

1 STATE OF NEVADA

2 Employee Management Committee

3 MEETING TRANSCRIPT

4 THURSDAY, FEBRUARY 1, 2024

5

6 WRIGHT: Are you guys able to see?

7 DUPREE: We can see, we can hear you, it's all
8 good.

9 WRIGHT: All right. Uh, does this -- I'm sorry,
10 does this (inaudible) for you guys?

11 WEISS: (Inaudible) other than you guys speaking
12 or testifying or -- or what have you that we're not gonna be
13 able to see them and you at the same time.

14 UNIDENTIFIED: Yeah, there's nobody here.

15 WRIGHT: There's --

16 WEISS: I don't know if we're going to have that
17 issue today, but, um, so I guess we can just roll and see how
18 this all goes.

19 DUPREE: Okay. With that, I'd like to call this
20 meeting of the Employment Management Committee to order. And
21 the first item on the agenda is public comment. There are no
22 public -- there is no public in the North and it doesn't look
23 like there's public in the South, but is there public there,
24 Todd?

25 WRIGHT: We have one person here.

1 WEISS: We have one person here.

2 DUPREE: Okay.

3 UNIDENTIFIED: I have no have public comment.

4 WRIGHT: She has no public comment?

5 WEISS: No public comment.

6 DUPREE: No public comment. Okay. Thank you. Um,
7 next item on the agenda is committee introductions. Uh, I'll
8 start. My name is Tracy DuPree. I work for the Department of
9 Employment Training and Rehab and I'm the chairperson and, uh,
10 go ahead and go introduce yourself.

11 FROMM: Uh, my name is Doug Fromm and I work for
12 the Nevada Department of Transportation.

13 GEYER: Sandie Geyer, uh, Attorney General's
14 Office.

15 GORDON: Mary Gordon, Department of Public Safety.

16 WEISS: Todd Weiss, Deputy Attorney General for
17 EMC.

18 WRIGHT: I'm Ivory Wright, EMC Clerk.

19 har: Roxanne Hardy, EMC Coordinator.

20 JOHNSON: Nora Johnson, Personnel Analyst.

21 DUPREE: I would like to entertain a motion for the
22 adoption of the agenda as presented.

23 GORDON: Second.

24 DUPREE: Well, first we need a motion, then the
25 second. I can't make a motion, I can second it.

1 GEYER: I motion for the adoption of the agenda.

2 DUPREE: Motion by, uh, Sandie. Seconded by?

3 GORDON: I second.

4 DUPREE: All right, motion and second. All in
5 favor say aye.

6 MEMBERS: Aye.

7 DUPREE: Motion carries and is adopted. Item 5,
8 approval of minutes for September 21, 2023. I looked at 'em.
9 I didn't see anything that was glaring, needing to be --
10 jumping out at me saying it need to be fixed, but I could be
11 wrong. Take a minute to review those.

12 FROMM: They were nice and lengthy. I looked at
13 'em.

14 DUPREE: Yeah, they were. I -- you know --

15 FROMM: I got to see everything I missed.

16 DUPREE: Yeah? You felt like you were there.
17 Yeah.

18 JOHNSON: Uh, Nora Johnson for the record, Chair.
19 For those of you who've been here for a little bit of a
20 minute, you may have noticed that our minutes formatting has
21 actually changed. We are going verbatim now. Um, that way
22 the minutes that we are posting on our public facing website
23 shows the entirety of the conversation, how the committee
24 worked to where they worked rather than the in-substance
25 versions that we were doing, which may have the perception of

1 comments or content being omitted. So that is the reason for
2 the change of format.

3 DUPREE: I had noticed that in our end. Thank you
4 for the update. I appreciate that.

5 GORDON: I reviewed them and I didn't see any
6 changes either.

7 DUPREE: Okay. Would you like to move to have them
8 adopted as submitted?

9 GORDON: It's been a minute. I -- I -- I would
10 like to move. I'd like to motion to adopt the employee
11 management meeting transcript of September 21st, 2023.

