thoughts on, uh, Lum versus the Department of Education -- no, the Department of Health Grievance #10234.

GORDON: Mary Gordon, for the record. So just to recap, my understanding is Mr. Lum is grieving working conditions as a result of being required to return full time to the office. His resolution is he would like to be treated the same as other employees and comply with the <inaudible> requirements and appropriate supervisory treatment. Um, so in reviewing, I-I believe remote work is a management option, and in addition, um, it is -- it is the policy of the governor to return staff to work full time in the office.

DUPREE: I-I think you're right on that. Anybody else have any thoughts?

RUSSELL: Turessa Russell for the record.

CASE: Go ahead, Turessa.

RUSSELL: Go ahead.

CASE: Um, I, uh -- I agree with that. You know, we can't, uh, overwrite a governor's, um, demand to come back to work.

DUPREE: Turessa, you -- what were -- what were your thoughts?

RUSSELL: The only thing I was questioning is whether or not the policy being applied consistently.

DUPREE: Any thoughts on whether we want to hear grievance just on whether the policy is being applied evenly or can we do that?

GORDON: Well, to me it would -- Mary Gordon, for the record, to me -- it seems to me it would be the burden of proof of the employee and there was nothing presented as only his as-assumption --

DUPREE: His assumption that other people are being able to <inaudible> along, et cetera. Yeah, I saw that too. Any other thoughts from Ava or Turessa? You can go in anywhere you want.

CASE: No, I had marked the same thing that, um, it's just kind hearsay. Uh, nothing really has been presented, um, on that, so.

DUPREE: Turessa, any further thoughts?

RUSSELL: I'm still putting it all together.

DUPREE: Okay, still putting them together. Turessa, how you doing?

RUSSELL: I'm wondering if -- thinking more that as far as the policy being consistently applied would apply to the agency that he is working for. First of all, I would like to move this forward for a hearing.

DUPREE: Okay. That brings up a question I have for Jordan. Jordan, can we hear it based on whether the agency's applying it fairly or do we have to work based on what the, um, grievant has asked us to look at? I don't want to get into any <inaudible> areas here.

LAUB: Sure, Tracy. This is Jordan Laub for the record, as general counsel, Tracy, I believe your instincts are correct in this case. We have to look at the record only as attached. And as far as scheduling issues, this is always, uh, going to be, uh, an issue. We must look with a

careful eye due -- as we've heard in the past, uh, one from any Governor's directive if it's related to COVID, but also in the sense that the management conditions or the protocols in place are always at the discretion of the employing agency, something that is outside of the EMC's jurisdiction. If there are concerns that the, um, record is not substantiated, uh, Mr., uh -- or the -- the applicant's, uh, complaint in this case has failed to establish in the record that other employees have, um, not -- or -- or have not been, uh, treated the same way that he has been treated. Right? If the record supports that, that's also a valid matter. So the way I see this, there are three troubling issues with -- with this grievance. One, he, uh, has failed to attach any evidence that the other employees have suffered any harm. Two, we have to always be careful with the, uh, COVID era directives for the remote policy. And three, the right to schedule or not to schedule, uh, is always at the discretion of the hiring or, uh, employment agency.

DUPREE: As Chairman, I cannot make a motion, but would there anybody you'd like to take a whack at making a motion on this one?

GORDON: Mary Gordon.

DUPREE: Mary, go ahead.

GORDON: In accordance with NAC 284.695, I-I motion to deny Grievance #10234 based on remote work is a management option and not an employee entitlement or right. In addition, the EMC cannot supersede the governor's policy.

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

DUPREE: Any discussion on the motion before and we have a second? Hearing none. All in favor say aye.

MULTIPLE: Aye.

DUPREE: That's three ayes so far. Turessa, where you at on it?

RUSSELL: Nay.

DUPREE: Okay. And in that case, the motion to, uh, not hear the grievance under 284.695, it carries three to one, which brings us to discussion and possible action related to Grievance 10275, William Tate and the Department of Corrections. Possible action may include, uh, reviewing the request for, uh, consideration to determine if the grievance can be answered without a hearing, if the matter is based upon EMC -- prior EM -- EMC's previous decisions, or if it does not fall within the EMC's jurisdiction. Anybody have any thoughts on Grievance 10275, Tate.

RUSSELL: Turessa for the record.

DUPREE: Yep, go ahead, Turessa.

RUSSELL: I'm inclined to move this forward for a hearing.

DUPREE: Okay. Anybody have any thoughts on that?

GORDON: Mary Gordon, for the record.

DUPREE: Mary, go ahead.

GORDON: Um, I just wanted to confirm that there was no attachments to this grievance? No written reprimand, no oral warning, no statements? There --

DUPREE: If it was included, I didn't see it.

GORDON: That's it. So I-I'm just having a hard time as far as being able to verify the documentation and the written reprimand and what was in it and the oral warning, if it was what he is alleging to be for the same reason. Um, I -- and as far as it being timely, I-I mean there -- I have nothing for myself. I'd like to -- there was nothing for me to verify or review. And so my thought process was going back to the failure to provide the burden of proof on behalf of the grievance.

