

1 STATE OF NEVADA

2 EMPLOYEE-MANAGEMENT COMMITTEE

3 MEETING TRANSCRIPT

4 OCTOBER 7, 2021

5
6 MULTIPLE: There. Imma just go to Jackson. You're
7 going to Jackson. The June saw looks like, oh, Johnny Cash.
8 Yeah. So basically I would've done, this would've been like
9 part of my -- that I -- I would've had, so I would've proof
10 like my -- and then I (inaudible) just to still talk to you.

11 PARKER: We're still all -- all Let's go ahead and, uh,
12 call this meeting to order. Can you guys hear me in Nevada?

13 WEISS: Yes, we can.

14 PARKER: All right. Okay. Calling the meeting to order
15 at nine, I think it says 02 or oh 9:03, we'll say a.m. on
16 Thursday, October 7. And we're gonna do something a little
17 different whenever you're speaking, you can pull your mask
18 down to talk as soon as you're done, you need to put it back
19 up. Okay. I'm just gonna say that real quick 'cause -- thank
20 you. Staff brought that to our attention that we could do
21 that. Um, so the employee management committee, uh, comes to
22 order and we're in two different locations. Nevada State
23 Librarian Archives in Carson City and Grant Sawyer building in
24 Las Vegas. This is an in-person meeting and we'll comply with
25 the governor's mandate of social distancing and mask wearing

1 for all individuals, whether vaccinated or not vaccinated.
2 And the mask must be worn properly to cover the nose and mouth
3 at all times. The sites are connected by video conference
4 microphones and cameras down south will be looking in front of
5 us. Uh, the microphone and camera is -- is that way. And
6 then in Southern Nevada you can explain to them where to speak
7 towards, um, and to look so that we can see them as well. I -
8 - I can't tell how many people you have up there.

9 LEATHER: Can you guys hear us?

10 BAUER: Yes.

11 LEATHER: Okay. So the camera's right up there. So
12 when we speak, you have to face that way.

13 BAUER: Okay.

14 MERRILL: Thank you.

15 WHITTEN: Thank you.

16 PARKER: Evacuations, um, in Carson City will follow
17 brief and Mandy, or mad -- Maddy, I'm sorry, and -- and uh,
18 will follow them out to the -- either the front of the
19 archives building or the back archives building, depending on
20 what the issue is. And then in Southern Nevada, you will
21 follow.

22 WHITTEN: Well for Southern Nevada, we'll go out the
23 door right here and to the left, all the way out to the
24 parking lot.

25 PARKER: Awesome. Thank you. I'm gonna ask everybody

1 to speak clearly and toward the cameras, uh, whenever
2 speaking. And, um, let's do -- uh, I'm gonna -- well, I wanna
3 do introductions first before public comment, and I have that
4 right to do that, um, so we'll go around the room in Southern
5 Nevada. If you can just say who you are, who you're with, and
6 we'll start with the committee members please.

7 WHITTEN: Sonja Whitten, division of, uh, division --
8 Division of Insurance.

9 WEISS: Todd Weiss, Attorney General's office.

10 WRIGHT: Ivory Wright, EMC Admin Clerk.

11 GITTER: Warren Bill Gitter with Ely State Prison,
12 Nevada Department of Corrections.

13 LEATHERS: Christina Leathers, assistant to the
14 Director of Nevada Department of Corrections.

15 SMITH: Kimberly Smith, acting Chief of Human Resources
16 NDOC.

17 GATES: Brian Gates, Human Resource Manager. Carson
18 City.

19 WHEELER: Uh, senior Correctional Officer. Daniel
20 Wheeler. Um, NDOC.

21 PARKER: Okay, well, let's come down or come up to
22 Carson City. We'll start with Member Bowers.

23 BOWERS: Jennifer Bowers, state Public Charter School
24 Authority.

25 PARKER: Stephanie Parker, NCUNR, and EMC chair.

1 MERRILL: Good morning. Michelle Merrill, DO
2 Vocational Rehabilitation.

3 FLORES: Reese Flores. And I would like to welcome you
4 our new EMC coordinator. Her name is Maddie. Thank you.

5 MADDIE: Thanks.

6 PARKER: Okay, so we'll go ahead and, uh, start with
7 public comment. Uh, no voter action may be taken upon a
8 matter raised during public comment until the matter itself
9 has been specifically included on an agenda as an item upon
10 which action may be taken. Comments will be limited to five
11 minutes per person, and persons making comment will be asked
12 to begin by stating their name for the record. Is that any
13 public comment in Southern Nevada?