12 DUPREE: Okay. Tracy DuPree for the record. I
13 will second that motion. All in favor say aye.

14 MEMBERS: Aye.

15 DUPREE: Motion carries. Those minutes are
16 approved. Next item is approval of minutes for October 5,
17 2023. Who wants to --

18 GORDON: I'd like to -- can I motion?

19 DUPREE: Yeah. State your name for the record,
20 please.

21 GORDON: Mary Gordon for the record.

22 DUPREE: Thank you.

23 GORDON: I'd like to motion to accept the meeting
24 transcripts of October 5th, 2023.

25 DUPREE: Okay, I'll second that motion, Tracy

1 DuPree for the record. All in favor say aye.

2 MEMBERS: Aye.

3 DUPREE: Okay. Motion carries. Item 7,
4 discussion, possible action related to grievance number 9909,
5 uh, Blanca -- is it --

6 UNIDENTIFIED: Bianca.

7 UNIDENTIFIED: Bianca.

8 DUPREE: Bianca Bolden, um, Department of Business
9 and Industry. Anyone have any thoughts on that one?

10 FROMM: I mean, my first -- my first thoughts with
11 it after reviewing it is -- and reviewing some of the emails
12 and stuff is, um, with the evaluation period -- periods in
13 there, I don't know if you guys saw that, and then changing
14 some of the dates around, um, and then her argument for, uh,
15 what was it, how many, uh, cases if you will, or, additional
16 inspections --

17 DUPREE: How many inspections she had to go.

18 FROMM: Yeah. So I -- I guess where I'm kind of
19 coming from, I'm -- I'm looking at both side -- both sides of
20 it and so, um, this is an interesting one to me. It seems
21 like she makes some valid arguments in her -- in her, uh,
22 proposed resolution and -- and her side of the story, so
23 that's kind of where my thoughts are at the moment.

24 DUPREE: Do you think we need to hear it?

25 FROMM: I would like to hear it.

1 DUPREE: Okay. Is there a motion?

2 GORDON: Yeah, I -- I -- I too read it and I was
3 having -- I felt like there was information or some -- some
4 info there -- it was some stuff missing out of this because,
5 um, I mean, as far as the employee evaluation, so in her --
6 she proposes that her employee evaluation be -- periods are
7 clearly communicated, right, to allow the maximum opportunity
8 to succeed but I did see in the emails that there were emails
9 from her supervisor, John Hutchinson (phonetic), you know,
10 that -- that went out and -- and identified -- I think that
11 was in May, an email was sent out and clarified the evaluation
12 dates --

13 DUPREE: (Inaudible.)

14 FROMM: Yeah, I saw that too.

15 GORDON: -- for each -- for each employee. Um, so
16 in that email, he says to clarify, so it seems to me that
17 there may have been an additional communication that wasn't
18 received, I'm not quite sure, or -- or with -- with what she
19 stated or a proposal to extend it. Apparently they extended
20 it from September 1st to September 23rd, but I didn't see
21 anything that she provided that indicated the extension to
22 September 23rd.

23 DUPREE: I remember thinking that too when I read
24 it.

25 GORDON: Um, and then, you know, there was some

1 concerns regarding, um, her work assignments. Um, it'd be,
2 um, you know, not getting updates or -- but in February -- I -
3 - I'm not quite sure if the date was incorrect. It was a
4 February 20 email sent in February, but it said February 22nd,
5 but I think it meant the 23rd, but the -- the email, she
6 received another email from her (inaudible) supervisor, John,
7 that, you know, provided her the stats where she was at
8 currently, you know, and -- and to -- on track to reach her --
9 her case, her investigation, her inspection cases.

10 DUPREE: Yeah, the -- the -- the number of
11 investigations she completed versus the number she would need
12 for the evaluation period that's on there.

13 GORDON: And she also agreed -- and -- and what I
14 read, she did agree to the goal of 50 to 55 inspections. Um -
15 -

16 FROMM: I guess where I'm coming from is -- I'm
17 with you Mary, I -- I'd like to see some more information. I
18 mean, just going back and forth reading what she's writing and
19 reading some of these emails from John Hutchinson and, I mean,
20 it's spelled out with the amount of inspections and whatnot,
21 but at the same time, I mean, I guess I'll use the word
22 micromanagement here, um, it just is, like, man, it's just no
23 way to -- I wouldn't wanna work for this individual the way
24 it's written, but that's just -- just me. Um, so --

25 GORDON: So I -- I -- I guess there would be

1 something that I would need to ask. Would there be any
2 additional information be able to be submitted because I don't
3 know -- I don't believe -- from what I understand that, um,
4 our -- our role is not to fact find, but to review the
5 information that's provided.

