



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
January 28, 2016

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City; and the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, Nevada, via videoconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Payette–Chair	X
Mr. Guy Puglisi	X
Ms. Claudia Stieber	X
Ms. Allison Wall–Co-Vice-Chair	X
Ms. Michelle Weyland	X
Ms. Pauline Beigel	X
Employee Representatives	
Ms. Stephanie Canter–Co-Vice-Chair	X
Ms. Donya Deleon	X
Mr. Tracy DuPree	
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	X

Staff Present:

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

- 1. Chair Mandy Payette:** Called the meeting to order at approximately 9:30 a.m.

2. Public Comment

Rick McCann (“Mr. McCann”), Executive Director, Nevada Association of Public Safety Officers, asked if the Public Comment portion of the meeting was the appropriate place to address Agenda Item 7, “Discussion and possible action on proposed Letter to Governor regarding State of Nevada employee wages and pay disparity.” Chair Payette clarified it was the appropriate time.

Charles Hopps (“Mr. Hopps”), Vice President, Nevada State Law Enforcement Officers Association (“NSLEOA”), commented on the pay disparity between local police officers and state police officers being quite striking. Mr. Hopps stated there is not a lot of incentive for state police officers to stick around.

Mr. McCann appreciated the letter, and encouraged the Employee-Management Committee (“EMC”) to add more strength to their words. Mr. McCann stated the Governor needed to hear about priorities from his appointed committees.

Dan Lopez, Nevada Highway Patrol Association, fully agreed with the two previous speakers, and suggested that the letter include the number of State employees that are trained and then leave state service to work for another employer.

Michael Sean Giurlani, President, NSLEOA, commented that Nevada law enforcement is in dire straits with benefits having been lost, and suggested the letter reflect the seriousness of the situation.

Chair Payette stated that she appreciated all the comments and encouraged State workers to meet with legislators and attend hearings.

3. Adoption of the Agenda – Action Item

Chair Payette requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Claudia Stieber
SECOND: Co-Vice-Chair Allison Wall
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for December 17, 2015 – Action Item

Chair Payette requested a motion to adopt the minutes.

MOTION: Moved to approve the minutes.
BY: Committee Member Donya Deleon
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

5. Information and update on State of Nevada, Department of Corrections v. Kassebaum (Grievances #3225 & 3232) – For Information Only

EMC Counsel Deputy Attorney General Robert Whitney provided a status update regarding the contested judicial review of Nevada Department of Corrections (“NDOC”) vs. Kassebaum, which had been filed with the Nevada Supreme Court. The case has been routed to a settlement program. As the dispute is between NDOC and Kassebaum, the EMC is not opposed to settlement as long as EMC business is not impaired in any way.

6. Discussion and possible action of formulation and possible approval of EMC procedures related to the handling of grievances – Action Item

Deputy Administrator Shelley Blotter (“Deputy Administrator Blotter”), Department of Administration, Division of Human Resource Management (“DHRM”), explained that DHRM provided support to the EMC. Deputy Administrator Blotter presented the proposed EMC Rules of Practice based on information which was known anecdotally about current EMC procedures. Deputy Administrator Blotter indicated the EMC Chair and Co-Vice-Chairs met with DHRM to discuss developing the rules as documented in statute.

Deputy Administrator Blotter explained how, among other things, the proposed rules clarified: the number of Members that constituted a quorum; how an equal number of employees and managers were needed to make a decision; how the positions of Chair and Co-Vice-Chair were designated; and the scheduling of hearings. Deputy Administrator Blotter indicated that the Legislative Counsel Bureau, during the course of a regulation pre-adoption review, was presented with the idea of an EMC subcommittee to review grievances, but that idea did not move forward. The suggestion was then made that the Chair and Co-Vice-Chairs could independently review each grievance to determine: if the EMC had jurisdiction to hear the grievance; if the grievance should be dismissed due to lack of jurisdiction or as previously heard; or have a full hearing. Chair Payette stated that the independent review process would save resources and time, the intent being for the Chair and Co-Vice-Chairs to streamline the process.

Committee Member Claudia Stieber asked if it was burdensome to review each grievance. Chair Payette answered that grievances came in cycles, and stated the Chair and Co-Vice-Chairs would look at the premise of a grievance, not the resolution. Chair Payette continued that it was redundant to have agencies present a grievance based on a decision of the EMC, and then return for full hearing. A determination of jurisdiction would take place at a hearing.

Committee Member Sherri Thompson asked what would happen if the Chair and Co-Vice-Chairs disagreed. Chair Payette explained the outcome would be determined by a majority. Committee Member Pauline Beigel asked if the rules were specific to grievances and should the rules reflect that. Co-Vice-Chair Allison Wall felt similarly, and stated additional procedures could be created to address NRS 284.073(1)(a-e).

