



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
October 22, 2015

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

Committee Members:

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

Staff Present:

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

- 1. Co-Vice-Chair Stephanie Canter:** Called the meeting to order at approximately 9:00 a.m.

2. Public Comment

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

3. Adoption of the Agenda – Action Item

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

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

4. Approval of Minutes for April 23, 2015 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes.

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

5. Approval of Minutes for May 7, 2015 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes.

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

6. Approval of Minutes for September 3, 2015 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes.

MOTION: Moved to change Agenda Item 8 – Adjournment to read, “Committee Member Turessa Russell” instead of “Co-Vice-Chair Turessa Russell” and approve the minutes.
BY: Committee Member Turessa Russell
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

7. Approval of Minutes for September 17, 2015 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes.

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

8. **Discussion and possible action related to Motion to Dismiss of Grievance #3693 of Anthony Ritz, submitted by the Department of Corrections, supporting documentation, and related oral argument, if any – Action Item**
A Motion to Dismiss was submitted to the Employee-Management Committee (“Committee”) by the agency employer Department of Corrections (“NDOC”) which was represented by Human Resource Manager David Wright (“Mr. Wright”). Grievant Anthony Ritz (“Mr. Ritz”) represented himself.

NDOC argued in substance that Mr. Ritz’s grievance was untimely and should have been filed back in 2006. NDOC also argued that there was Committee precedent if an employee reasonably should have known about the act which constituted his or her grievance and if the employee did not file the grievance within the 20-day time period allowed for filing grievances, then the grievance would be dismissed. NDOC argued in substance that it should have been apparent to Mr. Ritz based on his payroll check that there was an issue that needed to be corrected. Additionally, NDOC argued that there was no proof that NDOC had violated any statute or regulation in the matter. Finally, Mr. Wright argued that NDOC offered a resolution to Mr. Ritz’s grievance, but Mr. Ritz had declined the proposed resolution.

Mr. Ritz argued in substance that he never handled his checkbook, that his checks were deposited directly into his account, that he never looked at his paystubs, and that he did not become aware of the fact that he did not receive his full service credit until April 6, 2015. Mr. Ritz also added that he submitted his grievance on April 10, 2015. Mr. Ritz further argued in substance that his attendance cards showed that he used compensatory (“comp”) time off during the period of time in question, and that there was a mistake made by NDOC Payroll. Furthermore, Mr. Ritz stated in substance that he was told by NDOC that he had the comp time available to use at the time in question. Mr. Ritz further stated in substance that he did not accept NDOC’s proposed resolution because he felt that he would be charged double the time for the same amount of pay, and that he simply wanted his service credits.

The Committee, after having read and considered all of the documents filed in this matter and after having heard oral arguments, deliberated on the issues presented. Co-Vice-Chair Canter stated in substance that state statute was violated because Mr. Ritz’s timesheets did not show leave without pay as being taken by Mr. Ritz, yet leave without pay was ultimately charged. With respect to whether Mr. Ritz’s grievance was timely filed, Co-Vice-Chair Canter stated in substance that if Mr. Ritz’s leave was never deducted for the comp time he thought he took back in December 2005, and if it had accrued and had been incorrect since 2005, then the 20-day time period for filing a grievance would start over every pay period. Committee Member Michelle Weyland stated in substance that Mr. Ritz should have noticed the difference in pay between his paycheck with the leave without pay taken into account and his other paychecks.

Co-Vice-Chair Canter requested a motion.

MOTION: Moved to deny the Motion to Dismiss

BY: Committee Member Turessa Russell
SECOND: Committee Member Guy Puglisi
VOTE: The motion passed with a three-to-one vote with Committee Member Weyland voting in the negative.

9. Adjustment of Grievance of Anthony Ritz, #3693, Department of Corrections – Action Item

The agency employer NDOC was represented by Mr. Wright. Mr. Ritz was present in proper person. There were no objections to the submitted exhibits. Mr. Ritz and Department of Administration Central Payroll Manager Keyna Jones (“Ms. Jones”) were sworn in and testified at the hearing.

