



**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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**Meeting Minutes of the Employee-Management Committee
January 26, 2023**

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Conference Room 110, 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. Sandie Geyer	X
Ms. Michelle Merrill	X
Ms. Ava Case	

Employee Representatives	
Mr. Tracy DuPree – Co-Vice Chair	X
Ms. Turessa Russell	X
Mr. Doug Fromm	

Staff Present:

Ms. Lisa Evans, EMC Counsel, Deputy Attorney General (DAG)
Ms. Roxanne Hardy, EMC Coordinator
Ms. Ivory Wright, EMC Hearing Clerk

1. Call to Order

Chair called the meeting to order at approximately 9:00 am.

2. Public Comment

There was no public comment in the North or in the South.

3. Committee introductions and meeting overview and/or update - For discussion only.

Co-Vice-Chair DuPree opened the meeting with Committee introductions.

Ms. Mande Bowsmith, Administrator for Division of Human Resource Management (DHRM) stated there was an update for the Committee.

Administrator Bowsmith stated there were two new EMC members appointed by the Governor's office, and as such, this would be a good time to engage in the training updated by DHRM.

Administrator Bowsmith stated DHRM would be asking for member availability to schedule a possible day long workshop, it would not fall under Open Meeting Law.

Administrator Bowsmith stated this would be a chance to review procedures, processes, jurisdiction as well as having conversations around statute and regulation relative to personnel issues that come before the Committee.

Administrator Bowsmith stated there would also be clarification between the NAC 284 grievance process versus the collective bargaining grievance process.

Administrator Bowsmith stated this would be a chance for the Committee to get to know each other better and allow EMC Counsel to guide the Committee.

Administrator Bowsmith stated DHRM would like to introduce a briefing model that mirrors the Personnel Commission briefings. This model would include reviewing the agenda, answering any introductory questions from the Committee regarding the backup documentation.

Administrator Bowsmith stated DHRM would like to start the same process for the EMC Committee, would be in appropriate size 'groups' that does not constitute a quorum and offer a greater opportunity to access Counsel regarding the grievances on the agenda.

Administrator Bowsmith stated the Committee members could contact DHRM or the EMC Coordinator, Ms. Roxanne Hardy with any questions.

4. Adoption of the Agenda – Action Item

Co-Vice-Chair DuPree requested a motion to adopt the agenda.

Co-Vice Chair DuPree stated some grievances on the agenda were substantially similar.

Co-Vice-Char DuPree asked the Committee to consider combining certain grievances for discussion.

Member Geyer motioned to consolidate grievance #9164 with #8966

MOTION: Moved to approve the agenda.

BY: Member Merrill

SECOND: Member Russell

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

5. Discussion and possible action related to Grievance #9078 and Grievance #9084 of Vironica Banks, Department of Corrections – Action Item

Co-Vice-Chair DuPree opened the Committee for discussion.

Member Geyer stated grievance #9078 and #9084 should be discussed together.

Member Russell seconded.

The vote was unanimous.

Co-Vice-Chair DuPree asked for clarification of the agendized items.

Ms. Nora Johnson, Personnel Analyst with DHRM, stated the agendized discussion items are for the Committee to discuss whether the Committee has jurisdiction or if the grievances can be answered without a hearing based on prior decisions.

Member Geyer stated the grievances seemed to indicate issues outside the jurisdiction of the Committee and the Committee is unable to offer a solution for this grievant.

Member Geyer stated there were numerous mentions of issues regarding the Americans with Disabilities ACT (ADA) as well as the fact this grievant was also in discussions with their supervisors with regards to additional accommodations for performance on the job.

Member Geyer stated it was her opinion that these grievances are outside the realm of what the Committee could offer for resolution.

Member Russell stated the only difference of opinion she had was the grievant was asking the agency for a copy of their work performance standards (WPS).

Member Russell stated getting the WPS for the grievant would fall under the Committee's purview but other than that, she did not see anything else within the Committee's jurisdiction.

Co-Vice-Chair DuPree stated he agreed and asked rhetorically if the Committee could send a 'stern letter' telling the agency to give the grievant the WPS.

Member Russell stated she was not sure if the Committee could make that determination without a hearing and asked to clarify with Ms. Johnson if the Committee had done so in the past.