14 BAUER: I don't see anyone.

15 PARKER: Okay. Any public comment in Northern Nevada?
16 Hearing none, we'll move on to, um -- item number four on the
17 agenda adoption of the agenda.

18 BAUER: Ms. Chair, this is Jennifer.

19 PARKER: Yes.

20 BAUER: This to adopt.

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

22 WHITTEN: Sonja Whitten for the record? I second.

23 PARKER: All right. Any discussion? All in favor?

24 BAUER: Aye.

25 WHITTEN: Aye.

1 PARKER: Any opposed? So moved. Um, okay. So first
2 on our agenda. Her agenda is, uh, grievance 6917. Before we
3 get started, um, I'm gonna ask that if there are witnesses or
4 the grievance that they, you know, come forward, acknowledge
5 themselves 'cause I'll -- I'll swear you in in a minute. I
6 just wanna kind of explain real briefly what the process is
7 gonna look like, um, for your scheduling orders receive, each
8 party has allowed up to one hour at the discretion of the
9 chair to present his or her matter. Committee members may ask
10 questions during any of the phases to ensure they understand
11 the presentations. And, um, it'll, the -- the typical, uh --
12 uh, rundown or order is opening statement by the employee and
13 then opening statement by the agency representatives or
14 representative. And a pre -- followed by a presentation by
15 the employees of the employee's case. And to that can include
16 witnesses if applicable. Um, and then the agency can cross
17 examine. Next is the presentation of the agency's case to
18 include witnesses of applicable followed by employees cross-
19 examination and questioning. Then we'll have closing
20 statements by the -- the employee and then the agency at the
21 conclusion of each grievance. The committee will deliberate
22 and take a vote. During the deliberation, the parties may not
23 participate or provide additional information unless
24 questioned by the committee. The written decision will be
25 provided within 45 days after the hearing. So and just so you

1 know, per NAC, witnesses shall state their name and just work
2 location, not get patient for the record, we don't need her
3 address. Um, so we have 6917, and that would be for, uh,
4 Tanya Ar -- Armandarez. Arma --

5 LEATHERS: Good morning chair.

6 PARKER: Armandarez. I'm sorry.

7 LEATHERS: Good morning, chair. Christina Leathers for
8 the record, um, it does not appear that Ms. Armandarez has,
9 um, com -- submitted a packet, um, or is present here in the
10 Las Vegas office. I am aware that Ms. Armandarez is, um,
11 looking at retiring soon. And on that basis, um, I'm asking
12 that this grievance be dismissed.

13 PARKER: Okay. Point of order. You're sitting as a
14 committee member today, correct?

15 LEATHERS: No ma'am, I'm not.

16 PARKER: Okay. As the other party?

17 LEATHERS: I'm representing the agency.

18 PARKER: Oh, okay. All right. So Tanya Ar --

19 LEATHERS: Armandarez.

20 PARKER: Armandarez is not present.

21 LEATHERS: That is correct.

22 PARKER: Okay. So we just move on to the next. That's
23 Weiss Todd. Todd?

24 WEISS: Yeah. It's within your discretion to dismiss
25 it if the party hasn't presented to argue or case.

1 BAUER: Ms. Chair, this is Jennifer.

2 PARKER: Yes, please.

3 BAUER: We've had situations similar to this where
4 neither the employer or the employee showed up.

5 PARKER: Yep.

6 BAUER: Um, one or both. And, um, my recent
7 recollection is when the employee did not show up and we did
8 not have employee packet, the committee did vote to grant the
9 motion to dismiss.

10 PARKER: Okay. Because there -- okay, so motion to
11 dismiss does not have to be in written format.

12 BAUER: That's a question for the --

13 PARKER: That -- that's my question. I know we can --
14 we can move forward. And since they're not here. I mean --

15 BAUER: We've entertained those requests before in, uh,
16 verbal form during the open meeting. But I would defer to
17 Todd Weiss.