Mr. Ritz is a Correctional Casework Specialist II with NDOC. Mr. Ritz testified that on April 6, 2015, he reviewed his Public Employees’ Retirement System of Nevada (“PERS”) account and learned that during the December 19, 2005, to January 15, 2006, time period he did not receive full service credit toward his retirement. As a result, Mr. Ritz stated that he contacted Hope Chowanski with NDOC Payroll on the same date as his review. Furthermore, Mr. Ritz stated in substance that he filed his grievance within 20 days of becoming aware of his not receiving full service credit.

Additionally, Mr. Ritz also testified in substance that he felt that not one of the associate wardens at NDOC from the start of the grievance process tried to address his grievance, and that no one from NDOC had contacted NDOC Payroll or even researched his timesheets or attendance cards, and that he had to contact NDOC Payroll himself. Furthermore, Mr. Ritz noted that Brian Boughter (former Personnel Officer with NDOC) stated in substance that it appeared that he had the comp time available back in December 2005 to use and that there should not have been any reason that Mr. Ritz was not allowed to use that time.

Mr. Ritz stated in substance that Ms. Jones in an e-mail said he did not have the correct amount of time to enable him to use his comp time. Mr. Ritz added that he was told by Ms. Jones that he would have needed 60 hours for that time period, and that he only had 38.52 hours, but that still came to 21.48 hours leave without pay for the time that was unaccounted for and which would have been the leave without pay in question. If he received 28 hours leave without pay, Mr. Ritz argued, where was the other 6 hours? Therefore, Mr. Ritz in substance argued that there was a “mess up” somewhere between NDOC Payroll and PERS, and that his time had been calculated incorrectly. Mr. Ritz added in substance that back in 2005 if an employee was not at work, NDOC was required to sign a timesheet for that employee, and that if NDOC could show him his timesheet with leave without pay he would end his grievance.

NDOC stated that it was not arguing the fact that Mr. Ritz had annual leave which could have been used back in December 2005. However, back in 2005, NDOC stated that supervisors were required to sign timesheets when submitted. The timecard that was provided in Mr. Ritz’s packet was not the actual timecard that would have been keyed in by the institution’s timekeeper. NDOC also noted that it saw the timesheet that Mr. Ritz provided in his exhibit packet, and that he

had put down comp time for his requested time off, but that this was not a final timesheet. NDOC added that back in 2005 it was not using NEATS (the “Nevada Employee Action and Timekeeping System”), which allows employees to view their electronic timesheets, and that according to the Nevada State Library and Archives, state departments are not required after three fiscal years to keep physical payroll records. Therefore, NDOC argued, there was no way it could go back and research what documents were originally submitted concerning time off in this case.

Additionally, NDOC argued that if one looked at the first page of Agency Exhibit C, at the dates of the 24th, 30th and 31st of December, it appeared comp time was used on the 24th, but on the 30th and 31st leave without pay was used. According to NDOC, this exhibit would have been what was submitted from it to Central Payroll at the time in question. On page two of the exhibit, NDOC stated that at that time, December 2005, a timesheet was entered, that it was “minused out,” and that a third timesheet was input with basically the same exact hours on it with the exception of the 24th having four hours of leave without pay.

NDOC stated that they went back and researched what happened and what the hours were which were actually submitted. NDOC stated that what it submitted to Central Payroll was exactly what Mr. Ritz was paid for, and that is what was submitted to PERS because PERS had notified Mr. Ritz when he spoke with them that he had 28 hours of leave without pay, which was in fact correct.