6 DUPREE: Yeah.

7 GORDON: So if we indeed went to a hearing, would
8 they be able to present additional information beyond what's
9 already submitted?

10 JOHNSON: Nora Johnson for the record. Yes. Uh, if
11 a grievance is scheduled for hearing, scheduling orders for
12 that hearing go out 21 working days prior to with a 15 working
13 day deadline for packets, and packets are to be submitted by
14 both the agency and the employee. There is no cap on the
15 information in those packets. We have received some that have
16 been relatively extensive, I think 300-plus pages in some
17 instances, however, it could be, um, any sort of documentation
18 that is well outside what was submitted with the grievance but
19 both parties would have the opportunity and a deadline to
20 submit that.

21 GORDON: I mean, there is definitely some concerns
22 with -- with regarding to -- uh, uh, um, to me anyway, I -- I
23 kind of thought it was concerning that they were coming up
24 with their own evaluation timeframes beyond what is guided in
25 the NAC and NRS, but I -- I think that's on a different --

1 different -- that would be on a different note perhaps of me
2 maybe suggesting or recommending they reevaluate that and
3 stick with the guideline of the evaluation should be at the
4 end of every 12th month after making their probation period,
5 but that -- that's on a side note. Um, even in the -- I don't
6 -- even in their flow chart, it states, you know, um, state
7 employee appraisals 30 days before due date and -- and it
8 seems to me -- I -- I was -- I -- I don't know if they're
9 following what they've provided in their policy, but, um,
10 regarding due dates of their employee evaluation.

11 FROMM: I think that's where my concern is based
12 off of. I mean, we all take classes, supervisory classes,
13 work performance standards, evaluations, all that stuff, and
14 there's, you know, guidelines we gotta follow and this just
15 kind of to me, from what I'm reading into it, just kind of
16 deviates from that. So me, I guess I'm looking at it there --
17 there's -- there's more. I would like to know more and it
18 seems more that's going on here. I mean, maybe it's -- it's -
19 - it's personality conflicts or something but, I mean, I would
20 like to help -- help her get -- get a resolution of -- of some
21 sort. So whether that's, uh, hearing it or a resolution call
22 or something but, um, you know, there -- there's something
23 here to me and I just -- I -- I think I'm looking for more
24 information myself.

25 DUPREE: Okay.

1 WEISS: Chair, can I make a point of order?

2 Deputy Attorney General Todd Weiss?

3 DUPREE: Yes, sir. Go ahead, Todd.

4 WEISS: So our -- our stance, and it's our stance
5 for a while now has been that we do not push grievances to
6 hearing simply for the -- simply for the aim of getting more
7 information. Uh, at this stage of the -- of the evaluation,
8 all we're looking at is do we have enough that's been in front
9 of us right now without anything else? We know we have a
10 grievable issue and we have an issue that we have the
11 authority and ability to offer some sort of resolution for.
12 So that -- that's all this can be looked at at this point is -
13 - is do we have a grievable issue and is this something that
14 we can -- we can resolve and it has to be based on what we
15 have in front of us, not with the possibility of more
16 information coming down the pike that we set for hearing.

17 GORDON: So -- oh, this is Mary Gordon for the
18 record. I apologize, but I didn't really clearly hear all
19 that was said.

20 JOHNSON: Hey, Todd, this is Nora. I heard you and
21 if you want me to relay again, our laptop mike is very, very
22 little.

23 WEISS: Oh yeah, go ahead, Nora, please -- please
24 relay.

25 JOHNSON: Uh, what Todd was saying is that our

1 current stance right now is that we're not pushing grievances
2 forward to hearings simply for getting more information. Um,
3 it is the -- I'm gonna expand a little. It is the burden of
4 proof of the employee to put the crux of their grievance in
5 there to show that something happened. What we are looking at
6 is did the agency follow policy, process, and procedure, is
7 that applied fairly and consistently across the board and as
8 Todd stated, is it grievable and is there a resolution we can
9 offer.