Ms. Johnson stated the Committee could do that and added the standard template letter used to deny a hearing could be modified for a specific recommendation to the agency, based on the Committee's motion.

DAG Evans stated the Committee was at the motion phase of the discussion to decide how to dispense with these grievances.

Co-Vice-Chair DuPree asked if the Committee had a motion.

Co-Vice-Chair DuPree stated the Committee lacked jurisdiction based on NAC 284.695 and requested confirmation from Ms. Johnson regarding the citation.

Ms. Johnson stated that was correct.

Member Merrill asked Ms. Johnson if the motion is the proper place to include the guidance regarding the WPS.

Ms. Johnson stated yes, the Committee should put the recommendation in the motion, so the decision letter reads as such.

Member Russell made a motion to deny hearing for grievance #9078 and #9084 as the grievances are not within the jurisdiction of the Committee but recommend the agency provides the employee with a copy of the requested WPS.

Co-Vice-Chair DuPree seconded.

There was no Committee discussion, and the vote was unanimous.

MOTION: Moved to deny hearing for grievance #9078 and #9084 based on lack of jurisdiction and with the recommendation the agency provide the employee with the requested WPS.

BY: Member Russell
SECOND: Co-Vice-Chair DuPree
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Grievance #9175 and Grievance #9179 of Kameron Pratt, Department of Corrections – Action Item

Co-Vice-Chair DuPree opened the Committee for discussion.

Member Geyer stated grievance #9175 and #9179 should be discussed together.

Co-Vice-Chair DuPree seconded.

The vote was unanimous.

DAG Evans stated there was mention of a Letter of Instruction (LOI) and did not see the document.

DAG Evans stated that document seemed like a piece of evidence the Committee would need.

Member Geyer stated that was correct, there was no attachment regarding the LOI.

Member Merrill stated the LOI was included in the grievance but was in a different format.

DAG Evans stated she was glad the LOI was there, but the point of order would be whether or not the LOI is within the realm of discipline.

Member Russell stated she was also having difficulty finding the LOI but from what she had noted, she believed there was an issue with the way the LOI was worded and that would cross into discipline.

Co-Vice-Chair DuPree stated the LOI was on Department of Corrections letterhead and dated September 14, 2022.

DAG Evans stated she found the LOI but was unsure if actual discipline resulted from the LOI.

Member Merrill stated if it was truly an LOI, they are meant to be instructional and there should not be any outcome of discipline from an LOI.

DAG Evans stated that was correct and that there was a grey area, and the Committee should consider whether discipline actually resulted.

Member Merrill stated there was also a question as the grievance mentioned the completion of work orders, the lack of requested work orders and there was some ambiguity about what really happened.

Member Merrill motioned to move grievance #9175 and #9179 to hearing.

Co-Vice-Chair DuPree seconded.

There was no Committee discussion, and the vote was unanimous.

MOTION: Moved to grant hearing for grievance #9175 and #9179.

BY: Member Merrill

SECOND: Co-Vice-Chair DuPree

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

7. Discussion and possible action related to Grievance #8966 and Grievance #9164 of Keith McKeehan, Department of Corrections – Action Item

Co-Vice-Chair DuPree opened the Committee for discussion.

Member Geyer motioned to consolidate grievance #9164 with #8966.

Member Merrill seconded the motion.

The vote was unanimous.

DAG Evans stated there was a jurisdictional question she wanted to point out.

DAG Evans stated it appeared this would be a matter the Personnel Commission has jurisdiction over these grievances regarding recruitment.

Co-Vice-Chair DuPree agreed and cited NAC 284.695 as lack of jurisdiction.

Dag Evans also cited NRS 284.240.

Member Merrill made a motion to deny hearing for grievance #8966 and #9164 based on NAC 284.695, lack of jurisdiction and NRS 284.240 would be more appropriate for the Personnel Commission.

Member Russel asked for discussion.

Member Russell stated there may be an issue if the Committee directs where the grievance can be heard when it is not within the jurisdiction of the EMC and asked for clarification.

Ms. Johnson stated yes, that was correct, the Committee did not want to cross a line of giving legal advice and more proper phrasing for the motion could include “relief may be provided in another venue.”