CASE: This is Ava Case for the record. I agree with that. Um, you know, we have no real documentation. We have a lot of, uh, what he said, but, um, there's nothing to back up

any of it, um, for us to compare to what he's saying.

RUSSELL: Turessa for the record, I'm extremely uncomfortable with the fact that it appears the committee's leaning towards -- almost happy to prove the case before a <inaudible> hearing. That's the way it feels to me. I will admit the hearing should be -- the scope of the hearing would be limited to whether or not the oral warning and the reprimands are actually double jeopardy or not, and whether or not one or the other should be removed.

DUPREE: Um, I understand wanting to move it forward for a hearing because we're here about, uh, making workplaces better for Nevada employees and supervisors. Um, I -- having not seen the reprimand, the oral warning, I'm a little bit confused. But, um, does anybody want put together a motion?

RUSSELL: Turessa, for the record. I make a motion that we move forward to have a hearing for Grievance #10275 for William Tate with the scope of the hearing be limited to the documented oral warning and the written reprimand.

DUPREE: Do we have a second on that?

CASE: This is Ava Case, uh, for the record. I'll second that.

DUPREE: Okay. A motion to bring Grievance # -- Mary should have discussion on that motion. Mary, what --

GORDON: May -- may I -- may I get clarification regarding what our role is during these proceedings as far as, um -- in my review, because I was, you know -- I too was trying to determine whether or not to move this to a hearing or not. But -- so the information I came across in my manual is the committee should not move on otherwise deficient grievance to hear a hearing for any of the following reasons, to obtain more information in order needed to make a full determination, to give the employee a voice even though the committee cannot grant the requested relief, or to be used as a learning opportunity for the employee and the agency. Are we moving forward -- we're moving forward on the basis of -- I-I -- can you clarify that for me?

LAUB: Sure. This is Deputy Attorney General Jordan Laub. I'm gonna establish for the record briefly, I believe there's a genuine challenges to the, the, uh, solidarity, if you will, or whether or not this -- this, uh, submittal is complete. It would provide in the future, um, an interesting and perhaps problematic, uh, chain of decisions if we continue to move, uh, complaints to a hearing if they are deficient. It is necessary at the outset -- at the submittal stage to ensure that all written reprimands, oral, or any documentation needed for this, uh, committee to review the written or oral reprimand, um, at the time to determine whether or not should be moved to a hearing. But the -- at the hearing, while limited discovery is appropriate, it is inappropriate at the time now to move a deficient complaint to a hearing in order to get more information to see if it should be brought to a hearing. If this committee feels that in any way the complaint is deficient or is missing what is needed to -- to make a determination of hearing, then the complaint must be denied.

CASE: This is Ava Case for the record. I'd like to rescind my, um, motion to, um, move forward.

DUPREE: You actually seconded, so you rescind you're rescinding your second?

CASE: Yes.

DUPREE: Okay. With the second rescinded, does anybody else second that motion? Hearing none. That motion -- the motion moved forward has just died. Does anybody else have any other motions?

GORDON: Mary Gordon, for the record. In accordance with NAC 284.695, I motion to deny Grievance 10275, as the Grievance submitted to the committee failed to prove that an act or <inaudible>, occurrence, or injustice occurred. Um, the issue within this grievance were

unsupported by substantial evidence.

DUPREE: Okay. Um, do I have a second for that motion?

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

DUPREE: Okay. We have a motion and a second. Any discussion on the motion?

All in favor of the motion signify by saying aye.

MULTIPLE: Aye.

DUPREE: Turessa, that leaves you.

RUSSELL: Nay.

DUPREE: Okay. Motion carries three ayes to one nay. Motion, uh -- motion carries. That brings us to item number, uh, eight on the agenda, which is public comment. Are there any public -- do any members of the public wish to comment at this time? No item brought up during public comment can be voted on, but if we need to, we can add it to the future -- to the future agenda. Nora Johnson?

JOHNSON: Thank you, Chair. This is Nora Johnson for the record, um, Human Resource Analyst for the Division of Human Resource Management. Tracy Dupree has sat on this committee for over a decade now and has recently been threatening us with retirement, and that time has finally come. It is Tracy's last hearing as our EMC Chair, Tracy's last Thursday as a state employee, and we just wanted to give you a small token of more appreciation to say thank you so much. Congratulations on your retirement.

MULTIPLE: Congratulations.

UNIDENTIFIED: It is well deserved.

DUPREE: It has been a delight serving with all of you and I'll miss you greatly.

And, um, may the committee continue its wonderful work without me. Thank you.

LAUB: I vote -- I motion to deny the retirement

UNIDENTIFIED: We second.

LAUB: Did anybody do second?

UNIDENTIFIED: I second.

LAUB: Is that second? Anyone want to vote? <inaudible>.

JOHNSON: You know, you would lose with the majority, Tracy, on that one, so.

DUPREE: I-I-I am humbled by that. Thank you all.

UNIDENTIFIED: Thank you.

DUPREE: With nothing further, uh, with no objection, I, uh, would like to bring this meeting to an end. Uh, without objection, I hereby adjourn this meeting. Hearing none, we're done.

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