18 PARKER: Todd Weiss.

19 WEISS: No, uh, Ms. Uh, member (inaudible) is correct.
20 Um, you can entertain a verbal motion to dismiss, uh, with the
21 party not present.

22 PARKER: Okay. So there's a no show. There's, um,
23 discussion of, uh, motion to dismiss. Is there a motion?

24 BAUER: Ms. Chair, this is Jennifer.

25 PARKER: Uh-huh.

1 BAUER: I move to grant the motion to dismiss for
2 grievance number 6917 based on the fact that the grievance did
3 not appear.

4 PARKER: Is there a second?

5 MERRILL: This is Michelle Merrill. I second that
6 motion.

7 PARKER: Any discussion? Hearing no discussion uh, all
8 those in favor?

9 BAUER: Aye.

10 MERRILL: Aye.

11 PARKER: Any pro -- opposition? Motion carries. Move
12 on. We're gonna move on to item number six on the agenda
13 Grievance of Daniel Wheeler, 7252. Is, uh, Daniel Wheeler
14 present?

15 WHEELER: Uh, yes.

16 PARKER: Okay, awesome. So I'm gonna swear you in.
17 And do you promise to tell the truth, uh, the whole truth and
18 nothing but the truth?

19 WHEELER: Yes.

20 PARKER: And state your name for the record again.

21 WHEELER: Uh, senior Correctional Officer Daniel
22 Wheeler.

23 PARKER: Awesome, thank you. I just want to remind
24 both sides to be respectful during the hearing. The parties
25 will need wo -- to return to work tomorrow, and as such, we

1 are here to listen to the employee's concerns and the
2 employer's perspective. Um, so I just want us to be cognizant
3 of that. Um, the committee members have carefully read the
4 material provided with that said, redundant testimony and
5 inefficient use of the time each party has for the
6 presentation. Presentation is viewed by the committee as
7 ineffective committee members may ask questions of a party or
8 witness at any time during the proceeding upon recognition by
9 the chair. So we're gonna go ahead and start with -- start
10 with, are there any objections to the packets that have been
11 presented from either side?

12 LEATHERS: Uh, no ma'am. I did not receive the
13 employee's packet and I did not submit a packet on and behalf
14 of the employer. Sorry. Uh, Christina Leathers for the
15 record.

16 PARKER: Okay. That -- yeah. The agency did not
17 receive a packet.

18 LEATHERS: Uh, no ma'am. I did not receive a packet.
19 Um, if chair, if I may?

20 PARKER: Mm-hmm.

21 LEATHERS: Uh, Christina Leathers for the record. Uh,
22 senior Correctional Officer Wheeler and I had an opportunity
23 along with Warden Gitter, um, to chat prior to the hearing
24 this morning. Um, and based on our discussion, um, senior
25 Correctional Officer Wheeler is willing to withdraw his

1 grievance on the basis that he have an opportunity to
2 participate, um, in the, um, revision to AR 326, um, as well
3 as, uh, on the basis of the conversation that he had with the
4 warden in regards to mandated overtime. Um, I will defer to
5 Senior Correctional Officer, uh, Wheeler to go into further
6 detail at, um, the EMC's request.

7 PARKER: Mr. Wheeler, do you wanna respond to that? I
8 just kind of out of our order and stuff, but a unique
9 situation, so please.

10 WHEELER: No, I agree. Uh, we did come up with a
11 resolution and I would like to withdraw, uh, my grievance at
12 this time, uh, based on what the meeting that we just said we
13 had.

14 PARKER: Okay. Thank you. And do you need him to send
15 something in writing an email? I'd like you, uh, what we need
16 you to do is send an email in writing confirming that you are
17 withdrawing this grievance.

18 WHEELER: Okay.

19 PARKER: And if anything happens later, you always have
20 the right to, you know, submit a new grievance. But we just
21 need this for the doc -- for documentation for the records.