Member Merrill restated the motion to deny hearing for grievance #8966 and #9164 based on NAC 284.695, lack of jurisdiction and NRS 284.240 that the employee could find relief in another venue.

Member Russell seconded.

There was no other Committee discussion, and the vote was unanimous.

MOTION: Moved to deny hearing for grievance #8966 and #9164 based on NAC 284.695, lack of jurisdiction and NRS 284.240 that the employee could find relief in another venue.

BY: Member Merrill

SECOND: Member Russell

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

8. Discussion and possible action related to Grievance #9091 of Adrienne Monroe, Department of Corrections – Action Item

Co-Vice-Chair DuPree opened the Committee for discussion.

Member Russell stated the Committee has had written reprimand grievances in the past and while there are some limitations to what the Committee can and cannot grant, if the Committee was having issues with clarity regarding this grievance, it may be beneficial to move this grievance to hearing.

Co-Vice-Chair DuPree stated the part he was not understanding was he understood the grievant didn't want to work for that warden anymore and understood the Committee did not have the authority to grant what the grievant wanted but that did not mean the grievant did not deserve a hearing.

Member Merrill asked if that make this like the prior one, where the EMC may not be the right venue.

Co-Vice-Chair DuPree stated he wasn't sure and that is what the Committee would discuss.

DAG Evans stated the remedy was the removal of a written reprimand and jurisdictionally was within the Committee's power to decide.

Member Merrill asked if the Committee could separate what they could from the grievance.

DAG Evans stated yes.

Co-Vice-Chair DuPree stated the motion could reflect the Committee could not do anything regarding the chain of command but could having the written reprimand removed.

Ms. Johnson stated the language DHRM used in the template letter for granting a hearing with only certain issues to be heard was a simple line stating, “only issues regarding the written reprimand will be heard”.

Ms. Johnson stated with that language, both the grievant and the agency know well before the hearing what issues will be heard.

DAG Evans stated as a point of order, the letter should state the other issues are outside the Committee’s jurisdiction.

Ms. Johnson confirmed that language is included in the letter.

Co-Vice-Chair DuPree asked if there was any other discussion or if the Committee was prepared to make a motion.

Member Russell motioned to grant a hearing for grievance #9091 with the scope of the hearing limited to the written reprimand.

Co-Vice-Chair DuPree seconded and asked if there was any discussion, there was none.

The vote was unanimous.

MOTION: Moved to grant hearing for grievance #9091.
BY: Member Russell
SECOND: Co-Vice-Chair DuPree
VOTE: The vote was unanimous in favor of the motion.

9. Discussion and possible action related to the Appeal of the Removal of Grievance #9137 of Rita Juliano, Department of Motor Vehicles – Action Item

Co-Vice-Chair DuPree opened the Committee for discussion and asked for clarification regarding this agenda item.

DAG Evans stated the Committee needed to consider jurisdiction in this case as that was the basis for the removal, and procedurally, determine whether to deny the appeal or grant the appeal and place the grievance back in the grievance process.

Administrator Bowsmith stated for clarification, the Department of Motor Vehicles (DMV) requested the removal of the grievance as the EMC was not the appropriate venue to be heard, DHRM reviewed the request and grievance and concurred with the agency that it did not meet the definition of a grievance and therefore the grievance was removed.

Administrator Bowsmith stated the appeal is related to the removal of the grievance.

Co-Vice-Chair DuPree asked if there was any Committee discussion regarding jurisdiction.

Co-Vice-Chair DuPree stated Member Merrill stated and he agreed that this grievance seemed like a Personnel Commission matter.

Member Geyer agreed.

Member Russell motioned to deny the appeal of the withdrawal of grievance #9137.

Member Merrill seconded.

Co-Vice-Chair DuPree asked if there was any Committee discussion, there was none.

The vote was unanimous.

MOTION: Moved to deny the appeal of the withdrawal of grievance #9137.

BY: Member Russell

SECOND: Member Merrill

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

10. Public Comment

There was no public comment in the North or in the South.

11. Adjournment

Co-Vice-Chair DuPree adjourned the meeting at approximately 9:38 a.m.