



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
January 26, 2017

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Hagler–Chair	X
Ms. Pauline Beigel	
Mr. Guy Puglisi	
Ms. Claudia Stieber	
Ms. Allison Wall–Co-Vice-Chair	
Ms. Michelle Weyland	X

Employee Representatives	Present
Ms. Stephanie Canter–Co-Vice-Chair	
Ms. Donya Deleon	
Mr. Tracy DuPree	X
Mr. David Flickinger	
Ms. Turessa Russell	
Ms. Sherri Thompson	X

Staff Present:

Mr. Greg Ott, EMC Counsel, Deputy Attorney General
Ms. Carrie Lee, EMC Coordinator
Ms. Jocelyn Zepeda, Hearing Clerk

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

There were no comments from the audience or Committee Members.

3. Adoption of the Agenda – Action Item

Chair Hagler requested a motion to adopt the agenda.

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

4. Approval of Minutes for December 1, 2016 – Action Item

Chair Hagler requested a motion to adopt the minutes.

MOTION: Moved to approve the minutes.
BY: Committee Member Sherri Thompson
SECOND: Committee Member Tracy DuPree
VOTE: The vote was unanimous in favor of the motion.

5. Adjustment of Grievance of John Justice et al., #4242¹, Department of Business and Industry, Taxicab Authority – Action Item

Chair Hagler opened the hearing on grievance of John Justice et al (collectively “Grievants”), #4242. The Grievants were present and represented by Jeanine Lake of American Federation of State, County and Municipal Employees and Nevada Department of Business and Industry, Taxicab Authority (“Employer”) was represented by Tyler Watson, Senior Deputy Attorney General.

The exhibits submitted to the EMC prior to the hearing were marked without objection. Curtis Mell, Bob Haskin, Lionell Arellano, Michael House, John Justice, Ronald Grogan, Jennifer De Rose and Bruce Breslow were duly sworn and appeared at the hearing.

Grievants are employed by the Nevada Department of Business and Industry by the Taxicab Authority and requested that the Committee adjust grievances in which they object to the employer’s decision to modify their work schedules from working four ten hour days per week to five eight hour days. Grievants are employed as inspectors at the Taxicab Authority for periods up to 22 years and testimony was undisputed that they had worked four ten hour days for the entirety of their time with Employer. In December of 2015, the Administrator of the Taxicab Authority, Ronald Grogan, decided that the inspectors would transition to a work week composed of five eight hour days instead of the four ten hour days that they had historically worked. The decision was implemented in March of 2016 and several inspectors filed grievances protesting the transition to five eight hour days. The grievances contained identical issues of fact and law and were consolidated under the grievance of John Justice #4242.

¹ Grievances that were consolidated and heard with #4242 were: #4195 Curtis Mell, #4222 Richard Kolstad, #4232 Michael House, #4216 Leland Morris, #4223 Lionell Arellano, #4231 Bobby Haskin, and #4205 Shawn Dingman.

Testimony from Grievants was consistent and undisputed that they were hired with the understanding that taxicab inspectors would work four ten hour days and that several of them viewed the schedule as an incentive that makes working for the Taxicab Authority desirable. Grievants also testified that they believed that the new work schedule decreased efficiency because they were able to perform less inspections.

Administrator Ronald Grogan testified as to the reasoning for the alteration of shift schedules stating that the initial reason for the shift change was to address enforcement personnel shortages and that after the changes were made to enforcement personnel, the employer would have only 9 of 63 employees on a schedule other than five eight hour days. The employer then made the decision to transition all employees (including inspectors) to five eight hour days so that the entire Taxicab Authority would be on a single schedule, and that the change to a single shift was never done with the goal of increasing inspections but that the change has improved Taxicab Authority communication. He further testified that he had never told a prospective employee that four ten hour days was guaranteed and that he would discipline any supervisor who made such a representation.

Bruce Breslow, Director of Business and Industry testified that Administrator Ronald Grogan consulted with him before implementing the shift change and that he supported the decision. He further testified that the Taxicab Authority had been a problem agency for fifteen to twenty years and that it was notoriously difficult to manage because of many internal conflicts. Director Breslow testified that his desire was for Administrator Ronald Grogan and Deputy Administrator Jennifer De Rose to change Taxicab Authority culture, improve communication and reform the Taxicab Authority.

The Employer contends that NRS 284.020 gives an administrator the authority to manage the affairs of their departments as he or she sees fit, and that power includes the alteration of schedules. Grievants contend that the imposition of the new shift without discussion was an injustice as they were told they would be working four ten hour shifts and had done so for many years and that the schedule change is not in the best interest of the Employer, its employees or the public.

NRS 284.073(e) compels the Committee to make final decisions for the adjustment of grievances in accordance with regulations. The Committee conducted a hearing in accordance with NAC 284.6955, reviewed the evidence, considered the statements of the witnesses and the arguments of counsel, and the parties, and deliberated regarding the proper disposition of these grievances on the record.

The Committee noted that there was no dispute as to the Taxicab Administrator's authority to set employee's schedules under the powers conveyed to manage the affairs of their departments by NRS 284.020. The Committee further noted that there had been no showing that Taxicab Administrator Ronald Grogan abused or circumvented the authority conveyed by NRS 284.020(2).

MOTION: Moved to deny the grievances because the Committee does not have jurisdiction over this matter as NRS 284.020(2) provides the authority of elected officers and heads of departments to conduct and manage the affairs of their departments as they see fit, and because incidentals were not proved.

BY: Committee Member Michelle Weyland

SECOND: Committee Member Tracy DuPree

VOTE: The motion passed with a 3:1 vote with Sherri Thompson voting in the negative.

6. Public Comment

There were no comments from the audience or Committee Members.

7. Adjournment