10 GORDON: So Mary Gordon for the record. I mean,
11 they technically -- it to me doesn't -- it doesn't appear they
12 followed the regulation regarding performance evaluations.
13 However, it does appear that he was -- it was -- the
14 evaluation process was being consistent with the other
15 employees involved. Um, I -- so I -- I think for myself, I'd
16 like to go through each proposed resolution, if that's okay
17 just -- so Bianca proposes that an employee evaluation period,
18 periods are clearly communicated to allow the maximum
19 opportunity to succeed. In this case had it been communicated
20 that my evaluation period would be extended from September 1st
21 to September 23rd, I would've used that additional time to
22 complete the additional work assignments to result in meeting
23 standards and the quantity of work on this evaluation period
24 and it is not known that I took every opportunity to do so.
25 May 12th was provided. So my -- my -- my note was, um, she

1 didn't -- I mean, there was no documentation provided
2 indicating the extension. So if we're looking at -- it's up
3 to the employee's burden of proof that she did not provide
4 that, that I didn't -- I didn't see. She was provided
5 clarification on May 12th regarding her -- her -- their -- the
6 evaluation.

7 DUPREE: Right.

8 GORDON: Um, on February 16th, the supervisor sends
9 Bianca performance a reminder, and to which she responded that
10 on February 16th, Bianca sends an email requesting more work
11 to get back on track. Work was being assigned as of December
12 15th. So it appears to me that she's aware of where she's at
13 with her stats, but to get back to this proposed resolution, I
14 didn't see anything that she provided -- that provided an
15 exchange of date from September 1st to September 23rd. On
16 this -- on the other proposed resolution, the proposed
17 resolution, excuse me, that my evaluation reflect all work
18 that's done when communicated. Regardless of the results of
19 my last evaluation, it is known that I completed and submitted
20 19 additional inspections, which were not mentioned. So this
21 was resolved at Step 3 because I believe, if I remember
22 correctly, they, uh -- they advised to adjust and include the
23 19 inspections that she did.

24 DUPREE: So that resolution's been done and --

25 GORDON: And then, um, I think to the -- the

1 training schedule, she's indicating must -- must be factored
2 into evaluations but that's -- that's her -- I -- that's her,
3 um, thought I -- I suppose, that's her wishes, right?

4 GEYER: Sandie Geyer for the record. Um, the
5 grievant actually stated, uh, regarding the training schedules
6 that there are 14 days that they lose time for inspection,
7 which in her opinion was that it should have been extended on
8 to the period of, uh, evaluation. Going back to what her
9 supervisor had indicated was that he -- he's held to a
10 standard of having to complete these evaluations in a timely
11 manner and prior to the anniversary date of the, uh -- of the
12 employee and in -- in addition to that, he also has to have
13 these evaluations to his supervisor four weeks prior to the
14 anniversary date of the employee. So that actually cuts into,
15 you know, quite a few weeks of -- of time where, you know, if
16 the employee is being evaluated, let's just say for instance,
17 from, and I'm gonna use a just a generic date, say May 1st,
18 2022 to, uh, April 30th, 2023 for their annual review, they're
19 actually losing, you know, six weeks of time of that
20 evaluation given that there's, uh, 14 days of -- of training
21 that also goes into that. So, and I understand where the
22 grievant is coming from. Um, I'm not really sure if there's
23 anything that -- that this body can do, uh, to change that
24 particular situation. Um, I -- you know, I -- I see both
25 sides of, you know, where the grievant is coming from, I see

1 where, you know, her supervisor is coming from, um, but I am
2 just a little bit more concerned about where our jurisdiction
3 lies, uh, with regards to providing any type of resolution to
4 this particular, uh, grievant, um, as to what -- what they
5 would like to see done, um, so that's my two cents.

6 DUPREE: Okay. Doug, do you have any more
7 thoughts?

8 FROMM: I -- like I said, I, uh -- I hear what
9 Todd's saying down south. Um, yeah, I just -- I see -- I have
10 a bunch of questions with this one as I read it and, again,
11 some contradictions and then it talks about had it been
12 communicated that my evaluation period would've been extended
13 from September 1st to the 23rd, and then she also states that
14 it's been communicated to her that she had been doing a good
15 job so it'd be something, again, I'd like to see where was
16 that verbally communicated, was that written communication? I
17 just -- I don't know. I guess from my perspective, I just --
18 I just see something here that I would like to have more
19 information about, but at the same time, I -- I hear what
20 everybody else is saying. So, um, I guess that's -- that --
21 that's my thoughts at the moment.