NDOC argued that there were no reporting or clerical errors from NDOC to Central Payroll, or from Central Payroll to PERS, and that all the information matched. NDOC stated that for whatever reason, Mr. Ritz’s timesheet as submitted was not what ultimately Mr. Ritz ended up being compensated for, and they did not have the reason why. However, NDOC noted that it did research the grievance and that it did go back and try and look at the timesheets as Mr. Ritz had requested. NDOC added that it did not have to make the offer it made to Mr. Ritz of allowing him to use current annual leave to offset the leave without pay so there would not be a difference in PERS. However, NDOC noted that Mr. Ritz declined its offer, feeling that it was a double payment on his part. NDOC added that annual leave would have had to have been used in 2005 because Mr. Ritz, according to Ms. Jones’ e-mail, stated that Mr. Ritz did not have the comp time to cover his absence. NDOC added that it did not see any other available remedy other than allowing Mr. Ritz to use his annual leave right now, and since that offer was refused, NDOC requested that Mr. Ritz’s grievance be dismissed.

Ms. Jones testified in substance that she went back and pulled the history of all documents keyed in from December 5, 2005, to January 1, 2006 (pages 13 and 14 of the Supplemental Exhibit) that pertained to Mr. Ritz’s grievance. Ms. Jones was also asked about her e-mail answer to Mr. Ritz that was included in the Supplemental Packet. She testified that Mr. Ritz had asked her if he had enough comp time to cover the leave he took in December 2005. Ms. Jones explained that going back over the spreadsheet which she compiled, Mr. Ritz started the pay period with 38 hours and 52 minutes of comp time, and that his leave usage during that pay period totaled 60 hours, but that Mr. Ritz had not

used any annual leave. Ms. Jones further testified that Mr. Ritz earned 8 hours of comp time for the holiday, but he did not have sufficient comp time to support the reported 60 hours. Ms. Jones also stated in substance that it appeared Mr. Ritz had sufficient annual leave to use at this time period.

In response to questioning from Mr. Ritz, Ms. Jones testified that she could not answer where the other 14.52 hours were which accounted for his leave without pay total since she did not have access to the correcting documents submitted to Payroll due to the three-year record retention schedule. Ms. Jones also testified in substance that she was unable to answer why Mr. Ritz was charged with 28 hours comp time instead of 13.48 hours because she did not have the information to allow her to do so.

After Ms. Jones testified, Mr. Ritz stated in substance that at the time he took the leave in question NCIS (“Nevada Correctional Information System”), the timekeeping system which NDOC used at the end of 2005, would not allow an employee to use time which the employee did not have available. Therefore, Mr. Ritz added, when the time was entered he was under the impression that he had the comp time available to use and that his timesheet reflected this as well as his attendance card. Mr. Ritz surmised that somewhere, based on what Ms. Jones testified to, there was a clerical error of at least 14 plus hours.

The Committee discussed and deliberated on Mr. Ritz’s grievance. It was voiced by some Committee members in substance that the only remedy they saw was to compensate Mr. Ritz with 28 hours of annual leave so the concern regarding Mr. Ritz’ PERS account could be rectified. Co-Vice-Chair Canter noted that if Mr. Ritz did not have sufficient comp time to use back in December 2005, his time should have been coded to annual leave instead of leave without pay. Co-Vice-Chair Canter also noted that Mr. Ritz would need to be paid for the time that was coded as leave without pay and the time recorded as annual leave and then that change would need to be reported to PERS. It was also stated by Committee Member Turessa Russell that Mr. Ritz wasn’t charged annual leave or comp time in December 2005, and so to give the time up now would be the same as giving up the time in December 2005.

MOTION: Moved to uphold the grievance because NDOC erred in the timesheet coding of leave without pay before using annual leave or comp time per NDOC’s Administrative Regulation 322, and that the remedy was that Mr. Ritz be charged 28 hours of leave, comp or annual, to be paid based on Mr. Ritz’s rate of pay at the time (December 2005) and that appropriate contributions be made to PERS and any other required entities, and that these actions would be contingent upon leave currently being available.

BY: Co-Vice-Chair Stephanie Canter

SECOND: Committee Member Michelle Weyland

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

10. Public Comment

There were no comments from the audience or Committee Members.

11. Adjournment

MOTION: Moved to adjourn.

BY: Committee Member Michelle Weyland

SECOND: Committee Member Turessa Russell

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