



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
December 4, 2014

Held at the Bryan Building, 901 S. Stewart St., Tahoe Conference Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

Committee Members:

Management Representatives	Present
Mr. Mark Evans–Chair	X
Ms. Mandy Payette–Co-Vice-Chair	X
Ms. Bonnie Long	
Ms. Claudia Stieber	
Ms. Allison Wall	
Ms. Michelle Weyland	

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

Staff Present:

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

- 1. Chair Mark Evans:** 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

Chair Evans requested a motion to adopt the agenda.

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

4. Approval of Minutes for July 24, 2014 – Action Item

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

MOTION: Moved to approve the minutes.
BY: Committee Member Tracy DuPree
SECOND: Co-Vice-Chair Mandy Payette
VOTE: The vote was unanimous in favor of the motion.

5. Approval of Minutes for August 7, 2014 – Action Item

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

6. Approval of Minutes for August 28, 2014 – Action Item

MOTION: Moved to approve the minutes.
BY: Co-Vice-Chair Mandy Payette
SECOND: Committee Member Tracy DuPree
VOTE: The vote was unanimous in favor of the motion.

7. Approval of Minutes for September 18, 2014 – Action Item

MOTION: Moved to approve the minutes.
BY: Committee Member Turessa Russell
SECOND: Co-Vice-Chair Mandy Payette
VOTE: The vote was unanimous in favor of the motion.

8. Discussion and possible action related to motion to dismiss of Grievance of Samantha Constantino, submitted by the Division of Child and Family Services, supporting documentation, and related oral argument, if any – Action Item

A Motion to Dismiss was submitted to the Employee-Management Committee (“EMC” or “Committee”) by the agency employer Division of Child and Family

Services which was represented by Deputy Attorney General Ross Armstrong (“Mr. Armstrong”). Samantha Constantino (“Ms. Constantino” or “Grievant”) was not present.

EMC Coordinator Carrie Lee stated that prior to the hearing, Ms. Constantino had contacted the Division of Human Resource Management and requested to withdraw her grievance, however, the written request to withdraw had yet to be received. Mr. Armstrong stated he would not object to the grievance being withdrawn should the Grievant later submit written request to withdraw the grievance.

Mr. Armstrong argued the matter should be dismissed because the EMC lacked jurisdiction on the grounds that the grievance was not submitted in a timely manner; the claims of Family Medical Leave Act (FMLA) violations as well as retaliation and harassment are outside of the EMC’s permitted scope; and the EMC lacked the jurisdiction to act on Ms. Constantino’s demands for adjustments.

The Committee reviewed the documents submitted, considered the arguments presented and deliberated on the record. Co-Vice-Chair Mandy Payette stated the EMC lacked jurisdiction based on NAC 284.678 in that the grievance wasn’t filed within the 20 day period of when Grievant was notified. She continued that NAC 284.658 didn’t allow the EMC to hear the matter around the Grievant’s allegations of retaliation, discrimination and harassment related to FMLA. Committee Member Tracy Dupree stated there were not any remedies the EMC could provide to address Grievant’s requests. Turessa Russell noted that the travel distance of the Grievant’s commute had more than doubled, however, the EMC did not have jurisdiction or remedies to solve the issue. Chair Evans stated that the employee didn’t use the grievance process correctly and that the grievance was untimely.

Chair Evans requested a motion.

MOTION: Moved that if the grievance was not withdrawn by the close of the business day, to deny the grievance on the basis that it was not timely.

BY: Co-Vice-Chair Mandy Payette

SECOND: Committee Member Turessa Russell

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

9. Public Comment

Tania Arguello stated that she had not received an audit on her holiday pay, as had been directed by the EMC. Chair Evans answered that he would follow-up and contact her.

10. Adjournment

MOTION: Moved to adjourn.

BY: Committee Member Tracy DuPree

SECOND: Co-Vice-Chair Mandy Payette
VOTE: The vote was unanimous in favor of the motion.