22 WHEELER: Okay. I will email, uh, the letter tomorrow
23 when I, uh, go back to work.

24 PARKER: Okay. That'll work. Thank you so much. I
25 appreciate it.

1 WHITTEN: Ms. Chair, can I ask a question?

2 PARKER: Yes.

3 WHITTEN: Um, and through you to the agency, if -- if I
4 may.

5 PARKER: Absolutely.

6 WHITTEN: Why wasn't this done before an EMC hearing
7 was scheduled? Why wasn't there an attempt at resolution with
8 the grievance prior -- prior to coming to an open meeting with
9 all the effort that goes into it?

10 LEATHERS: Uh, Christina Le -- LeatherS -- Christina
11 Leathers for the record. Um, this is a grievance that was
12 previously held over, um, in, uh, to wait for the collective
13 bargaining agreement to be put in place. Um, and
14 unfortunately due to the fact that NDOC remains in emergent
15 operations, it's just one of those items that we could not get
16 on the calendar before today's meeting.

17 PARKER: Okay. Thank you for that answer. It -- it
18 like raises question that you did not receive the packet that
19 was telling me that you really were unaware of it, but you
20 were actually working on this prior to today.

21 LEATHERS: Um, the grieve -- uh, Christina Leathers for
22 the record. So this particular grievance, uh, is from 2020,
23 um, I believe in May or June of this calendar year. We had a
24 hearing and they were held over to come after -- come to
25 hearing after the CBA was ratified. Um, and then based on the

1 information that's come out, this grievance would not be
2 governed by the CBA and so, um, that was part of the reason
3 why nothing was done 'cause we weren't certain how this was
4 gonna be managed with the CBA going into effect.

5 PARKER: Any comments by any other committee members?

6 BAUER: Ms. Chair, this is Jennifer again.

7 PARKER: Yes.

8 BAUER: I appreciate the, the opinion of the agency.

9 Um, I think that's helpful context. We have heard from
10 members of DHRM's. Collective bargaining unit that the CBAs
11 were in effect in July one. I believe today is October 7th.
12 So I'm gonna go as bold as, um, with your permission to
13 encourage the agency.

14 PARKER: Yes.

15 BAUER: If there is an attempt at a resolution, I would
16 request and respect that it be done prior to scheduling of an
17 EMC, especially if it's pursuant to a collective bargaining
18 arrangement that has been in effect since July 1.

19 PARKER: I agree.

20 BAUER: Thank you.

21 PARKER: So the agency, could you a -- a -- affirm that
22 you, you will actually take that into consideration in the
23 future?

24 LEATHERS: Yes. Christina Leathers for the record
25 Yes. Um, that will be taken into consideration. Um, please

1 keep in mind that the agency did not actually get their, um,
2 HR training on the CBA until late August. So yes, we will
3 take in that into account for future hearings.

4 PARKER: Okay. That would be great. Yeah. And even
5 if we found out a month before this hearing, that would be
6 great because all the work that goes into these would not have
7 had been done. So August, September. So if we knew by
8 September, this wouldn't have even been on the agenda, so,
9 okay.

10 LEATHERS: Thank you.

11 PARKER: And I already took a vote on that. I already
12 took a vote on it. Right. Okay. I did in my mind. Uh,
13 we're gonna move on to item number seven, which is Michael
14 Peterson grievance 7752. Is Michael Peterson present?

15 LEATHERS: Uh, Christina Leathers for the record, if
16 Mr. Peterson was present, he would be in Cars -- The Carson
17 City hearing room.

18 PARKER: Oh, okay.

19 LEATHERS: So he's gone.

20 PETERSON: Good day.

21 LEATHERS: Drive safe.

22 PARKER: Okay -- okay, so I don't see him here was
23 somebody from Department of Corrections representing -- were -
24 - Christina, were you, um, Ms. Leathers, were you representing
25 (inaudible) on this one or no?

1 LEATHERS: Yeah. Christina Leathers for the record?
2 Yes ma'am. I am representing the agency on this one as well.

3 PARKER: Okay. So Mr. Peterson is not present and he
4 did not su -- su -- you wouldn't have gotten an employee
5 packet on this from us 'cause he did not submit for this
6 grievance. So I'll open the floor for a motion.