22 DUPREE: Okay. So we need to get a motion to
23 either move forward with this for your concerns or not, based
24 on, uh, lack of -- possible lack of ability to do anything
25 about it. Anybody have any thought, anybody wanted to put

1 forward a --

2 GORDON: I motion to dismiss grievance number 9909,
3 lack of jurisdiction.

4 DUPREE: Todd, did you hear that?

5 WEISS: The -- the end of it broke up, Chair.

6 DUPREE: Uh, the motion was to dismiss grievance
7 9099 (SIC) because the committee lacks jurisdiction.

8 WEISS: Let me think about that one for a minute,
9 Chair.

10 DUPREE: Please do. I like Todd cause he keeps us
11 honest and gets us not in -- in violation of open meeting or
12 any other laws. It's fun having a deputy AG.

13 GORDON: It's very nice.

14 FROMM: Keeps us in line.

15 DUPREE: It does. If it were left up to me, we'd
16 be in serious peril. You agreed to that awfully fast. Ouch.
17 I'm just saying.

18 GORDON: (Inaudible) understand (inaudible).

19 WEISS: Yeah, Chair, Deputy Attorney General Todd
20 Weiss. The -- the issue I -- the only issue I have with that
21 is I'm not sure the -- the basis for denial is jurisdiction,
22 um, because, I -- I mean, I would argue technically we do have
23 jurisdiction over this, it's an employee con -- it's
24 employment condition. Um, I think the proper basis for
25 denial, if I'm hearing the -- the members correctly, is that

1 there's a lack of submitted information, documentation to
2 support moving this to -- to -- to hearing, um, so that might
3 -- that might be the more proper basis than jurisdiction, just
4 cause it's a little broad and vague. And I totally understand
5 what you're -- what you're saying with the jurisdiction part
6 but just to be more specific. Again, if I heard -- if I heard
7 the members correctly, and I'm not trying to -- I'm not trying
8 to put words in anybody's mouth, but it sounded like the issue
9 was a lack of -- a lack of, uh -- or insufficient information,
10 documentation to support moving the hearing.

11 FROMM: I -- hey, Todd, that's where I'm coming
12 from. I mean, kind of some of the things I sided with -- with
13 dates and, uh, supervisors saying, you know, doing a good job
14 and stuff, I mean, it's here and I wish -- again, from what
15 you're telling me, I wish I could have more information cause
16 again, I believe there's something here but if I'm
17 understanding you correctly from what you're telling me is
18 that we cannot request additional information, therefore, um,
19 that would be grounds to dismiss based off of lack of
20 information.

21 WEISS: Yeah, that's correct, Member Fromm. The
22 issue is that the -- at this stage of the proceeding is the
23 grievant bears the complete burden of -- of showing --
24 demonstrating to us that there is a grievable issue that we
25 have the ability to resolve, um, and that's -- and that's --

1 it -- it's a -- it's kind of a real simplistic review at this
2 stage. We get into a lot of the detailed facts and whatnot if
3 it goes to hearing, but the grievant has to show us at this
4 stage those -- those two things, that there's a grievable
5 issue that we can resolve and if we don't have the -- the
6 necessary documentation or information with -- submitted with
7 the grievance to -- for us to be able to make that
8 determination, then the proper posture is denial.

9 FROMM: Thank you.

10 DUPREE: Okay.

11 GEYER: Sandie Geyer for the record. I do have a
12 question, and perhaps maybe I missed it in the grievance
13 package, but what exactly was the grievant asking for as a
14 resolution.

15 FROMM: To change the evaluation basically is what
16 I got out of it unless I read it wrong.

17 DUPREE: Yeah, that's what I got.

18 GEYER: To -- to change the -- Sandie Geyer for
19 the record, to change the rating of the evaluation or to
20 change the period of time of the evaluation?

