



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | <http://hr.nv.gov> | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee
February 11, 2016

Held at the Richard Bryan Building, 901 S. Stewart Street, 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
Ms. Mandy Payette—Chair	X
Mr. Guy Puglisi	
Ms. Claudia Stieber	
Ms. Allison Wall—Co-Vice-Chair	X
Ms. Michelle Weyland	X
Ms. Pauline Beigel	
Employee Representatives	
Ms. Stephanie Canter—Co-Vice-Chair	X
Ms. Donya Deleon	
Mr. Tracy DuPree	X
Mr. David Flickinger	
Ms. Turessa Russell	
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 9:00 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 Payette requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.

BY: Committee Member Tracy DuPree

SECOND: Committee Member Michelle Weyland

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

4. Discussion and possible action related to Motion to Dismiss of Grievance #3912 of Traci House, submitted by the Nevada State Public Charter School Authority, 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 Nevada State Public Charter School Authority (“SPCSA”) which was represented by Senior Deputy Attorney General Cameron Vandenberg (“Senior Deputy Attorney General Vandenberg”). Traci House (“Ms. House”) was present in proper person.

Senior Deputy Attorney General Vandenberg stated in substance that Ms. House’s grievance initially appeared to be primarily based on Ms. House’s issues with the person assigned to supervise her, and that secondarily there was a later allegation of a hostile work environment or sexual harassment that was introduced at Step Four in the grievance process. Senior Deputy Attorney General Vandenberg also noted that Ms. House had clarified that her grievance was more about workload equity and the continued issues she had in her relationship with SPCSA Director Patrick Gavin (“Director Gavin”).

Senior Deputy Attorney General Vandenberg stated that the sexual harassment portion of Ms. House’s grievance had been referred to the Sexual Harassment and Discrimination Investigation Unit (“SHDI”), and that this referral was standard practice. Senior Deputy Attorney General Vandenberg argued that SHDI had investigated Ms. House’s allegations, and that her allegations had not been sustained, and therefore requested that Ms. House’s allegations concerning sexual harassment be dismissed. Senior Deputy Attorney General Vandenberg noted in substance that typically a State employee was not allowed to “venue shop,” or have two entities investigate the same allegation, and that the sexual harassment and discrimination allegation should be dismissed for that reason, and also because the allegations were brought up at Step Four in the grievance process.

Additionally, Senior Deputy Attorney General Vandenberg argued in substance that the Director and his designee had the authority to manage the affairs of their department as they saw fit, and that assignment of supervisors and workloads are within the purview of the Director and his designee. Finally, Senior Deputy

Attorney General Vandenberg asked the Committee to at least clarify the issues the Committee would hear at a grievance hearing if the Committee did not grant the motion.

Ms. House stated in substance that her grievance was about a lack of communication with the SPCSA, and alleged that she was disappointed with the SHDI's investigation because it did not interview all relevant witnesses. Ms. House further stated in substance that she did not agree with the Motion to Dismiss.

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 Stephanie Canter stated that the sexual harassment allegation was not within the Committee's jurisdiction to hear; Committee Member Sherri Thompson was in agreement. Co-Vice-Chair Canter stated in substance that although it was within Director Gavin's discretion who would supervise Ms. House, the Committee could still hear the part of Ms. House's grievance which dealt with her workload, a statement which was agreed to by Committee Members Michelle Weyland and Sherri Thompson. Co-Vice-Chair Allison Wall voiced concern that Ms. House's proposed resolution was not a resolution which the Committee could grant, even considering the Committee's authority to adjust the resolutions requested by grievants. Co-Vice-Chair Canter stated that although the Committee could not order the SPCSA to conduct a desk study, it could make a recommendation for the SPCSA to conduct one.

Chair Payette requested a motion.

MOTION: Moved to: grant the Motion to Dismiss in part with respect to the claim of sexual harassment due to lack of jurisdiction, and with respect to the claim regarding the appointment of supervisor because it fell within NRS 284.020; deny the Motion to Dismiss in part with respect to Ms. House's workload, with the issue at the grievance hearing being limited to workload.

BY: Co-Vice Chair Stephanie Canter

SECOND: Committee Member Sherri Thompson

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

5. Public Comment

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

6. Adjournment

Chair Payette requested a motion to adjourn.

MOTION: Moved to adjourn.

BY: Committee Member Tracy DuPree

SECOND: Co-Vice-Chair Allison Wall

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