Deputy Administrator Blotter responded the rules were drafted for grievances and additional areas could be added. Chair Payette felt the proposed rules should not be burdensome nor did they encompass the entire duties of the EMC. Chair Payette continued the EMC needed to know how to meet the requirements of the NAC. Deputy Administrator Blotter stated the rules did not cover ground already in statute. Co-Vice-Chair Wall asked if the EMC wanted to add a section to the proposed rules to clarify NRS 284.073(1)(a-d) to show how the EMC fulfilled those provisions. Chair Payette stated that if that were to happen, the rules would be on an agenda at a future meeting and Members could review and comment on the statute. Chair Payette continued, that the EMC was fulfilling the provisions to some extent, but it was often left up to interpretation. Chair Payette added that the proposed rules clarified how hearings are scheduled and set, and how grievances are heard. Committee Member Beigel agreed with Co-Vice-Chair Wall.

Chair Payette requested a motion.

MOTION: Adopt the proposed EMC Rules of Practice as written.
BY: Committee Member Claudia Stieber
SECOND: Committee Member Donya Deleon
VOTE: The majority of the vote was in favor of the motion with Committee Member Beigel voting in the negative.

7. Discussion of and possible action regarding potential responses to Sunset Subcommittee of Legislative Commission, recommendations to Sunset Subcommittee for improvement in policies and programs offered by the EMC, and upcoming hearing before Sunset Subcommittee – Action Item

Deputy Administrator Blotter communicated that the EMC was selected for review by the Sunset Subcommittee of the Legislative Commission. The Sunset Subcommittee requested information concerning the structure and business of the EMC, and Deputy Administrator Blotter asked the EMC to review the proposed responses. Co-Vice-Chair Stephanie Canter asked if the EMC needed to explain the decision to have co-vice-chairs. Chair Payette answered that she wanted the report to be succinct as she would be presenting the report to the Sunset Subcommittee.

Co-Vice-Chair Wall mentioned she had suggestions which could be considered internal procedures. Co-Vice-Chair Wall believed that the EMC was only partly meeting its objectives. Chair Payette stated Co-Vice-Chair Wall's suggestions could be on a future agenda, and the EMC Coordinator would send Co-Vice-Chair Wall's suggestions to Members for review and comment.

Committee Member Beigel suggested that the statement: "The objective of the Employee-Management Committee is to provide a forum for employee concerns to be heard by their peers and in the case of grievances for a decision to be rendered outside of the employees own department," be changed to read in substance: "The objective of the Employee-Management Committee is to listen to employee concerns and make recommendations, and in the case of grievances, for a decision to be rendered outside of the employees' own department."

Co-Vice-Chair Canter suggested that concerns were not just heard by “peers,” and perhaps that could be made more specific. Committee Member Stieber asked if the Sunset Subcommittee was like a standard audit. Chair Payette answered in the affirmative, and encouraged Members to attend the meeting in person or watch it online. The final response to the Sunset Subcommittee would be agendized at a meeting in February.

8. Discussion and possible action on proposed Letter to Governor regarding State of Nevada employee wages and pay disparity – Action Item

Chair Payette opened the discussion on the proposed letter to the Governor, and stated that the intent of the letter was to advise the Governor regarding the effect of pay disparity on State employees. Co-Vice-Chair Canter wondered if encouraging employees to share their concerns with their legislators and attend hearings would be a better option than the EMC sending a letter. Chair Payette encouraged everyone to meet with their legislators as the Governor proposed the budget and the legislators made the decisions. Chair Payette reminded the EMC that at a previous hearing the decision was made to send a letter regarding pay disparity to the Governor and attach Mr. McCann’s comments. Co-Vice-Chair Canter did not think the language needed to be stronger.

Co-Vice-Chair Wall asked if the letter should include the numbers of grievances regarding pay disparity before the EMC to show their significance. Chair Payette answered that she did not see the need to include a specific number, and state the EMC had seen an increase. Committee Member Weyland added that grievances regarding pay disparity had been more frequent. Committee Member Stieber stated if the Governor was not given the perspective he would not know the volume of grievances.

Co-Vice-Chair Wall asked if the Governor was “well aware” as the letter stated, unsure of the priorities of the Governor. Chair Payette advised that the spirit of the letter was based on the grievances before the EMC at the time.

Chair Payette requested a motion.

MOTION: To send the Letter to the Governor as written.
BY: Committee Member Michelle Weyland
SECOND: Committee Member Turessa Russell
VOTE: The vote was unanimous in favor of the motion.

9. Public Comment

There were no comments from the audience or from the Committee Members.

10. Adjournment

Chair Payette requested a motion to adjourn.

MOTION: Moved to adjourn.
BY: Committee Member Claudia Stieber
SECOND: Co-Vice-Chair Allison Wall
VOTE: The vote was unanimous in favor of the motion.