7 BAUER: Ms. Chair, this is Jennifer.

8 PARKER: Yes.

9 BAUER: Just to be extra clear, the grievance is not
10 present and we did not receive grievance packets for this
11 grievance.

12 PARKER: Correct.

13 BAUER: Did we receive employer packets?

14 FLORES: Reece Flores, for the record, we did not
15 receive employer packet nor, um, agreement packets on this
16 agreement.

17 BAUER: Yeah. Ms. Chair, this is Jennifer.

18 PARKER: Yes.

19 BAUER: Consistent with past decisions and, um, with
20 the motion made just earlier this morning, I moved to, um,
21 dismiss grievance number 7752 based on the fact that the
22 Greivant did not appear.

23 PARKER: Okay. We've got a motion. Do we have a
24 second?

25 MERRILL: This is Michelle Merrill. I will second.

1 PARKER: Any discussion? All those in favor?

2 BAUER: Aye.

3 FLORES: Aye.

4 MERRILL: Aye.

5 LEATHERS: Aye.

6 PARKER: Any opposed? So moved. Okay, we're gonna
7 move on to, um, number eight. And these are discussions for
8 possible action. Um, these last two, so we're gonna start
9 with number eight is grievance 7504. Gloria, department of
10 Corrections.

11 LEATHERS: Chair, Christina Leathers. For the record,
12 I'm -- um, as a -- a -- as the agency representative, am I
13 able to give information on item eight or nine?

14 PARKER: No.

15 LEATHERS: Okay. I just wanted to verify. So we're
16 free to go?

17 PARKER: Yep. You're free to go.

18 LEATHERS: All right. Thank you, ma'am.

19 PARKER: Thanks. All right.

20 LEATHERS: You have a good day.

21 PARKER: So I don't -- um, I'll just throw out my -- my
22 first thought is I'm trying to find a violation of policy, you
23 know what I'm saying? Um, and I'm not seeing it. And I don't
24 know if this was just a temporary thing too. It sounds like
25 it was.

1 BAUER: Ms. Chair, this is Jennifer.

2 PARKER: Yes.

3 BAUER: I agree with you. I -- since I'm being bold
4 today, um, I -- I feel like this step two response was very,
5 very weak and not informative or helpful to the grievance or
6 the employer actually for that matter at all.

7 PARKER: Right.

8 BAUER: And, um, there was actually no step three
9 response by the employer at all.

10 PARKER: Right?

11 BAUER: So this grievance to me feels like the employer
12 is blowing it off and not doing anything at their
13 responsibility to resolve it. I see nothing substantive in
14 here to demonstrate that the agency did or did not violate law
15 record policy. Um, the employee was transferred. We don't
16 know if that transfer transfer was in accordance with policy.
17 The employee wasn't given sufficient information. We don't
18 know if it's actually in result as -- as a result of an EEO
19 investigation or not. Um, so I think we need to hear it.

20 PARKER: Absolutely. I agree -- I agree. Sonja?

21 WHITTEN: Sonja Whitten, for the record, uh, I would
22 agree that, um, additional information would be beneficial in
23 making a decision. And -- and I think the -- uh, the employer
24 not responding, um, is -- uh, is just -- just reason enough
25 to, um, give this employee a hearing so that, uh, we can fully

1 flesh out what -- what happened.

2 PARKER: Awesome. Michelle.

3 MERRILL: I -- thank you, Michelle Merrill. I
4 completely agree and I was even bothered that at the step two
5 response, some of the language seems can as to other responses
6 we read. And that seems disrespectful to the individual, the
7 importance of what they're going through, right. So I -- I
8 agree it should be heard.