21 DUPREE: I think she wanted a rating change because
22 she got -- did not meet standards on that part of her
23 evaluation. She was not happy about that.

24 FROMM: She did -- right here I'm reading on the
25 back page of proposed resolution. Again, remember -- Doug

1 Fromm for the record, I propose that my evaluation be adjusted
2 to reflect the communicated evaluation timeframe, which was
3 enforced for the remainder of my colleagues and reiterated by
4 my supervisor. In addition, I propose that employee
5 evaluation periods are clearly communicated to allow them to
6 maximize opportunity to succeed. In this case, had it been
7 communicated that my evaluation period would be extended from
8 September 1st to September 23rd, I would've used the
9 additional time to complete additional work assignments to
10 result meeting standards in the quantity of work category on
11 this evaluation period. It is known that I took every
12 opportunity to do so -- do so. Um, and again, if she goes on
13 about I propose that my evaluation reflect all work done
14 within the communicate -- communicated evaluation timeframe,
15 regardless of the result of my last evaluation. So that --
16 that right there, that stands out. I didn't see that before,
17 regardless of the result of my last evaluation so again, it's
18 just, I think lack of information that I wish we could get,
19 but from what I'm hearing, we can't do that so but --

20 DUPREE: (Inaudible.)

21 FROMM: -- well, Sandie, to answer your question,
22 sorry, it sounds like she would like her evaluation, you know,
23 changed to reflect what she -- she believes, but without us
24 having the information, Todd, it's hard, right?

25 Todd: Yeah, that -- that's correct, Member

1 Fromm. In the -- in the -- you know, something else to
2 consider with -- with -- with evaluations that we -- this came
3 up with a different grievance not that long ago, the issue
4 with evaluations is that there already is a post-review/review
5 appeal process. Like, this has already gone through multiple
6 stages of -- of people reviewing this and confirming that the
7 -- you know, the ratings that were given were -- were
8 appropriate. So that's where I get really uncomfortable with
9 us saying we're gonna jump in and we know better than all the
10 other people who've already reviewed this review and -- and
11 upheld the standards. What we can look at are violations of
12 policy, procedure, statute that pertain to the evaluation and,
13 um, that's -- that's always within our jurisdiction, and
14 that's -- that's possible something like that could have
15 happened, even with all the layers of review but the issue
16 with this one is I don't see any allegations of policy,
17 procedure, statute violation and it seems like it's more a,
18 uh, just -- just a disagreement with -- with what the ultimate
19 result was, um, and you know, we don't have the authority to
20 tell the -- the agency what their basis of evaluations should
21 be or how they should do evaluations, whether, you know, they
22 need to consider training or they need to consider the time
23 periods. Um, that -- that's not within our -- our reach at
24 all, um, you know, so that's -- I'm just putting that out
25 there for consideration. Um, those are the thoughts that came

1 to my head. Uh, you can take or -- take or leave as you -- as
2 you wish.

3 JOHNSON: Nora Johnson for the record, please.

4 DUPREE: Yes, Nora.

5 JOHNSON: To piggyback off of what Todd said,
6 procedurally, if an employee files a grievance regarding their
7 evaluation just straight, I got this, I disagree with it, and
8 they file that grievance, it's always recommended, or DHRM
9 will assist in removal of that grievance until the request for
10 review process has been initiated and subsequently finalized.
11 When that is done, the employee has 10 working days to file
12 their grievance against that review because we don't want
13 somebody filing a grievance and going through step 1, 2,
14 partial steps, whatever that may be, only to find out that the
15 reviewer potentially agreed with them and adjusted their
16 evaluation prior to. So when that happens, you figure a
17 supervisor is the one who's written the evaluation, the deputy
18 director, deputy administrator, is typically the one who does
19 that review, and -- and those opinions -- as Todd stated,
20 those opinions and review thought processes have already gone
21 through all of those channels prior to an evaluation grievance
22 getting to us. So if that procedure kind of helps you wrap
23 your head around what happens, how these get here, that's what
24 that process looks like.

25 DUPREE: Okay. Yeah. We were still discussing

1 Mary's motion. It was never brought up for a vote. So with
2 that in mind, do we want to revise what was said, or do we
3 have another motion. We never brought it up --

4 WEISS: Chair, I -- I would, uh, I would ask that
5 she withdraw the previous motion and state a new motion if
6 that's what the desire is.

7 DUPREE: Okay. Mary, would you like to withdraw
8 your previous motion?

9 GORDON: Mary Gordon. I would like to revise --
10 Mary Gordon for the record, I'd like to revise my motion.
11 What I -- I'm so sorry.

12 DUPREE: Go ahead.

13 FROMM: I think he asked if you'd like to withdraw
14 your motion based off, was it jurisdiction, Todd?

15 WEISS: Uh, yeah. What I -- the -- what I said
16 before is I -- I -- I don't think jurisdiction's the -- the
17 correct basis for denial. I think the -- the proper basis for
18 denial, if I'm hearing everybody correctly, is, uh,
19 insufficient information, documentation to support moving to
20 hearing.

21 DUPREE: What you would do is -- is withdraw your
22 motion and then propose a revised motion.

23 GORDON: Okay. I -- I apologize. Just having a
24 hard time hearing over that.

25 DUPREE: Okay.

1 FROMM: We're here to help you.

2 GORDON: Oh.

3 DUPREE: We're here. We're all --

4 GORDON: Trying to get some hearing aids

5 apparently. I'm --

6 DUPREE: (Inaudible) that was microphone and it's
7 okay.

8 GORDON: Mary Gordon for the record. I would like
9 to withdraw my motion.

10 DUPREE: Okay. Motion withdrawn. Anybody with any
11 other motions?

12 FROMM: Doug Fromm for the record. I'd like to
13 propose a motion to deny the grievance based off of
14 insufficient information provided.

15 GORDON: Mary Gordon for the record. I second.

16 DUPREE: We have a motion and a second. All in
17 favor of the motion, say aye.

18 MEMBERS: Aye.

19 DUPREE: And Nora is giving the one -- one single,
20 so hold on a second.

21 JOHNSON: Point of order: after the motion prior to
22 the second discussion.

23 DUPREE: Oh, yeah. Okay. Motion, second. Is
24 there any discussion on the motion? Hearing none, all in
25 favor of the motion say aye.

1 MEMBERS: Aye.

2 DUPREE: Any opposed? Motion carries. Thank you
3 for keeping me honest, Nora.

4 GORDON: I'm so sorry. I'm just having a hard time
5 hearing.

6 GEYER: Yeah, it's -- it is --

7 JOHNSON: Don't feel bad. We should have better
8 equipment (inaudible).

9 DUPREE: All right. That moves us to Item 8,
10 discussion, possible action related to grievance (inaudible),
11 uh, 89 --

12 UNIDENTIFIED: (Inaudible.)

13 DUPREE: oh, it's -- yeah. It is -- it is the
14 number symbol (inaudible) number 9911, uh, Karina, uh, Leal,
15 Department of Corrections. This one, it really felt to me
16 like this grievant -- um, I had some strong feelings about the
17 way she was treated by her supervisor and when she went up the
18 chain and filed grievance, the response was well, she's not
19 your supervisor anymore, so don't worry about it. And I -- I
20 mean, that may have been their solution, but it didn't feel --
21 it strikes me that the grievant didn't feel like that was
22 enough and I don't know if we can -- I worry that this
23 committee doesn't have the jurisdiction to say you as a
24 supervisor need to be nicer to people. We can't do that.
25 It'd be lovely if we could, but we can't make -- we can't make

1 somebody be warm and fuzzy.

2 GORDON: Mary Gordon for the record, I agree with
3 what you had said but I'm a little concerned that she has
4 mentioned being discriminated and retaliated against --

5 DUPREE: Yeah.

6 GORDON: -- and being targeted because she said --
7 because being a colored woman, um, additional concerns is, if
8 I read correctly, that at one point she was going -- she was
9 approved to, uh, be working at a class and that the paperwork
10 was to be submitted and then later on, um, was advised that,
11 uh, that is being taken away and that -- that she is no longer
12 going to be working at a class. So to me, I'm not -- that --
13 that's kind of concerning. Could that be considered, you know
14 --

15 DUPREE: It looks retaliatory based on what we're
16 seeing but that brings up another question, which is, is that
17 the purview of us or is it an equal opportunity employment or
18 a discrimination unit --