9 PARKER: All right.

10 BAUER: Ms. Chair, this is Jennifer.

11 PARKER: Yep. Yes, Jennifer.

12 BAUER: Thank you. Um, I move to -- um, move grievance
13 number 7504 to a hearing.

14 PARKER: And we've got a motion. Do we have a second?

15 WHITTEN: Sonja Whitten for the record, I will second.

16 PARKER: Any discussion? All those in favor say aye.

17 BAUER: Aye.

18 WHITTEN: Aye.

19 PARKER: Any opposed? So moved. That one won't meet.

20 So seven, what does that say? Can you read it? 7504, missed
21 a hearing. Okay. We're gonna move on to number nine, which
22 is grievance 7625 Lamar Gibson. So --

23 MERRILL: Oh, go ahead.

24 PARKER: Sorry.

25 MERRILL: Um, I'm Michelle Merrill?

1 PARKER: Yes.

2 MERRILL: Um, this one seems pretty direct in that,
3 um, the documentation supports that they asked for
4 documentation of the continuing education that they mentioned
5 about online or in person. And that shouldn't be your name
6 because homework still requires time. It doesn't matter if
7 you're in person or online. But that said, there's -- it
8 would be very evident if the documentation was provided in --
9 in the original, um, description of -- of the grievance. It
10 doesn't talk about -- I did submit the documentation. So this
11 seems like it will be one that is easy to determine if
12 compliance was met or not.

13 PARKER: And I -- I agree. Cause I think there was an
14 inference that he talked to them, but there was no --

15 MERRILL: No statement.

16 PARKER: Yeah. So I -- I don't know. I -- I'm leaning
17 towards that hearing on this one. I think it'll be an easy
18 one what you said.

19 BAUER: Ms. Chair, this is Jennifer.

20 PARKER: Yes.

21 BAUER: I agree. Um, so not contemplating the
22 substance of the case on how we would decide, because this is
23 just to agenda to answer without a hearing or move to a
24 hearing. Um, I'm not aware of any past decisions based on
25 super shifts. I haven't even heard in my experience. I don't

1 know if other committee members have heard of a super shift in
2 previous committee meetings, but, um, I don't have anything in
3 my mental file cabinet to draw from in which to based, um, not
4 hearing this on precedent or failure procedure. So I think we
5 need to hear it. And I agree it probably is a simple hearing,
6 but I think we still need to hear it.

7 PARKER: Yes. (inaudible) Whitten, yeah wanted to
8 contribute there.

9 WHITTEN: Sonja Whitten for the record. Um, I would
10 agree that, uh, a hearing would, uh, um, be an order for this
11 grievance number 7615 and -- and I motion to, uh, move
12 grievance 7615 to hearing.

13 PARKER: All right. We've got a motion. Do we have a
14 second?

15 BAUER: I second that motion (inaudible).

16 PARKER: Any further discussion. All those in favor?

17 BAUER: Aye.

18 WHITTEN: Aye.

19 PARKER: Any opposed? So moved. Wow, wow. Um, I just
20 want everybody to know I built in a -- a potential lunch for
21 this. Uh, okay. So I'm gonna do public comment, uh, another
22 time. Um, uh, no voter action may be taken upon a matter
23 raised during public comment until the matter itself has been
24 specifically included on an agenda as an item upon which may
25 action may be taken. Comments will be limited to five minutes

1 of a person, and persons making comment will be asked to begin
2 by stating their name for the record, any public comment in
3 Southern Nevada?

4 WHITTEN: None.

5 PARKER: All right. Hearing now, we'll move to, uh,
6 Carson, city. Any public comment? You don't have any, so
7 we'll move to adjournment.

8 BAUER: Time, 9:32 a.m.

9 PARKER: 9:32 a.m.

10 BAUER: Thank you.

11 PARKER: Awesome.

12 MERRILL: I haven't been here long, but it's never been
13 my best. Usually the other extreme.

14 PARKER: Wow. Thank you everybody.

15 MULTIPLE: Good job here. Yes, have a good day.

16 PARKER: Thanks guys.

17 MERRILL: Bye.

18 MULTIPLE: All their staff, epitome of efficiency.

19 That was lovely. Yeah, it only works that way if I make
20 myself a script. It really does. Perfect. I don't know what
21 happened with that, but I'm -- yeah I'm, that's all right.

22 Okay. That's okay. You know mean some people the only thing
23 they're using is their grievance. I don't have an issue with
24 that. There you go. This is my script -- This is my script.

25 We're gonna don't take your script. Take -- take your script.

1 And it's cause I -- um, mess up with my language too. So my
2 words.

3 *** END OF MEETING ***

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