19 GORDON: I -- I --

20 DUPREE: -- issue?

21 GORDON: Mary Gordon for the record.

22 FROMM: I read that same thing. Mary, that's us -
23 - my mind -- where my mind was going.

24 GORDON: Mary Gordon for the record. I -- I
25 believe that it should be, um -- we don't -- it's not in our

1 venue and it should be, you know --

2 DUPREE: Yeah.

3 GORDON: -- should be --

4 DUPREE: Should be handled in another venue.

5 GORDON: Yes.

6 DUPREE: Okay. Todd, or not Todd -- um, Doug or
7 Mary or Sandie, you want to put that in a motion and we'll
8 bring -- discuss it and (inaudible)?

9 FROMM: Uh, I guess -- Doug -- I, Doug Fromm for
10 the record, uh, motion to, um, dismiss the grievance based off
11 of, is it, um, ethnicity? Race?

12 DUPREE: As this is not the proper venue.

13 FROMM: As this is -- sorry, I'm learning still.

14 DUPREE: (Inaudible.) It's all good.

15 GORDON: Right there with you.

16 FROMM: As this is not the proper venue to hear
17 this grievance or, sorry --

18 DUPREE: -- to address these concerns. Well, you
19 can say what you want. That's fine.

20 FROMM: Anybody has any -- any more uh, better way
21 to propose it?

22 WEISS: Chair, this is Deputy Attorney General
23 Todd Weiss. If -- if it's okay with the members, I can, uh --
24 I can clean up that language to be more consistent -- what we,
25 what the -- what the -- these kind of, uh, decisions typically

1 say.

2 DUPREE: Okay.

3 WEISS: Uh, you can take it or leave it but what
4 they typically say is grievance denied for lack of
5 jurisdiction with, uh, relief to be sought at a different
6 venue is all -- all typically says.

7 DUPREE: All right.

8 WEISS: Is that correct, Nora?

9 JOHNSON: Uh, Nora Johnson for the record, yes,
10 that's correct. We do have a template language for this and
11 the main reason is that we do want to state, again, as Todd
12 was saying, we lack jurisdiction, a detailed explanation as to
13 why, but we don't want to teeter on legal advice so we will
14 not steer the employees to where they should file. It's not
15 us, relief may be sought elsewhere. So you can phrase it and
16 we do have the template (inaudible).

17 FROMM: Okay. So I would propose based on lack of
18 jurisdiction, again, okay. I, Doug Fromm, for the record
19 propose that we dismiss this grievance based off of lack of
20 jurisdiction and --

21 UNIDENTIFIED: And -- and that the grievant may be able
22 to seek other resources.

23 DUPREE: There may be other venue for the --

24 FROMM: And the grievant may be able to seek other
25 venues --

1 DUPREE: --for --
2 FROMM: -- for resolution to their complaint.
3 JOHNSON: Grievance.
4 FROMM: Grievance.
5 DUPREE: Good one.
6 GEYER: Sandie Geyer for the record, I second that
7 motion.
8 DUPREE: Actually, Sandie Geyer for the record, we
9 need to discuss that motion (inaudible).
10 GEYER: Oh, sorry.
11 JOHNSON: It just -- Nora Johnson for the record, I
12 saw the little box blinking. Todd, were you saying something
13 or were you accepting of that motion?
14 WEISS: I said -- uh, Deputy Attorney General Todd
15 Weiss. I said good enough for me, Nora.
16 JOHNSON: Okay. Perfect.
17 DUPREE: In that case, is there any discussion on
18 the motion hearing? Uh, I suspect I have a second from Sandie
19 Geyer. I heard that or (inaudible).
20 GEYER: Sandie Geyer for the record, I second the
21 motion.
22 DUPREE: There we go. Motion, second. All in
23 favor?
24 MEMBERS: Aye.
25 DUPREE: With no opposition, motion carries

1 unanimately. Which brings us to public comment. There is no
2 public in the north. Does the public in the south have a
3 comment?

4 Todd: There is no public in the south, Chair.
5 Okay, without objection, the Chair would like to adjourn this
6 meeting. Meeting adjourned.

7 *** END OF MEETING ***

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